GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 46 OF 2011

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)

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

ARRANGEMENT OF REGULATIONS

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PRELIMINARY

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1. Title
2. Interpretation

PART II

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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
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18. Application for licence for plant breeder's right
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FIRST SCHEDULE—Prescribed Forms
SECOND SCHEDULE—Prescribed Fees
THIRD SCHEDULE—Protected Plant Species
In exercise of the powers contained in section fifty-six of the Plant Breeder’s Rights Act, 2007, the following Regulations are hereby made:

PART I
PRELIMINARY

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

2. 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 thirty-three of the Act; and
   "Registrar" has the meaning assigned to it in the Act.

PART II
PLANT BREEDER’S RIGHTS

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

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

5. 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. 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. 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.
Application for amendment of application or plant variety denomination

8. (1) An application for the amendment of an application for plant breeder’s rights or plant variety denomination shall be made in Form VI set out in the First Schedule.

(2) The Registrar shall, where the Registrar 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.

Notice of variation of application

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

Certification of description of plant variety

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

Grant of provisional protection

11. 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.

Grant of plant breeder’s rights

12. (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 rights in respect of a plant variety, notify the applicant of the refusal in Form V set out in the First Schedule.

Notification of acquisition of plant breeder’s rights

13. (1) A person who acquires plant breeder’s rights shall, within thirty 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 rights 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.

Notice of intention to revoke plant breeder’s rights

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

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

17. 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
LICENCES

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

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

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

**GENERAL PROVISIONS**

<table>
<thead>
<tr>
<th>Fees</th>
<th>24. (1) The fees prescribed in the Second Schedule shall be payable in respect of the matters set out therein.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(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.</td>
</tr>
</tbody>
</table>

| Plant species subject to protection | 25. The plant varieties and species in respect of which plant breeder's rights shall be granted are as set out in the Third Schedule. |
**APPLICATION FOR PLANT VARIETY DENOMINATION**

<table>
<thead>
<tr>
<th>Information Required</th>
<th>Information Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name(s) of applicant(s)</td>
<td></td>
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<tr>
<td>2. (a) Type of applicant</td>
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<td></td>
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<tr>
<td>(b) Registration No.</td>
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<td>(c) TPN No.</td>
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<tr>
<td>3 Business address</td>
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<tr>
<td>4. Proposed plant variety denomination</td>
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<td>5. Species</td>
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<tr>
<td>6. Plant variety</td>
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<tr>
<td>(a) Kind:</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>(b) Generic</td>
<td></td>
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</tbody>
</table>

**FOR OFFICIAL USE ONLY**

Name of applicant (individual or authorised representative) ____________________________

Signature: ____________________________ Date: ____________________________

Received by: ____________________________ Date: ____________________________

(Name)

Approved: ____________________________

Not approved for the following reasons: ____________________________

Signature: ____________________________

STAMP
REPUBLIC OF ZAMBIA

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)

