

**THE LAYOUT-DESIGNS OF INTEGRATED  
CIRCUITS BILL, 2016**

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MEMORANDUM

The objectives of this Bill are to—

- (a) establish a register for layout designs or topographies of integrated circuits;
- (b) provide for a transparent legal framework for the protection, registration, rights over, infringement or use of, and access to, layout designs or topographies of integrated circuits;
- (c) recognise, protect and support the inalienable rights and duties of qualified owners over their layout designs or topographies of integrated circuits;
- (d) provide for the authorisation of exclusive assignments or licences by a qualified owner or prospective qualified owner of layout design rights to an assignee or a licensee;
- (e) establish streamlined procedures for obtaining a compulsory licence, licence to remedy anticompetitive practices and use of layout designs or topographies of integrated circuits for public or noncommercial purposes;
- (f) give effect to the provisions of the World Trade Organisation Agreement on Trade Related Aspects of Intellectual Property Rights, and any other relevant international treaty or convention to which Zambia is a State Party; and
- (g) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,  
*Attorney-General*

**THE LAYOUT-DESIGNS OF INTEGRATED  
CIRCUITS BILL, 2016**

ARRANGEMENT OF SECTIONS

**PART I**

PRELIMINARY PROVISIONS

*Section*

1. Short title
2. Interpretation
3. Application
4. Designation of qualifying country
5. Supremacy of Act
6. Act to bind Republic

**PART II**

ADMINISTRATION AND REGISTRATION OF LAYOUT-DESIGNS  
OF INTEGRATED CIRCUITS

7. Administration of Act and use of seal of Agency
8. Functions of Registrar and delegation of functions
9. Appointment of officers
10. Nonwarranty and non liability
11. Patent agents
12. Register of layout-designs and integrated circuits
13. Protection of layout-designs
14. Application for registration
15. Registration of layout-designs
16. Advertisements of application
17. Opposition to Registration
18. Corrections and Amendments
19. Registration
20. Certificate of registration
21. Effect of registration of layout-design
22. Disclosure without qualified owner's knowledge or consent
23. Refusal to register
24. Duration of protection
25. Restoration of lapsed registration
26. Registrar to furnish information from register

27. Certificate of status
28. Loss or destruction of certificate
29. Correction of clerical errors
30. Amendment of registered layout-design
31. Correction of Register
32. Grounds for revocation of registration of registered design
33. Inspection of register and evidentiary proof
34. Regulations on registration processes and procedures
35. Industrial property journal

### PART III

#### OWNERSHIP, LAYOUT-DESIGN RIGHTS AND LICENSING

36. Ownership of layoutdesign
37. Prospective ownership of layout-design
38. Exclusive rights of qualified owner
39. Compulsory licence
40. Transmission of layout-design
41. Registration of Assignments and Transmissions
42. Registered Users
43. Registration as Registered Users
44. Rights of exclusive assignee or licence
45. Cancellation of Registered User
46. Call for information relating to registered user agreements

### PART IV

#### PUBLIC NONCOMMERCIAL PURPOSES

47. Use for public non commercial purpose
48. Scope and nature of right
49. Duty to inform qualified owner
50. Qualified owner entitled to remuneration
51. Reference of dispute as to State use
52. Licence to remedy anti-competitive practice
53. Scope and nature of licence

### PART V

#### INFRINGEMENT OF RIGHTS IN LAYOUT-DESIGNS

54. Infringement of layout-design
55. Noninfringing acts
56. Innocent infringement
57. Infringement proceedings where concurrent rights exist

58. Remedies for infringement
59. Order for delivery up
60. Order for forfeiture, destruction and disposal
61. No action for infringement of an unregistered layout-design
62. Affidavit evidence
63. Groundless threat of infringement proceedings

#### PART VI

##### GENERAL AND ENFORCEMENT PROVISIONS

64. Proceedings before Registrar
65. Registrar's powers in obtaining evidence
66. Rules of evidence or procedure
67. Time and place of sitting
68. Extension of time
69. Registrar to act as soon as practicable
70. Infringement of rights
71. Appeals
72. References to High Court
73. Registrar to appear in High Court
74. Lodging and authentication of documents
75. Expenses relating to administration
76. Use of "registered"
77. Authorisation to publish advertisement of notice
78. Falsification of entries in register
79. Falsely representing a layout-design as registered
80. Altering of documents
81. Deceiving or influencing Registrar or officer
82. Witness giving false evidence
83. Manufacture and possession of die for use in commission of offence
84. Selling goods with false layout-designs
85. Administrative penalties
86. General penalty
87. Regulations

