



(/)

Log in

[A \(/table/subsidiary-legislation/a/\)](#)

[B \(/table/subsidiary-legislation/b/\)](#)

[C \(/table/subsidiary-legislation/c/\)](#)

[D \(/table/subsidiary-legislation/d/\)](#)

[E \(/table/subsidiary-legislation/e/\)](#)

[F \(/table/subsidiary-legislation/f/\)](#)

[G \(/table/subsidiary-legislation/g/\)](#)

[H \(/table/subsidiary-legislation/h/\)](#)

[I \(/table/subsidiary-legislation/i/\)](#)

[J \(/table/subsidiary-legislation/j/\)](#)

[K \(/table/subsidiary-legislation/k/\)](#)

[L \(/table/subsidiary-legislation/l/\)](#)

[M \(/table/subsidiary-legislation/m/\)](#)

[N \(/table/subsidiary-legislation/n/\)](#)

[O \(/table/subsidiary-legislation/o/\)](#)

[P \(/table/subsidiary-legislation/p/\)](#)

[Q \(/table/subsidiary-legislation/q/\)](#)

[R \(/table/subsidiary-legislation/r/\)](#)

[S \(/table/subsidiary-legislation/s/\)](#)

[T \(/table/subsidiary-legislation/t/\)](#)

[U \(/table/subsidiary-legislation/u/\)](#)

[V \(/table/subsidiary-legislation/v/\)](#)

[W \(/table/subsidiary-legislation/w/\)](#)

[X \(/table/subsidiary-legislation/x/\)](#)

[Y \(/table/subsidiary-legislation/y/\)](#)

[Z \(/table/subsidiary-legislation/z/\)](#)

Published: 14 June 2018



PLANT BREEDER'S RIGHTS ACT: SUBSIDIARY LEGISLATION

INDEX TO SUBSIDIARY LEGISLATION

Plant Breeder's Rights (Forms and Fees) Regulations, 2011

PLANT BREEDER'S RIGHTS (FORMS AND FEES) REGULATIONS, 2011

[Section 56]

Arrangement of Regulations

PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation

PART II

PLANT BREEDER'S RIGHTS

3. Application for plant variety denomination
4. Application for plant breeder's rights
5. Application by agent
6. Request for further particulars
7. Acceptance or rejection of application or plant variety denomination
8. Application for amendment of application or plant variety denomination
9. Notice of variation of application
10. Certificate of description of plant variety
11. Grant of provisional protection
12. Grant of plant breeder's rights
13. Notification of acquisition of plant breeder's rights
14. Notice of intention to revoke plant breeder's rights
15. Notice of revocation of plant breeder's rights
16. Notice of intention to surrender plant breeder's rights



(/)

17. Notice of intention to transfer plant breeder's
18. Application for licence for plant breeder's right

PART III
LICENCES

19. Application for compulsory licence
20. Application for variation or renewal of compulsory licence
21. Notice of intention to revoke compulsory licence
22. Notice of revocation of compulsory licence
23. Surrender of compulsory licence

PART IV
GENERAL PROVISIONS

24. Fees
25. Plant species subject to protection

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

Act 18 of 2007,
SI 46 of 2011.

PART I
<FC:0,0,128>PRELIMINARY

1. Title

These Regulations may be cited as the Plant Breeder's Rights (Forms and Fees) Regulations, 2011.

2. Interpretation

In these Regulations, unless the context otherwise requires—



(/)

“**applicant**” means an applicant for plant breeder’s rights;

“**grantee**” has the meaning assigned to it in the Act;

“**Institute**” has the meaning assigned to it in the Act;

“**Register**” means the Register kept pursuant to section 33 of the Act; and

“**Registrar**” has the meaning assigned to it in the Act.

PART II

<FC:0,0,128>PLANT BREEDER’S RIGHTS

3. Application for plant variety denomination

An application for a plant variety denomination shall be in Form I set out in the First Schedule.

4. Application for plant breeder’s rights

An application for plant breeder’s rights shall be made in Form II set out in the First Schedule.

5. Application by agent

An agent who makes an application for plant breeder’s rights on behalf of another person shall submit, with the application, Form III set out in the First Schedule.

6. Request for further particulars

The Registrar may request an applicant to submit further particulars in relation to an application in Form IV set out in the First Schedule.