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

APPLICATION FOR PROVISIONAL PROTECTION/PLANT BREEDER’S RIGHTS

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Name(s) of applicant(s)</td>
<td></td>
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<tr>
<td>2.</td>
<td>Type of applicant:</td>
<td></td>
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<tr>
<td></td>
<td>(a) Registration No.</td>
<td></td>
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<td>(b) TPINNo.</td>
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<tr>
<td>3.</td>
<td>Business address</td>
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<td>4.</td>
<td>Plant variety denomination</td>
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</tr>
<tr>
<td>5.</td>
<td>Type of plant variety</td>
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<tr>
<td>6.</td>
<td>Particulars of plant variety:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) kind</td>
<td></td>
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<tr>
<td></td>
<td>(b) species</td>
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<td></td>
<td>(c) genera</td>
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<td></td>
<td>(d) location of breeding</td>
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<td>7.</td>
<td>Particulars of any test growing carried out to establish that the plant</td>
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<td></td>
<td>variety is distinct, uniform and stable</td>
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<tr>
<td>8.</td>
<td>Have you ever applied for plant breeder’s rights in Zambia? If yes, please</td>
<td></td>
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<td></td>
<td>give details.</td>
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<td>9.</td>
<td>Have you been convicted of an offence involving dishonesty or of any other</td>
<td></td>
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<td></td>
<td>offence under the Plant Breeder’s Rights Act, 2007, or any other law within</td>
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<td></td>
<td>or outside Zambia?</td>
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<td></td>
<td>If yes, specify details:</td>
<td></td>
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<tr>
<td></td>
<td>Nature of offence:</td>
<td></td>
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<td></td>
<td>Date of conviction:</td>
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<td>Sentence:</td>
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<td>10.</td>
<td>Appendices</td>
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<td></td>
<td>(a) Local application</td>
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<tr>
<td></td>
<td>Appendix No. 1 Photocopy of national registration card in the case of an</td>
<td></td>
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<tr>
<td></td>
<td>individual</td>
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<td></td>
<td>Appendix No. 2 Copy of examination for distinctness, homogeneity and stability</td>
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<td></td>
<td>of plant variety</td>
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<td>Appendix No.</td>
<td>Description</td>
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<tr>
<td>Appendix No. 3</td>
<td>Copy of variety trials carried out on plant variety</td>
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<td>Appendix No. 4</td>
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<td>Appendix No. 5</td>
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<td>Appendix No. 6</td>
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<td>Appendix No. 7</td>
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<td>Appendix No. 8</td>
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<td>Appendix No. 9</td>
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<tr>
<td>(b) Foreign application</td>
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<tr>
<td>Appendix No. 1</td>
<td>Copy of application made in country of origin</td>
<td></td>
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<tr>
<td>Appendix No. 2</td>
<td>Copy of plant breeder's rights granted in country of origin</td>
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</tr>
<tr>
<td>Appendix No. 3</td>
<td>Copy of examination for distinctness, homogeneity and stability of plant variety</td>
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<tr>
<td>Appendix No. 4</td>
<td>Copy of variety trials carried out on plant variety</td>
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<td>Appendix No. 5</td>
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<td>Appendix No. 10</td>
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<tr>
<td>Appendix No. 11</td>
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</tbody>
</table>

**FOR OFFICIAL USE ONLY**

- **Name of applicant (individual or authorised representative):**
- **Signature:**
- **Date:**

- **Received by:**
- **(Name):**
- **Date:**

- **Approved:**
- **Not approved for the following reasons:**
- **Signature:**
- **STAMP**
FORM OF AUTHORISATION OF AGENT

(I) Here insert the full names of the person authorising, and in the case of a company, the name of the Director.

(2) Here insert name and address of agent.

(3) Here state the particular matter for which the agent is appointed, giving the reference number if known.

(4) Here state nationality of principal.

(5) To be signed by person appointing the agent.

I/We hereby declare that I am/we are a (4) ...............................................................

Dated this ......................... day of .............................................. 20 ............

Signature of principal

Address(6) ..............................................................

Dated this ......................... day of .............................................. 20 ............

Signature of agent

Address ..............................................................
REQUEST FOR FURTHER INFORMATION/PARTICULARS

To: ..............................................................

Address: ..........................................................................

Reference No: ..............................................................

You are hereby requested to furnish the following information or documents in respect of your application for ..........................................

(a) ..........................................................................

(b) ..........................................................................

(c) ..........................................................................

(d) ..........................................................................

within ..................... days of this notice. If you fail to furnish the requested information within the stipulated period, your application will be treated as invalid and shall be rejected.

Dated this ..................... day of .................................. 20......

..............................................................

Registrar
REPUBLIC OF ZAMBIA

The Plant Breeder’s Rights Act, 2007
(Act No. 18 of 2007)

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

NOTICE OF ACCEPTANCE OR REJECTION OF APPLICATION/PLANT VARIETY DENOMINATION

To: .........................................................................................................................

Address: ...................................................................................................................

Reference No: .........................................................................................................

you are hereby notified that your application for ............... has been accepted/rejected on the following grounds:

(a) ..........................................................................................................................

(b) ..........................................................................................................................

(c) ..........................................................................................................................

(d) ..........................................................................................................................

You are hereby requested to submit another denomination within ........ days of this Notice. If you fail to submit the denomination within the stipulated period, your application will be treated as invalid and shall be rejected.

Dated this ................... day of .................. 20..................

.................................................................

Registrar
**13th May, 2011**

**Statutory Instrument**

Form VI

*(Regulation 8(1))*

*(To be completed in triplicate)*

**REPUBLIC OF ZAMBIA**

The Plant Breeder's Rights Act, 2007

*(Act No. 18 of 2007)*

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

**APPLICATION FOR AMENDMENT OF APPLICATION/PLANT VARIETY DENOMINATION**

<table>
<thead>
<tr>
<th>Information Required</th>
<th>Application Number:</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name(s) of applicant(s)</td>
<td></td>
<td></td>
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<tr>
<td>2. Date of initial application</td>
<td></td>
<td></td>
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<tr>
<td>3. Proposed plant variety denomination</td>
<td></td>
<td></td>
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<tr>
<td>4. Proposed amendments to application</td>
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<td>(a)</td>
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<tr>
<td>5. Appendices (Please attach relevant supporting documentation)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appendix No. 1

Appendix No. 2

Appendix No. 3

Receipt number

Name:

Signature of applicant (individual or authorized representative):

To be signed by authorized officer

Name:

Signature of officer: STAMP
NOTICE OF VARIATION OF APPLICATION

To (1) .................................................................................................................

