
**THE PATENTS AND COMPANIES REGISTRATION
AGENCY ACT, 2020**

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SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 4 of 2020

Date of Assent: 23rd October, 2020

An Act to continue the existence of the Patents and Companies Registration Agency and re-define its functions; re-constitute the Board of the Agency and provide for its functions; repeal and replace the Patents and Companies Registration Agency Act, 2010; and provide for matters connected with, or incidental to the foregoing.

[26th October, 2020

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

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| <p>1. This Act may be cited as the Patents and Companies Registration Agency Act, 2020, and shall come into operation on the date appointed by the Minister by statutory instrument.</p> | <p>Short title
and
commencement</p> |
| <p>2. In this Act, unless the context otherwise requires—</p> <p>“ Agency ” means the Patents and Companies Registration Agency continued under section 3;</p> <p>“ associate ” has the meaning assigned to the word in the Anti-Corruption Act;</p> <p>“ Board ” means the Board of the Agency established under section 6;</p> <p>“ Chairperson ” means the Chairperson of the Board appointed under section 6;</p> | <p>Interpretation</p>

<p>Act No. 3 of
2012</p> |

	“ Deputy Registrar ” means a person appointed as Deputy Registrar under section 17;
Cap. 1	“ emoluments ” has the meaning assigned to the word in the Constitution;
Cap. 1	“ Emoluments Commission ” means the Emoluments Commission established under the Constitution;
Act No. 6 of 2019	“ legally disqualified ” means the absence of legal capacity as provided in section 4 of the Mental Health Act;
	“ Registrar ” means the person appointed as Registrar under section 16;
Act No. 3 of 2012	“ relative ” has the meaning assigned to the word in the Anti-Corruption Act;
Act No. 15 of 2010	“ repealed Act ” means the Patents and Companies Registration Agency Act; and
	“ Vice-Chairperson ” means the Vice-Chairperson of the Board elected under section 6.

PART II

THE PATENTS AND COMPANIES REGISTRATION AGENCY

Continuation of Agency	<p>3. (1) The Patents and Companies Registration Agency established under the repealed Act shall continue to exist as if established under this Act.</p> <p>(2) The Agency is a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with the power, subject to the provisions of this Act, to do the acts and things that a body corporate may, by law, do or perform.</p>
Seal of Agency	<p>4. (1) The seal of the Agency shall be a device that may be determined by the Board and shall be kept by the Registrar.</p> <p>(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Registrar or any other person authorised in that behalf by a resolution of the Board, except that where the Agency is registering intellectual property rights, registering or incorporating a company, firm or business, the affixing of the seal shall be authenticated by the Registrar.</p>

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without a seal on behalf of the Agency by the Registrar or any other person generally or specifically authorised by the Board in that behalf.

(4) A document purporting to be a document under the seal of the Agency or issued on behalf of the Agency shall be received in evidence and shall be deemed to be so executed or issued, without further proof, unless the contrary is proved.

5. (1) The functions of the Agency are to—

- (a) administer the Trade Marks Act, the Copyright and Performance Rights Act, the Companies (Certificates Validation) Act, the Registration of Business Names Act, the Moveable Property (Security Interests) Act, the Layout-designs of Integrated Circuits Act, the Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, the Industrial Designs Act, 2016, the Patents Act, the Corporate Insolvency Act, and the Companies Act;
- (b) receive and investigate any complaint of alleged or suspected breach of this Act or the Acts referred to in paragraph (a) and, subject to the directives of the Director of Public Prosecutions, prosecute offences under those Acts;
- (c) collect, collate and disseminate information on the law relating to the Acts referred to in paragraph (a); and
- (d) advise Government on all matters pertaining to the Acts referred to in paragraph (a).

Functions of
Agency
Cap. 401
Cap. 406
Cap. 414
Act No. 16
of 2011
Act No. 3 of
2016
Act No. 6 of
2016
Act No. 16 of
2016
Act No. 22
of 2016
Act No. 40
of 2016
Act No. 9 of
2017
Act No. 10
of 2017

(2) The Agency may determine and levy fees that are payable to the Agency for the purposes of this Act.

6. (1) There is constituted the Board of the Agency which consists of the following part-time members appointed by the Minister:

Board of
Agency