European Commission | AFRICA IP SME HELPDESK

IP Factsheet
ZIMBABWE

SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Harare
Population:	17.01 million (World Bank 2024)
Currency of government (official) fees:	USD (foreigners) and Zimbabwean Dollar (local applicants)
Language for filing IP applications:	English
GDP per capita:	$1,207(World Bank 2022)
Human Development Index:	0.47 (World Bank 2022)
Main exports:	Gold, raw tobacco, nickel, ferroalloys and diamonds
Main imports:	Refined petroleum products, electricity, crude soybean oil, foodstuffs, machinery, electrical products, transport equipment and textiles.

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Zimbabwe is a contracting state to the following international legal instruments:

- Berne Convention for the Protection of Literary and Artistic Works;
- Madrid Protocol for the International Registration of Trade Marks;
- Paris Convention for the Protection of Industrial Property;
- Patent Cooperation Treaty;
- TRIPS ([1]) Agreement;

[1] *TRIPS Agreement: Agreement on Trade-Related Aspects of intellectual Property Rights the World Trade Organization (WTO).*

- Convention Establishing the World Intellectual Property Organization (WIPO ([2] Convention)
- Beijing Treaty on Audiovisual Performances

Although most of Zimbabwe's IP laws are TRIPS-compliant, the implementation level may differ from that of other countries.

REGIONAL AGREEMENTS

Zimbabwe is a member of the following regional agreements:

- **The AfCFTA** (the African Continental Free Trade Area) Agreement contains a Protocol on IP Rights, which aims to protect and promote IP rights in Africa effectively and may, therefore, have legal implications for Zimbabwe when it comes into legal force. Once enacted, the IP Protocol will ensure harmonised rules and principles for the promotion, protection, cooperation, and enforcement of IP rights.

- COMESA (the Common Market for Eastern and Southern Africa)
  COMESA has a policy on IP rights that aims to promote the use of IP rights by COMESA Member States so they can shift from resource-based to knowledge and innovation-driven economies and promote copyright protection for socio-economic development. COMESA has no regional IP agreements, protocols or registration systems in place.

- Lusaka Agreement on the creation of the African Regional Intellectual Property Organization (ARIPO)

  Zimbabwe is an ARIPO Member State and a signatory to the Lusaka Agreement.

  The Agreement was adopted by a Diplomatic Conference held in Lusaka, Zambia, on December 9, 1976. ARIPO was established mainly to pool the resources of its Member States in IP matters to avoid duplication of financial and human resources. It aims to achieve this by facilitating a voluntary centralised system for filing, registering and maintaining IP rights across its Member States, thus simplifying these processes in multiple countries. The Lusaka Agreement also serves as the

[2] *WIPO: World Intellectual Property Organization*

foundational legal document for ARIPO, outlining its objectives, structure, and operational guidelines.

Zimbabwe is a signatory to the following ARIPO IP Protocols:

- Banjul Protocol on Marks,
- Harare Protocol on Patents and Industrial Designs,

- Kampala Protocol
- Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore

However, Zimbabwe has not yet formally adopted (through ratification or accession) the Kampala and Swakopmund Protocols.

- SADC **Treaty** (establishing the Southern African Development Community)

The main objectives of SADC are to achieve economic development, peace and security, and growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa, and support the socially disadvantaged through Regional Integration. These objectives are to be achieved through increased Regional Integration, built on democratic principles, and equitable and sustainable development.

SADC has no regional IP agreements, protocols or registration systems in place. It has the SADC Industrialisation Strategy and Roadmap (2015-2063) which promotes the use and enforcement of IP rights to encourage research, development and innovation amongst SADC countries.

LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN ZIMBABWE

The following IP protection is available in **Zimbabwe:**

1) **Trade marks:** national, regional (ARIPO) and international (Madrid);
2) **Patents:** national and regional (ARIPO). Applications for the registration of patents can be filed through the national IP Office, ARIPO or through the international Patent Cooperation Treaty (PCT). Patents covering Zimbabwe can be registered nationally or through ARIPO. Industrial designs: national, regional (ARIPO). Rights established through earlier applications are recognised though the international Paris Convention for the Protection of Industrial Property.
3) Plant Breeders Rights: national

4) Geographical Indications: national;
5) Layout designs of integrated circuits: national; and
6) Copyright and neighbouring rights: national.

IP REGISTRATION ROUTES

Depending on the IP right concerned, IP protection in Zimbabwe can be secured at three levels: national, regional and international.

National

The IP rights mentioned above can be protected directly in Zimbabwe through the Companies and Intellectual Property Office of Zimbabwe, CIPZ. On 6 June 2023, the Zimbabwe Intellectual Property Office previously known as ZIPO, changed its name to CIPZ.