INTHE MATTEROF(2).......................................................................you are hereby notified that your application for (3)............................has been varied as follows:

(a) .................................................................................................................

(b) .................................................................................................................

(c) .................................................................................................................

(d) .................................................................................................................

Dated this ......................................................day of ...................... 20..........................

.................................................................

Registrar

REPUBLIC OF ZAMBIA

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)

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

FORM VII

(REGULATION 9)
REPUBLIC OF ZAMBIA

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)

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

VERIFICATION OF PARTICULARS OF DESCRIPTION
OF PLANT VARIETY

(Section 21 of the Plant Breeder’s Rights Act No. 18 of 2007)

I/we (1) ........................................................................................................ of (2) ............................................................. hereby certify as follows:

1. The following are the particulars of the characteristics that distinguish the plant variety from other plant varieties, the existence of which is a matter of common knowledge:
   
   (a) ........................................................................................................
   
   (b) ........................................................................................................

2. The following are the particulars of the test growing carried out to establish that the plant variety is distinct, uniform and stable:

   (a) ........................................................................................................
   
   (b) ........................................................................................................

3. The following are the particulars of the test growing carried out as required for essential derivation:

   (a) ........................................................................................................

   (b) ........................................................................................................

4. The following are the particulars of the test growing outside Zambia that establish that the plant variety will, if grown in Zambia, be distinct, uniform and stable:

   (a) ........................................................................................................

   (b) ........................................................................................................

______________________________

Signature of Applicant

Date: .................................
REPUBLIC OF ZAMBIA

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)
The Plant Breeder's Rights (Forms and Fees) Regulations, 2011

GRANT NO. .........................

GRANT OF PROVISIONAL PROTECTION
(Section 28 of the Plant Breeder's Rights Act, No. 18 of 2007)

Holder's name .................................................................
Address ...........................................................................

This provisional protection is granted in respect of plant variety

with denomination ...........................................................
for a period of ........................................... commencing on the

............................................. day of ................... 20 ...............

The conditions of grant of the provisional protection are as shown in
the Annexures attached hereto.

Please be notified that the grant of provisional protection shall cease
to apply to your plant variety if—

(a) your application for plant breeder's rights is rejected or granted
under section 30 of the Act, whichever occurs first;
(b) your application is withdrawn; or
(c) the Institute, in the public interest, takes a decision not to pro­
cceed with your application.

Issued at .................................................. this ......................... day of

............................................. 20 .................

.................................................................
Registrar

ENDORSEMENT OF GRANT

This grant of provisional protection has this ..................... day of ........
20 ...... been entered in the Register.
13th May, 2011

Statutory Instrument

Form X
(Regulation 12(1))

REPUBLIC OF ZAMBIA

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)

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

GRANT NO: ............... 

GRANT OF PLANT BREEDER'S RIGHTS
(Section 30 of the Plant Breeder's Rights Act, No. 18 of 2007)

Holder's name

Address

The plant breeder's rights are granted in respect of plant variety
for a period of ...................... commencing on the
.............. day of ............... . 20 ............. .

The conditions of grant of the plant breeder's rights are as shown in
the Annexures attached hereto.

Issued at .................................. this ...................... day
of ..................................... 20 .............. .

Registrar

ENDORSEMENT OF GRANT

This grant of plant breeder's rights has this ...................... day of
..................................... 20 .............. . been entered in the Register.
NOTIFICATION OF ACQUISITION OF PLANT BREEDER'S RIGHTS
(Section 10 of the Plant Breeders Rights Act, No. 18 of 2007)

To: The Registrar:

Please be notified that on the ............ day of ............ 20........ ,

I (1)

..............................................

..............................................

..............................................

 acquired the following plant breeder's rights:

(a) ..............................................

(b) ..............................................

(c) ..............................................

(d) ..............................................

in respect of ..................................plant variety.

The plant breeders rights were assigned/transmitted* to me by (2) ...........
of ..............................................

The rights were held by the grantee under licence No. (3) ............... issued on the ............ day of ............ 20........

Any documents required to be sent to me by your office in respect of this notice may be sent at the following address:

..............................................