7. Acceptance or rejection of application or plant variety denomination

The Registrar shall, where the Register accepts or rejects an application or a plant variety denomination, inform the applicant in Form V set out in the First Schedule.

8. Application for amendment of application or plant variety denomination



(1)

(1) An application for the amendment of an application for plant breeder’s right or plant variety

denomination shall be made in Form VI set out in the First Schedule.

(2) The Registrar shall, where the Register rejects an application under sub-regulation (1), notify the applicant of the rejection of the application in Form V set out in the First Schedule.

9. Notice of variation of application

The Registrar shall, where the Register varies an application made under sub-regulation (1) of regulation 8, notify the applicant of the rejection of the application in Form V set out in the First Schedule.

10. Certification of description of plant variety

A certificate verifying the particulars of the description of a plant variety made by the Registrar pursuant to paragraph (d) of sub-section (3) of section 21 of the Act shall be made in Form VIII set out in the First Schedule.

11. Grant of provisional protection

The Institute shall grant provisional protection to a plant breeder's variety from the date of acceptance of an application in Form IX set out in the First Schedule.

12. Grant of plant breeder's rights

(1) The Institute shall grant plant breeder's rights in respect of a plant variety in Form X set out in the First Schedule.

(2) The Registrar shall, where the Institute refuses to grant plant breeder's right in respect of a plant variety, notify the applicant of the refusal in Form V set out in the First Schedule.

13. Notification of acquisition of plant breeder's rights

(1) A person who acquires plant breeder's rights shall, within 30 days of the acquisition inform the Registrar of the acquisition in Form XI set out in the First Schedule.

(2) The Registrar shall, where the Registrar—

(a) is satisfied that the person referred to in sub-regulation (1) has acquired the plant breeder's rights; or

^
(/)

(b) is not satisfied that a plant breeder's right have been assigned or transmitted to the person referred to in sub regulation (1);

notify the person and the grantee in Form XII set out in the First Schedule.

14. Notice of intention to revoke plant breeder's rights

The Registrar shall, where the Registrar intends to revoke a holder's plant breeder's rights, notify the holder in Form XIII set out in the First Schedule.

15. Notice of revocation of plant breeder's rights

A notice of revocation of plant breeder's rights shall be in Form XIV set out in the First Schedule.

16. Notice of intention to surrender plant breeder's rights

A notice of intention to surrender plant breeder's rights shall be in Form XV set out in the First Schedule.

17. Notice of intention to transfer plant breeder's rights

A holder shall, where the holder intends to transfer the holder's plant breeder's rights to another person, notify the Registrar in Form XVI set out in the First Schedule.

PART III

<FC:0,0,128>LICENCES

18. Application for license for plant breeder's rights

(1) An application for a licence for plant breeder's rights shall be in Form XVII set out in the First Schedule.

(2) A licence issued pursuant to sub-regulation (1) shall be in Form XVIII set out in the First Schedule.

19. Application for compulsory licence

(1) An application for a compulsory licence shall be in Form XVII set out in the First Schedule.

^
(/)

(2) A compulsory licence shall be in Form XVIII set out in the First Schedule.

20. Application for variation or renewal of compulsory licence

An application for the variation or renewal of a compulsory licence shall be in Form XIX set out in the First Schedule.

21. Notice of intention to revoke compulsory licence

The Registrar shall, where the Registrar intends to revoke a compulsory licence, notify a holder of the Registrar's intention in Form XIII set out in the First Schedule.

22. Notice of revocation of compulsory licence

A notice of revocation of a compulsory licence shall be in Form XIV set out in the First Schedule.

23. Surrender of compulsory licence

A holder of a compulsory licence shall surrender the compulsory licence in Form XV set out in the First Schedule.

PART IV
GENERAL PROVISIONS

24. Fees

(1) The fees prescribed in the Second Schedule shall be payable in respect of the matters set out therein.

(2) Where fees are payable in respect of testing a plant variety at another recognised institution or by other breeders, the breeder shall bear the additional cost of the testing.

25. Plant species subject to protection

The plant varieties and species in respect of which plant breeder's rights shall be granted are as set out in the Third Schedule.

[Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23]

PRESCRIBED FORMS

REPUBLIC OF ZAMBIA

Form I

[Regulation 3]

[To be completed in triplicate]

PLANT BREEDER'S RIGHTS ACT

Plant Breeder's Rights (Forms and Fees) Regulations, 2011

APPLICATION FOR PLANT VARIETY DENOMINATION

Shaded fields for official use only Application Number:

Date/Time

Information required

Information provided

1. Name(s) of applicant(s)

2. (a) Type of applicant

(b) Registration No.