Regional

Zimbabwe is a contracting party to ARIPO's Banjul Protocol on Marks and the Harare Protocol on Patents and Industrial Designs which provides for the grant of patents and the registration of utility models (also known as "petty patents" and, industrial designs.

It is therefore possible to register trade marks, patents, utility models and industrial designs either nationally or regionally, through ARIPO.

International

Zimbabwe is a contracting party to the Madrid Protocol It is, therefore, possible to register international trade marks designating Zimbabwe through the Madrid System. More information is available at: https://www.wipo.int/madrid/en/

Zimbabwe is also a contracting party to the Patent Cooperation Treaty (PCT), which makes it possible to file a patent application through this international law.

Choosing a suitable registration route for trade marks, A **national** route is advisable when trade mark protection is required in Zimbabwe only and usually, in respect of one or a few classes.

A **regional** route through ARIPO is suitable when multi-country and multi-class trade mark is required because it is generally more cost effective than a national registration and maintenance process.

An **international** route is advisable if international protection involving more countries than is covered by the ARIPO regional trade mark system is required.

Useful information:

Representation

- Foreign applicants whose principal place of business is outside Zimbabwe must appoint a local agent. For local applicants, this is optional. Zimbabwe accepts signedpowers of attorney without any need for notarisation. You must confirm with your IP agent if hard copies are necessary or scanned copies sent by email are acceptable. A list of ARIPO representatives (by country) is available at: https://www.aripo.org/ip-agents/

Trade marks

- The ARIPO trade mark system's multiclass and state designation system closely resembles the Madrid system, which is why it is often referred to as a 'mini Madrid'.
- Zimbabwe law has been amended to recognise both ARIPO and Madrid trade marks which, as a result, are given the same legal protection as national-route trade marks. See sections 97A and 97B of the Trade Marks Act, Chapter 26: 04.
- Zimbabwe is not a signatory of the Nice Agreement but has incorporated the classifications in terms of the Eighth Edition of the Nice Agreement into its Trade Mark Regulations. However, the Registrar of Trade Marks accepts descriptions based on the later editions of the Nice Agreement.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

Zimbabwe is a signatory to the WTO's TRIPS Agreement, and its laws are substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

- Infringement is referred to in intellectual property (IP) laws. Although the Zimbabwe Republic Police has begun in recent years to offer training, more IP awareness is still required. Zimbabwe does not have a dedicated IP enforcement legislation. Instead, enforcement is typically carried out through existing legal frameworks, requiring IP owners to file complaints with the

4 Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

Zimbabwe Republic Police, which may investigate and take action if a criminal offence is established

- Although there is an INTERPOL helpdesk within the Zimbabwe Republic Police that coordinates IP enforcement, in practice, its operations are not sufficient.
- Backlogs and long delays in getting familiarised with cases are inherent in the criminal justice system.
- The criminal justice system alone is inadequate because it provides for remedies and penalties that are not sufficiently deterrent to would-be IP offenders.
- Sufficiently IP legislation in Zimbabwe provides limited border control measures that aremanaged by the Zimbabwe Revenue Authority, ZIMRA.

REMEDIES FOR ENFORCEMENT

The most feasible form of IP protection for rights holders in Zimbabwe is obtained through civil proceedings either through the Intellectual Property Tribunal, which is a division of the High Court, or directly at the High Court.

All IP laws are aligned to TRIPS and an IP rights holder can obtain the following civil remedies incivil proceedings:

- an interdict (also known as an injunction), ordering the respondent to refrain from furtherinfringement;
- delivery up or destruction of any infringing product, article or product of which theinfringing product forms an inseparable part;
- damages, typically based on the concept of a reasonable royalty;
- an account of the profits derived from the infringement;
- conservatory and Anton Piller orders, to preserve relevant evidence with regard to analleged infringement.

You can visit the Zimbabwe Legal Information Institute, ZimLII, to search for IP judgments by Zimbabwean courts. Find the link here

An IP rights holder can seek both criminal and civil law remedies in respect of the same matter, for example, to obtain a seizure of infringing goods under criminal law and damages under civil law.

For copyrights, the Copyright and Neighbouring Rights Act (as amended in 2004) provides for conservatory measures that seek to prevent infringements and also to preserve relevant evidence related to alleged infringement Civil remedies include court

injunctions, confiscation of offending goods and payment of damages to the rights holder for any economic damage suffered because of an infringement of their rights. Criminal sanctions include the imposition of substantial fines and the possibility of imprisonment. See section 59 of the Copyright and Neigbouring Rights Act.