..............................................

..............................................

Dated this ............ day of ............ 20........

..............................................

Assignee

*Delete as appropriate
NOTIFICATION OF ACCEPTANCE/REJECTION OF
ACQUISITION OF PLANT BREEDER'S RIGHTS

To: (The Claimant) ...........................................................................................................
Address: ..........................................................................................................................
Reference No: ..............................................................................................................

you are hereby notified that—

*(a) your name has been entered on the Register pursuant to the lodgment by yourself, of a
notification of acquisition of plant breeder's rights dated the ................ day of ................. 20........ in respect of ............ plant variety for the following plant breeder's rights:

(i) .................................................................................................................................
(ii) ...............................................................................................................................
(iii) ..............................................................................................................................
(iv) ..............................................................................................................................; or

(a) your notification for acquisition of plant breeder's rights has been rejected on the following grounds:

(i) .................................................................................................................................
(ii) ............................................................................................................................... 
(iii) .............................................................................................................................
(iv) .............................................................................................................................

*Delete as appropriate

Dated this ................ day of ................. 20........

..........................................................
Registrar
To: (The Grantee) ..................................................................................

Address: ..........................................................................................

Reference No: ..............................................................................

You are hereby notified that—

*(a) I have entered the name of ..................................................
    (the claimant) of —
    (i) Address: ............................................................................
    (ii) Reference No: ....................................................................

pursuant to the lodgment by .......................................................
    (the assignee) of a notification of acquisition of plant breeder’s
    rights dated the ..................................................... day of .............
    20........ in respect of .................................................. plant variety. The
    notification lodged was in respect of the following plant breeder’s
    rights:
    (i) .....................................................................................
    (ii) .....................................................................................
    (iii) .....................................................................................
    (iv) .....................................................................................

or

(a) I have rejected the notification of acquisition of plant breeder’s rights
    by ................................................. (the claimant) of —
    (i) Address: ............................................................................
    (ii) Reference No: ....................................................................

lodged by ................................................................. (the claimant) on the
    ..................................................... day of ............. 20...... on the
    following grounds:
    (i) .....................................................................................
    (ii) .....................................................................................
    (iii) .....................................................................................
    (iv) .....................................................................................

*Delete as appropriate

Dated this ............................................. day of ............................. 20........

..........................................................

Registrar
13th May, 2011

Statutory Instrument

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(REpublic of Zambia)

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)

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

NOTICE OF INTENTION TO REVOKE PLANT BREEDER’S RIGHTS/COMPULSORY LICENCE

To (1) ........................................................................................................
........................................................................................................
........................................................................................................

(1) Here insert the full names and address of holder/grantee/licensee

IN THE MATTER OF (2) ............................................................. you are hereby notified that I intend to revoke your plant breeder’s rights/compulsory licence on the following grounds:

(a) ........................................................................................................

(b) ........................................................................................................

(c) ........................................................................................................

(d) ........................................................................................................

(2) Here insert the grant No.

(3) Here insert the number of days stipulated (should not exceed thirty days)

Accordingly, you are requested to file an objection to this notice within (3)............................... days of receiving this notice. Failure to file the objection shall result in the revocation of your plant breeder’s rights/compulsory licence.

Dated this ............................................ day of ........................................ 20...

(4) ......................................................

Registrar
(1) Here insert the full names and address of holder/grantee
(2) Here insert the grant No.
(3) Signature of Registrar*delete as applicable

REPUBLIC OF ZAMBIA

The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)

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

NOTICE OF REVOCATION OF PLANT BREEDER'S RIGHTS/LICENCE/COMPULSORY LICENCE

To (1) ...........................................................................................................

IN THE MATTER OF (2) ...................................................... you are hereby notified that your *plant breeder's rights/licence/compulsory licence has been revoked on the following grounds:

(a) ...........................................................................................................

(b) ...........................................................................................................

(c) ...........................................................................................................

(d) ...........................................................................................................

Dated this ...................... day of ........................................... 20.....

(3) ...........................................................................

Registrar

*delete as applicable
REPUBLIC OF ZAMBIA

The Plant Breeder’s Rights Act, 2007
(Act No. 18 of 2007)

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

NOTICE OF INTENTION TO SURRENDER PLANT BREEDER’S RIGHTS/COMPULSORY LICENCE

To the Registrar

(1) .................................................................

IN THE MATTER OF (2) ........................................... do hereby notify your office that I intend to surrender my plant breeder’s rights/compulsory licence for the following reasons:

(a) .................................................................

(b) .................................................................

(c) .................................................................