(c) TPIN No.

3. Business address

4. Proposed plant variety denomination

5. Species

6. Plant variety

(a) Kind:.....

(b) Genera:.....

Application receipt number

Name of applicant (individual or authorised representative).....

Signature:.....Date:.....



(/)

FOR OFFICIAL USE ONLY

Received by:Date:

(Name)

Approved:

Not approved for the following reasons:

Signature:

STAMP

FORM II

[Regulation 4]

[(To be completed in triplicate)]

PRESCRIBED FORMS

REPUBLIC OF ZAMBIA

PLANT BREEDER'S RIGHTS ACT

The Plant Breeder's Rights (Forms and Fees) Regulations, 2011

APPLICATION FOR PROVISIONAL PROTECTION/PLANT BREEDER'S RIGHTS

Shaded fields Application
for official use Number:
only

Date/Time

Information required

Information provided

1. Name(s) of applicant(s)



(/)

2.	(a) Type of applicant (b) Registration No. (c) TPIN No.
3.	Business address
4.	Plant variety denomination
5.	Type of plant variety
6	Particular of plant variety: (a) Kind (b) species (c) genera (d) location of breeding
7.	Particulars of any test growing carried out to establish that the plant variety is distinct, uniform and stable.
8.	Have you ever applied for plant breeder's rights in Zambia? If yes, please give details.
9.	Have you been convicted of an offence involving dishonesty or of any other offence under the Plant Breeder's Rights Act, 2007, or any law within or outside Zambia? If yes, specify details: Name of offence: Date of conviction: Sentence:
10.	Appendices

(a) Local application

<IN:LF:1.26667,FI:-1.26667>Appendix No. 1	Photocopy of national registration card in the case of an individual
<IN:LF:1.26667,FI:-1.26667>Appendix No. 2	Copy of examination for distinctness, homogeneity and stability of plant variety
Appendix No. 3	Copy of variety trials carried out on plant variety
Appendix No. 4	
Appendix No. 5	
Appendix No. 6	



Appendix No. 7

Appendix No. 8

Appendix No. 9

(b) Foreign application

<IN:LF:1.26667,FI:-1.26667>Appendix No. 1 Copy of application made in country of origin

<IN:LF:1.26667,FI:-1.26667>Appendix No. 2 Copy of plant breeder's rights granted in country of origin

Appendix No. 3 Copy of examination for distinctness, homogeneity and stability of plant variety

Appendix No. 4 Copy of variety trials carried out on plant variety

Appendix No. 5

Appendix No. 6

Appendix No. 7

Appendix No. 8

Appendix No. 9

Appendix No. 10

Appendix No. 11

Application receipt number

Name of applicant (individual or authorised representative)

Signature :Date:

FOR OFFICIAL USE ONLY

Received by:Date :

(Name)

Approved:

Not approved for the following reasons:

Signature:

STAMP

FORM III

This section of the article is only available for our subscribers. Please **click here** (/osmembership) to subscribe to a subscription plan to view this part of the article.



(/)

[◀ Prev \(/subsidiary-legislation/plea-negotiations-and-agreements-act-2010\)](#)

[Next ▶ \(/subsidiary-legislation/prohibition-of-anti-personnel-mines-act-subsidiary-legislation\)](#)

[Home \(http://www.zambialaws.com/\)](http://www.zambialaws.com/) | [About Us \(/uncategorised/about-us\)](/uncategorised/about-us/) | [Terms & Conditions \(/uncategorised/terms-conditions\)](/uncategorised/terms-conditions/) | [Privacy Statement \(/uncategorised/privacy-statement\)](/uncategorised/privacy-statement/) |

[Publishing Services \(https://www.blackhallpublishing.com/\)](https://www.blackhallpublishing.com/) | [Contact us \(/contact-us/uncategorised/contact\)](/contact-us/uncategorised/contact/) | [Sitemap \(/sitemap\)](/sitemap/)

Copyright 2018. Blackhall Publishing. All Rights Reserved.

Design & Developed by [Indiafin Technologies Ltd.](http://www.indiafin.com) (<http://www.indiafin.com>)



(/)