Despite the State's efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in Zimbabwe. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against competitors, retailers, or street vendors' infringement of their IP rights. Zimbabwean law entitles rights holders to take civil action against infringers to recover their lost revenue and/or to have the infringing products destroyed.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

National, regional, and international trade marks can be registered in Zimbabwe as explained below.

Benefits of registering a trade mark

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the samemark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their businessby licensing it to others, franchising or obtaining finance. It can also enhance consumer confidence and trust in the quality and consistency of the products or services offered.
- Registration of trade mark serves as a public notice of ownership, which can deter others from using the same or similar marks. The visibility of a registered trade mark can discourage potential infringers from attempting to use the mark.

Main advantages of the ARIPO trade mark system

It enables a right holder to secure trade mark protection that is enforceable in one or multiple Banjul Protocol states through a single trade mark application and streamlined registration process. In this regard, the ARIPO trade mark systemis similar to the Madrid System for the international registration of marks except that the ARIPO system covers a limited geographical

area in Africa, and a few other differences.

It is cost effective when it involves multiple state designations, compared to the cost of registering the same trade mark separately in multiple countries and usually, using multiple IP agents

- There is no risk of a "central attack" similar to the Madrid system – the rejection of registration in one designated state does not automatically impact a right holder's rights in the remaining designated states.

- Extending trade mark rights to other Banjul Protocol states is possible after filing an application or registering an ARIPO trade mark. To extend rights in this manner, a right holder must use the subsequent designation procedure provided in the Protocol. The procedure involves filing a subsequent designation application using a Form specified by ARIPO for this purpose. Depending on the targeted countries, registering an ARIPO trade mark may be faster than the timelines that apply in the Banjul Protocol state(s) of interest to the right holder.

Main challenges of the ARIPO trade mark system

- Not all ARIPO Member States have joined the Banjul Protocol – see the list of Banjul Protocol states here. This results in limited geographic coverage. This is the opposite of the Madrid Protocol system, lessening the Banjul Protocol's appeal to right holders.
- The fact that not all Banjul Protocol States have implemented the Protocol in their national laws raises doubts about the enforceability of ARIPO trade marks in these countries.
- The ARIPO trade mark system's decentralised and unharmonized opposition procedure that is handled individually by Banjul Protocol states is challenging to the efficient handling of trade mark oppositions.
- ARIPO is currently engaging its stakeholders and technical partners to explore ways of resolving the challenges and to improve the effectiveness and appeal of its trade mark system.

- **Tips for effective use of the ARIPO trade mark system** Compare costs with other registration systems (national and Madrid), if available for the states that you want, to minimise costs. The ARIPO system tends to be cheaper than national routes if you intend to designate several countries. It will also be a cheaper option in comparison to countries that operate a single-class registration system.

- Limit service specifications to the goods/services that you need to avoid or minimise surcharges on additional words – a surcharge of USD 5 per word applies for specifications containing 51 words and above.

- Leverage the Protocol's flexibilities. You do not have to designate all Banjul Protocol Member States or to select the same classes of goods/services for the states that are designated in an application. You may need an experienced IP agent to help you fully utilise these flexibilities.

Below are the filing fees for a simple trade mark application, filed online, which entails a 20% discount of filing fees:

Basis	Amount (USD)
Application and 1st designated class fee	80
Designation fees – one single-class state	50
Additional class fees – per class	10
Surcharge applicable to specifications per word from the 51st word this is not applicable for specifications of 50 words or less.	5

Below are frequently asked questions on ARIPO trade marks.

3.1.1 Who can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person who does not have a place of business in Zimbabwe needs a professional representative.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- a completed *Application for Registration of a Trade Mark* (Form T.M. 5) which contains the applicant's details, namely, name, nationality, legal status and physical address;
- a list of the goods and/or services, based on the Nice Classification, on which the trade mark will be used;
-
- 10 printouts of the trade mark unless the mark consists of an unstylised word;
- a certified copy of the priority document, if applicable;
- a signed power of attorney if the applicant is represented; notarisation is not required;

- the prescribed application fee of US$200 per class; and
- for publication: a publication request, Form T.V. 8 requesting publication of the application in the Journal and the prescribed fee, currently being US$40 per mark perclass.
- A request on Form T.M. 12 and the prescribed fee, currently US$80 per class, must be filed to request a registration certificate after the opposition period is completed. A separate T.M. 12 must be filed for each class.