(d) .................................................................

Dated this ............................................. day of ........................................... 20...

(3) .................................................................

Holder/Grantee

FOR OFFICIAL USE ONLY

Received by: __________________________ Date Received: __________________________

Name

Signature: __________________________ STAMP
REPUBLIC OF ZAMBIA
The Plant Breeder's Rights Act, 2007
(Act No. 18 of 2007)
The Plant Breeder's Rights (Forms and Fees) Regulations, 2011
NOTICE OF INTENTION TO TRANSFER PLANT
BREEDER'S RIGHTS

To the Registrar
IN THE MATTER OF (1) ................................................................. 1(2)

(2) Here insert the full names and address of holder

(3) Here insert the grant/licence No.

(4) Here insert the full names and address of transferee

(5) Proposed date of transfer

hereby notify you of my intention to transfer my plant breeder's rights
held under Grant/licence No. (3) ................................................. on
the following grounds:

(a) ..................................................................................

(b) ..................................................................................

(c) ..................................................................................

(d) ..................................................................................

My plant breeder's right are to be transferred to (4)

I have notified the following persons who are also licensed in respect of
the plant breeder's rights of my intention:

(a). ..................................................................................

(b). ..................................................................................

(c). ..................................................................................

(d). ..................................................................................

Find attached to this Notice proof of such notification.

Dated this ........................................... day of .......................... 20......

(4) .................................................................

Registrar
**APPLICATION FOR LICENCE/COMPULSORY LICENCE FOR PLANT BREEDER'S RIGHTS**

<table>
<thead>
<tr>
<th>Information Required</th>
<th>Information Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Grant No.</td>
<td></td>
</tr>
<tr>
<td>2. Current holder/grantee</td>
<td></td>
</tr>
<tr>
<td>3. (a) Name(s) of licensee(s)</td>
<td></td>
</tr>
<tr>
<td>4. Licensee's Address</td>
<td></td>
</tr>
<tr>
<td>5. Licensee's Address</td>
<td></td>
</tr>
<tr>
<td>6. Tel:</td>
<td></td>
</tr>
<tr>
<td>7. Fax:</td>
<td></td>
</tr>
<tr>
<td>8. E-mail:</td>
<td></td>
</tr>
</tbody>
</table>

**APPENDICES**

- Appendix No. 1: Conditions imposed for issuance of licence
- Appendix No. 2: Copy of application for licence made to holder/grantee
- Appendix No. 3: Copy of decision given by holder/grantee
- Appendix No. 4: The requirements of the public for seed of the plant variety which will not be met if the licence is not granted

**Name of Applicant (individual or authorised representative):** ____________________________ **Date:** ____________________________

**Signature:** ____________________________

**FOR OFFICIAL USE ONLY**

- **Received by:** ________________ **Officer**
- **RECEIPT NO.:** ________________ **STAMP**
- **Amount Received:** ________________
- **Serial No. of application:** ________________
LICENCE/COMPULSORY LICENCE FOR PLANT BREEDER'S RIGHTS
(Sec"ions 43 and 45 of the Plant Breeders Rights Act, No. 18 of 2007)

Licensee's name ..............................................................................................................
Address...............................................................................................................................

This licence permits the licensee to—

(a) ........................................................................................................................................

(b) ........................................................................................................................................

(c) ........................................................................................................................................

(d) ........................................................................................................................................

in respect of ........................................ plant variety which rights are held by ......... under licence No. .............. issued on the .............. day of ........................................ 20 .......

This licence is valid for a period of ..... days commencing on the ..... day of ....... 20 ......

The conditions of the grant of the consent are shown in the Annexures attached hereto.

Dated ........................................ this ........................................ day of ........................................


 Holder
TERMS AND CONDITIONS OF LICENCE

(1) The licensee shall provide to the holder .......................................................... material of the relevant variety at the cost of .............................................. per ..........................

(2) The licensee shall pay the sum of K.................................................. as royalty in respect of the exploitation of the licence.

(3) The licensee shall pay to the Institute and the holder a fee on the grant of this licence and any annual or other periodic licence fees.

