
THE PATENTS ACT, 2016

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Act to bind Republic

PART II

ADMINISTRATION

4. Administration of Act
5. Seal of Agency
6. Registrar
7. Functions of Agency
8. Appointment of other staff
9. Non-warranty and non liability
10. Register of Patents
11. Rectification of Register
12. Inspection of Register and evidentiary proof
13. Regulations on registration processes and procedures
14. Industrial Property Journal

PART III

PATENTABILITY OF INVENTIONS

15. Conditions for patenting of invention and protection
16. Non-patentable subject matter
17. Exclusions from patentability
18. Novelty
19. Inventive step
20. Industrial application
21. Patentability of micro-biological process or product
22. Temporary exclusion from patent protection

PART IV

PROCESS FOR OBTAINING A PATENT

23. Persons entitled to apply for grant of patent
24. Application by joint inventors

25. Naming of inventor
26. Filing of patent application
27. Contents of patent application
28. Disclosure of invention involving genetic resources or traditional knowledge
29. Filing of application by non-resident
30. Contents of request
31. Specification
32. Disclosure and description of invention
33. Claim
34. Drawings
35. Abstract
36. Unity of invention
37. Filing date
38. First to file rule
39. Fresh application to be ante-dated
40. Post-dating or ante-dating of application
41. Priority date
42. Right of Priority
43. Restrictions on patent applications outside Zambia
44. Information concerning corresponding foreign application
45. Refusal of application in certain cases
46. Amendment of patent application
47. Correction of errors in documents
48. Division of application
49. Withdrawal of application
50. Lapse of application

PART V

EXAMINATION, PUBLICATION AND OPPOSITION

51. Examination for compliance with requirements
52. Prior art search
53. Examination for compliance to substance
54. Publication of acceptance

- 55. Inspection of application
- 56. Opposition to grant of patent
- 57. Opposition procedure for grant of patent

PART VI

INVENTIONS BY EMPLOYEES

- 58. Invention by employee
- 59. Invention by Government employee
- 60. Disputes of invention by employee

PART VII

INTERNATIONAL APPLICATIONS FOR A GRANT OF A PATENT

- 61. Patent Cooperation Treaty
- 62. Procedure relating to international application
- 63. ARIPO patent

PART VIII

GRANT, TERM AND RENEWAL OF PATENTS

- 64. Grant and seal of patent
- 65. Date and duration of patent
- 66. Publication of grant
- 67. Extension of term of patent
- 68. Maintenance fee
- 69. Lapse of protection of patent on non-payment of maintenance fee
- 70. Restoration of patent
- 71. Rights of patentee of restored patent

PART IX

PATENT RIGHTS AND LIMITATIONS

- 72. Exclusive rights of patentee
- 73. Nature of patent right
- 74. Joint ownership of patent
- 75. Limitations of patent rights
- 76. Exhaustion of rights

PART X

INFRINGEMENT

- 77. Infringement
- 78. Non-infringement acts
- 79. Right to commence proceedings for infringement

- 80. Remedies for infringement
- 81. Order for delivery up
- 82. Order for forfeiture, destruction and disposal
- 83. Restrictions on recovery of damages for innocent infringement
- 84. Declaration of non-infringement
- 85. Infringement proceedings where concurrent rights exist
- 86. Presumption of validity and ownership
- 87. Presumption of use of patented process
- 88. Affidavit evidence
- 89. Groundless threat of infringement proceedings

PART XI

SURRENDER AND REVOCATION

- 90. Surrender of patent
- 91. Revocation of patent
- 92. Revocation of patent in public interest
- 93. Date and effect of revocation

PART XII

PUBLICATION OR COMMUNICATION OF INVENTION RELATED TO DEFENCE AND SECURITY

- 94. Prohibiting publication or communication of information prejudicial to defence
- 95. Effects of directions on application

PART XIII

CONTRACTUAL AND COMPULSORY LICENCES

- 96. Licence contract
- 97. Refusal by Registrar to register licence contract
- 98. Exclusive licence
- 99. Compulsory licence
- 100. Grant of compulsory licence for inter-dependent inventions
- 101. Compulsory licence granted under regulation
- 102. Revocation of compulsory licence
- 103. Registration of compulsory licence
- 104. Licence of right

PART XIV

EXPLOITATION OF PATENTED INVENTION BY GOVERNMENT

- 105. Use of invention by Government
- 106. Notification of patentee by Government

- 107. Extent, duration and limitation of use of patented invention
- 108. Compensation of patentee for use of patented invention

PART XV

UTILITY MODELS

- 109. Applicability of provisions relating to patents
- 110. Utility model certificate
- 111. Date and term of utility model
- 112. Conversion of application
- 113. ARIPO utility model

PART XVI

PATENT AGENTS

- 114. Register of patent agents
- 115. Registration as patent agent
- 116. Functions of patent agent
- 117. Removal of patent agent from register
- 118. Restoration of patent agent
- 119. Refusal by Registrar to deal with certain agents

PART XVII

OFFENCES

- 120. Manufacture and possession of die for use in commission of offence
- 121. Holding out as patent agent
- 122. Offences by body corporate or unincorporated body
- 123. General offences
- 124. General penalty

PART XVIII

GENERAL PROVISIONS

- 125. Exercise of discretionary power
- 126. Registrar to sit with assessors in determining matter
- 127. Evidence of certain entries and documents
- 128. Requests for information
- 129. Waiver of prescribed fee
- 130. Extension of time
- 131. Registrar to act as soon as practicable
- 132. Registrar's statement to High Court
- 133. Authorisation to publish advertisement of notice
- 134. Replacement of certificate
- 135. Lodging and authentication of documents