3.1.3 What qualifies for registration?

A trade mark is any word, phrase, symbol, design, shape, group of letters or numbers, or combination of these, used by a company as its brand or logo. It is a mark that distinguishes the goods or services in relation to which the mark is used or proposed to be used, from the same kind of goods or services connected in the course of trade with any other person; (see section 2 (b) of the Trade Marks Act as mended in 2016).

Consumers can rely on trade marks to help them distinguish between different goods in the marketplace and to help them identify brands they are loyal to. An organisation's logo and slogan, a T-shirt brand, a family symbol, thename of an event or festival are some of the things that can be registered as trade marks.

3.1.4 What cannot be registered?

A trade mark cannot be registered if it:

- is incapable of distinguishing the goods or services applied for;
- contains false indications, is deceptive or is likely to deceive or mislead the public orcause confusion;
- is contrary to law, public order or morality;
- is likely to cause confusion with an earlier registered trade mark or pendingapplication;
- contains a representation of the head of state of any foreign state, or any colourableimitation thereof;
- contains a likeness to a specific armorial bearing, flag emblem;
- contains a title or abbreviation of any international intergovernmental organisation;
- consists of or contains the Olympic symbol;
- may serve in trade to designate the kind, quality, quantity, intended purpose, value,geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service;
- consists of a mark, sign or indication which has become customary in the

current language or in the bona fide and established practices of the trade in respect of the goods or services for which registration is sought;

- consists of a sign that consists exclusively of:
  (i) the shape which results from the nature of the goods themselves,
  (ii) the shape of goods which is necessary to obtain a technical result, or
  (iii) the shape which gives substantial inherent value to the goods. See section 13- 15 A of the Trade Marks Act.

3.1.5 Where can I file an application?

- CIPZ, the Companies and Intellectual Property Office of Zimbabwe
- ARIPO, for regional marks
- WIPO, for international trade mark registrations secured through the International Bureau.

3.1.6 How much does it cost?

Government (official) fees

The fee schedules for the registration of IP rights are published as law in a statutory instrument. You can obtain copies of the latest fee schedule and application forms from the CIPZ or the Judicial Services Commission.

Foreigners, i.e., non-Zimbabwean citizens must pay official fees in USD. Local applicants may pay the fees either in local currency or in USD because Zimbabwe currently uses a multi-currency system.

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. Accredited Zimbabwean IP agents can be found in the through the ARIPO database using this link: https://www.aripo.org/ip-agents/

Likely overall registration costs

- The cost of registering a simple trade mark is set out in the table below (in USD forforeign applicants), unless objections and other special circumstances that may increase the costs apply.
- Zimbabwe uses a single class registration system and so official fees are per class.

Description of Process/Service	Fee (USD)
Application to register a trade mark in black and white or in colour (per class)	200
Publication	40
Registration	80
Renewal (per class)	200

3.1.7 How long does registration take?

Assuming no opposition or substantive official actions, registration takes 18-36 to complete. This period includes an opposition period of 2 months. The current long registration duration is caused by technical and administrative challenges that the Registry has faced in the last five years

3.1.8 What is the duration of protection?

10 years from the filing date, with the option to renew every 10 years indefinitely. See section 24 of the Trade Marks Act.

A registered trade mark may be cancelled if another person or company establishes in court that the mark was not used continuously within 5 years from the date of filing of the cancellation application. It is advisable to consider other options for safeguarding a registered trademark, for example, re-filing or appointing a local registered user.

3.2 PATENTS

Zimbabwe Patent Registrations

National and regional (ARIPO) patents can be registered in Zimbabwe in the following ways.

National

- at the CIPZ, the Zimbabwe IP Office.

Regional

- through ARIPO in terms of the in terms of the Harare Protocol.

ARIPO's designation system allows an applicant to choose one, some, or all of its designable states when filing an application. This number changes, so it is important to confirm with a professional or ARIPO to ensure you select the correct states.

Choosing between a national or regional patent registration for Zimbabwe

The decision about whether to register a patent in Zimbabwe through the national or ARIPO routeis usually guided by the following considerations:

- **whether substantive examination is required or not: the CIPZ does not substantively examine patent applications which might influence an applicant's** decision not to use the national route;
- **whether patent protection is required in Zimbabwe only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdictionprotection is required;
- **cost-effectiveness:** ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach.

Choosing a patent filing route

Zimbabwe is a member of the PCT. Patent applications for both the national and ARIPO routes forZimbabwe can also be filed through the PCT. The Patent Cooperation Treaty (PCT) makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an "international" patent application. Such an application may be filed by anyone who is a national or resident of a PCT Contracting State. It may generally be filed with the national patent office of the Contracting State of which the applicant is a national or resident or, at the applicant's option, with the International Bureau of WIPO in Geneva.