(4) The licensee shall comply with the directions of the Institute and the holder in relation to specified matters.
REPUBLIC OF ZAMBIA

The Plant Breeder’s Rights Act, 2007
(Act No. 18 of 2007)

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

APPLICATION FOR RENEWAL/VARIATION OF COMPULSORY LICENCE

<table>
<thead>
<tr>
<th>Information Required</th>
<th>Information Applied</th>
</tr>
</thead>
</table>

1. Grant No.
2. Current holder/grantee
3. (a) Name(s) of licensee(s)
   (b) Type of licensee
4. Licensee’s Address
   - Tel:
   - Fax:
   - E-mail:
5. Plant breeder’s rights applied for:
   (a) 
   (b) 
   (c) 

Appendices
- Appendix No. 1
- Appendix No. 2
- Appendix No. 3
- Appendix No. 4

Name of Applicant (individual or authorised representative): __________________________ Date: ______________

Signature: ______________________

FOR OFFICIAL USE ONLY

Received by: ______________________ Officer

Amount Received ____________________ RECEPT NO. ____________________ STAMP

Serial No. of application: ______________
### SECOND SCHEDULE
(Regulation 24)

**PRESCRIBED FEES**

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Fee Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Application for grant of plant breeder's rights/ provisional protection</td>
<td>7,833</td>
</tr>
<tr>
<td>2.</td>
<td>Technical evaluation of a plant variety</td>
<td>15,667</td>
</tr>
<tr>
<td>3.</td>
<td>Annual fee</td>
<td>7,833</td>
</tr>
<tr>
<td>4.</td>
<td>Purchase of a report from a testing authority in another country</td>
<td>5,222</td>
</tr>
<tr>
<td>5.</td>
<td>Replacement of lost or destroyed grant/licence</td>
<td>8,356</td>
</tr>
<tr>
<td>6.</td>
<td>Claim of priority from a preceding application outside Zambia</td>
<td>2,089</td>
</tr>
<tr>
<td>7.</td>
<td>Change of denomination</td>
<td>522</td>
</tr>
<tr>
<td>8.</td>
<td>Reinstatement of an abandoned application on petition</td>
<td>2,089</td>
</tr>
<tr>
<td>9.</td>
<td>Application for a compulsory license</td>
<td>2,089</td>
</tr>
<tr>
<td>10.</td>
<td>Application for renewal of a grant/licence</td>
<td>2,611</td>
</tr>
<tr>
<td>11.</td>
<td>Inspection of register and documents</td>
<td>522</td>
</tr>
<tr>
<td>12.</td>
<td>Duplicate page of register or documents</td>
<td>261</td>
</tr>
<tr>
<td>13.</td>
<td>Grant for Plant Breeders Rights/licence/provisional protection</td>
<td>6,267</td>
</tr>
</tbody>
</table>
### THIRD SCHEDULE

