

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

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
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OWNERSHIP, LAYOUT-DESIGN RIGHTS AND LICENSING

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37. Prospective ownership of layout-design
38. Exclusive rights of qualified owner
39. Compulsory licence
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43. Registration as Registered Users
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56. Innocent infringement
57. Infringement proceedings where concurrent rights exist

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- 60. Order for forfeiture, destruction and disposal
- 61. No action for infringement of an unregistered layout-design
- 62. Affidavit evidence
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- 64. Proceedings before Registrar
- 65. Registrar's powers in obtaining evidence
- 66. Rules of evidence or procedure
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- 68. Extension of time
- 69. Registrar to act as soon as practicable
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- 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
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