**Statutory Instrument**

13th May, 2011

**Regulation 25**

**PROTECTED PLANT SPECIES**

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CEREALS:</strong></td>
<td></td>
</tr>
<tr>
<td>Barley</td>
<td>Hordeum vulgare L.</td>
</tr>
<tr>
<td>Finger millet</td>
<td>Echinochloa polystachya (L.)</td>
</tr>
<tr>
<td>Guerin</td>
<td>Zea mays L.</td>
</tr>
<tr>
<td>Maize</td>
<td>Zea mays L.</td>
</tr>
<tr>
<td>Oats</td>
<td>Avena sativa L.</td>
</tr>
<tr>
<td>Pearl millet</td>
<td>Panicum glaucum (L.) R. Br.</td>
</tr>
<tr>
<td>Rice</td>
<td>Oryza sativa L.</td>
</tr>
<tr>
<td>Rye</td>
<td>Secale cereale</td>
</tr>
<tr>
<td>Sorghum</td>
<td>Sorghum bicolor (L.) Moench</td>
</tr>
<tr>
<td>Triticale Triticum spp</td>
<td>Triticum hexaploide Lariisa</td>
</tr>
<tr>
<td>Wheat</td>
<td>Triticum aestivum L.</td>
</tr>
<tr>
<td>Wheat (Durum)</td>
<td>Triticum durum L.</td>
</tr>
<tr>
<td><strong>PULSES:</strong></td>
<td></td>
</tr>
<tr>
<td>Beans</td>
<td>Phaseolus vulgaris L.</td>
</tr>
<tr>
<td>Broadbeans</td>
<td>Vicia faba L.</td>
</tr>
<tr>
<td>Chick peas</td>
<td>Cicer arietinum L.</td>
</tr>
<tr>
<td>Cluster bean</td>
<td>Cyamopsis tetragonoloba.</td>
</tr>
<tr>
<td>Cowpea</td>
<td>Vigna unguiculata (L.) Wtep</td>
</tr>
<tr>
<td>Dolichos bean</td>
<td>Dolichos lablab L.</td>
</tr>
<tr>
<td>Pea</td>
<td>Pisum sativum L.</td>
</tr>
<tr>
<td>Pigeon pea</td>
<td>Cajanus cajan</td>
</tr>
<tr>
<td>Common Vetch</td>
<td>Vicia sativa L.</td>
</tr>
<tr>
<td>Green gram Vetch</td>
<td>Phaseolus aureus L.</td>
</tr>
<tr>
<td><strong>OIL CROPS:</strong></td>
<td></td>
</tr>
<tr>
<td>Castor bean</td>
<td>Ricinus communis L.</td>
</tr>
<tr>
<td>Ground nut</td>
<td>Arachis hypogaea K.</td>
</tr>
<tr>
<td>Jojoba</td>
<td>Simmondsia chinesis</td>
</tr>
<tr>
<td>Linseed</td>
<td>Linum usitatissimum L.</td>
</tr>
<tr>
<td>Oil seed rape</td>
<td>Brassica napus L.</td>
</tr>
<tr>
<td>Safflower</td>
<td>Carthamus tinctorius L.</td>
</tr>
<tr>
<td>Sesame</td>
<td>Sesamum indicum L.</td>
</tr>
<tr>
<td>Sunflower</td>
<td>Helianthus annus L.</td>
</tr>
<tr>
<td>Soy beans</td>
<td>Glycine max (L.) Merr.</td>
</tr>
<tr>
<td><strong>Jatropha</strong></td>
<td></td>
</tr>
<tr>
<td><strong>FIBRE CROPS:</strong></td>
<td></td>
</tr>
<tr>
<td>Cotton</td>
<td>Gossypium spp.</td>
</tr>
<tr>
<td>Flax</td>
<td>Linum usitatissimum L.</td>
</tr>
<tr>
<td>Kenaf</td>
<td>Hibiscus cannabinus L.</td>
</tr>
<tr>
<td>Sisal</td>
<td>Agave sisalana</td>
</tr>
<tr>
<td><strong>ROOT AND TUBER CROPS:</strong></td>
<td></td>
</tr>
<tr>
<td>Beet</td>
<td>Beta vulgaris L.</td>
</tr>
<tr>
<td>Irish potatoes</td>
<td>Solanum tuberosum</td>
</tr>
<tr>
<td>Turnip</td>
<td>Brassica rapa L.</td>
</tr>
<tr>
<td>Cassava</td>
<td></td>
</tr>
<tr>
<td>Sweet potatoes</td>
<td></td>
</tr>
<tr>
<td><strong>HERBAGE GRASSES:</strong></td>
<td></td>
</tr>
<tr>
<td>Blue stem grass</td>
<td>Andropogon spp.</td>
</tr>
<tr>
<td>Buffel grass</td>
<td>Cenchrus ciliaris L.</td>
</tr>
<tr>
<td>Cock's foot</td>
<td>Dactylois glomerata</td>
</tr>
</tbody>
</table>
Coloured guinea grass........................................... ............................. "Panicum coloratum"
Columbus grass.................................................. .......................... "Sorghum albunum"
Congo signal.................................................. .......................... "Brachiaris ruscifolius"
Paspalum grass........................................... ............................. "Paspalum gayanuus"
Rhodes grass.................................................. .......................... "Chloris gayana"
Rye grass.................................................. .......................... "Lolium spsp"
Setaria.................................................. "Setaria anceps"
Sudan grass.................................................. .......................... "Sorghum sudanense"
Love grass.................................................. .......................... "Eragrostis spp."
Sugar cane.................................................. .......................... "Cynodon dactylon"

Lawn Grass:
Bernunda grass........................................... .......................... "Cynodon dactylon"

Pasture Legumes:
Butterfly pen.................................... .......................... "Clitoria ternatea."
Centro.................................................. .......................... "Centrosema pubescens Benth"
Clover.................................................. .......................... "Trifolium spp"
Greenleaf.................................................. "Desmodium introrium (Miller)"
Leucaena.................................................. "Leucaena leucocephala"
Lucerne.................................................. "Medicago sativa L."
Lupin.................................................. "Lupinus spp"
Silver leaf.................................................. "Desmodium uncinatum"
Siratro.................................................. "Macroptilium atropurpureum"
Stylo.................................................. "Stylosanthes guianensis"

Fruits Trees:
Sweet Oranges........................................... .......................... "Citrus sinensis"
Mandarine.................................................. .......................... "P. reticulata"
Lemon.................................................. .......................... "C. limon"
Lime.................................................. .......................... "C. aurantiifolia"
Peaches.................................................. .......................... "P. persica"
Plums.................................................. .......................... "P. domestica"
Apricot.................................................. .......................... "P. armenica"
Custard Apple........................................... .......................... "Annona reticulata"
Mango.................................................. .......................... "Mangifera indica"
Avocado.................................................. .......................... "Persea americana"
Guava.................................................. .......................... "Psidium guajava"
Pineapple........................................... .......................... "Ananas comosus"
Banana.................................................. .......................... "Musa spp"
Apple.................................................. .......................... "Malus sylvestris"
Pears.................................................. .......................... "Pyrus communis"
Grapes.................................................. .......................... "Vitis vinifera"
Papaya.................................................. .......................... "Carica papaya"
Passion Fruit........................................... .......................... "Passiflora edulis"
Jackfruit.................................................. .......................... "Artocarpus heterophyllus"
Litchi/Lichee........................................... .......................... "Litchi chinensis"
Raspberry.................................................. .......................... "Rubus spp."
Rose Apple.................................................. .......................... "Syzygium jambos"
Tree Tomato........................................... .......................... "Cyphomandra betacea"
Tamarind........................................... .......................... "Tamarindus indica"
Straw Berry........................................... .......................... "Fragaria ananassa"

Tree Crops:
Coffee........................................... .......................... "Coffea Arabica & Coffea canephora"
Coconut.................................................. .......................... "Cocos nucifera"
Cashew.................................................. .......................... "Anacardium occidentale L."
Tea.................................................. .......................... "Camilla sinensis"
### Vegetables:

- **Amaranth**
- **Artichoke**
- **Asparagus**
- **Beans**
- **Beet**
- **Broccoli/Cauliflower**
- **Brussels sprouts**
- **Cabbage**
- **Canteloupe/Muskmelon**
- **Carrot**
- **Celery/Celeriac**
- **Chicory**
- **Chinese cabbage**
- **Chirvi**
- **Collards/Kale**
- **Coriander**
- **Karela**
- **Kohlrabi**
- **Leek**
- **Lettuce**
- **Okra**
- **Onion**
- **Parsley**
- **Parsnip**
- **Pea**
- **Pepper**
- **Courgette**
- **Radish**
- **Rhubarb**
- **Rutabaga**
- **Spinach**
- **Swiss chard**
- **Tomato**
- **Turnip**
- **Water cress**
- **Watermelon**
- **Pumpkin**
- **Squash**

### Flowers:

- **Pyrethrum**
- **Chrysanthemum**
- **Camomile**
- **Lisianthus**
- **Roses**
- **Croton**
- **Cordia**
- **Salvia**
- **Tagetes**
- **Aster**
- **Dahlia**
- **Hibiscus**
- **Bougainvillea**

---

**Statutory Instrument**

13th May, 2011
<table>
<thead>
<tr>
<th>Plant</th>
<th>Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aucuba</td>
<td><em>Aucuba japonica</em></td>
</tr>
<tr>
<td>Begonia</td>
<td><em>Begonia spp.</em></td>
</tr>
<tr>
<td>Camellia</td>
<td><em>Camellia spp.</em></td>
</tr>
<tr>
<td>Campanula</td>
<td><em>Campanula spp.</em></td>
</tr>
<tr>
<td>Euphorbia</td>
<td><em>Euphorbia spp.</em></td>
</tr>
<tr>
<td>Gladiolus</td>
<td><em>Gladiolus spp.</em></td>
</tr>
<tr>
<td>Hedera</td>
<td><em>Hedera spp.</em></td>
</tr>
<tr>
<td>Helianthus</td>
<td><em>Helianthus spp.</em></td>
</tr>
<tr>
<td>Iris</td>
<td><em>Iris spp.</em></td>
</tr>
<tr>
<td>Jasmin</td>
<td><em>Jasminum spp.</em></td>
</tr>
<tr>
<td>Lily</td>
<td><em>Lilium spp.</em></td>
</tr>
<tr>
<td>Oxalis</td>
<td><em>Oxalis adenophylla</em></td>
</tr>
<tr>
<td>Pelargonium</td>
<td><em>Pelargonium spp.</em></td>
</tr>
<tr>
<td>Thuja</td>
<td><em>Thuja spp.</em></td>
</tr>
<tr>
<td>Yucca</td>
<td><em>Yucca spp.</em></td>
</tr>
<tr>
<td>Canna lily</td>
<td><em>Canna spp.</em></td>
</tr>
</tbody>
</table>

**Lusaka**
8th April, 2011

[MACO.64/9/14 CONF.]

**Dr. E. Kazonga,**

*Minister of Agriculture and Cooperatives*