3.2.1 Who can register a patent?

An inventor (or successor in title) can apply to register a patent.

3.2.2 What are the registration requirements?

National (CIPZ) Patent

A CIPZ patent application must contain the following:

- a request on Form P1 and a complete specification in Form P5; the patent title, abstract, description, claims and drawings;
- the applicant's details, including full name, nationality, legal status and physical address or, if it is a company, its Certificate of Incorporation;
- the Deed of Assignment, if the applicant is not the inventor;

- a certified copy of the priority document, if applicable;
- the prescribed application fees;

ARIPO Patent

- a request on Form No. 3 accompanied with a complete specification in that includes an abstract, description, claims and if applicable, drawings;
- the applicant's details, including full name, nationality, legal status and physical address or, if it is a company, its Certificate of Incorporation;
- the Deed of Assignment, if the applicant is not the inventor;
- a certified copy of the priority document, if applicable; and
- the prescribed application fees;

3.2.3 What qualifies for registration?

For both national and ARIPO applications, a patent must meet the following requirements:

- **novelty** which must be absolute novelty in that the invention must be a new characteristic which is not known in the body of existing knowledge in its technicalfield. It must not be anticipated by prior art;
- **inventive step** which means that, having regard to prior art, the invention is notobvious to a person skilled in the art;
- **susceptible of industrial applicability** in that it can be used in any kind of industry,including agriculture, and
- **patentable invention under national patent law.** Unregistrable patents in Zimbabwe are those related to the treatment of humans or animals or to pharmaceutical inventions. These inventions are not patentable to avoid undue restrictions to access to medical care and medicines by people or animals in need.

3.2.5 Where can I file an application?

National applications, non-Convention, Convention and PCT national phase applications must be filed at the CIPZ.

Regional Applications can be filed through ARIPO electronically, by email, registered mail, courier or in person. Online ARIPO application fees attract a 20% discount to encourage e-filings.

3.2.6 How much does it cost?

a) CIPZ Patents

Registration fees consist partly of government (official) and professional fees, as indicated below.

Government (official) fees

These fees are published in a statutory instrument. Local applicants may pay the fees in local currency, but foreigners must pay in USD. The government reduced the current patent fees on 9 June 2023 to attract filings – See Statutory Instrument 98 of 2023. The current USD fees are as follows:

- Application fees (including complete specification fees) – 100
- Patent advertisement fees – 40
- Patent sealing fees – 80
- Total registration fees – USD 220.

You can obtain the latest patent fees from the CIPZ or the Judicial Services Commission.

Professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others. It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited IP agents. You can choose an agent from the list of accredited agents available through this link: https://www.aripo.org/ip-agents/

b) ARIPO Patents

The ARIPO patent fees are available in the fee section of the latest edition of the Harare Protocol on Patents and Industrial Designs, or you can contact ARIPO to request the latest fee schedule.

Application fees consist of three components, as follows: *[Please note that this fee is exclusive of substantive examination, surcharges for claims and extra pages as may apply, grant and publication fees]*

Type of Fee	ARIPO Fee (USD)
Application fee, regardless of the number of states designated in the application	232 [Electronic filing fee which includes a 20% discount on the paper filing fee]
State designation fee	100 per state (Multiplied by the number of designated states)
Mandatory annuity fee: for PCT-based applications, the first ARIPO annuity fee will usually be due and must be paid with the application fee	50 per state (Multiplied by the number of designated states)
Total fees, **assuming only Zimbabwe is designated** and payment of first annuity fee	382 [E-filing]
Total fees, **assuming all 20 Harare Protocol states, including Zimbabwe, are designated** and payment of first annuity fee	3,232 [E-filing]

Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals or through IP law firms in Zimbabwe. A list is available through this link: https://www.aripo.org/ip-agents

3.2.7 How long does registration take?

CIPZ Patents – In the absence of unusual delays, registration takes between 18 and 24 months from the filing date of the application.

ARIPO patents – In the absence of unusual delays the patent grant process takes 18 – 24 months.

3.2.8 What is the duration of protection?

20 years from the filing date (the date which the application was lodged or from the priority date, if priority was recognised), subject to the payment of annual maintenance fees. See section 25 of the Patents Act.

3.2.9 When are renewal fees paid?

National patents

Renewal fees are paid from the fourth anniversary of the filing date up to the 19th year which then extends validity to the 20th year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.

Annuities

The following government (official) fees are currently applicable*: [N.B. The fees are based on the revised fees contained in Statutory Instrument 98 of 2023, which came into effect on 9 June 2023.]*

Annuity Years	CIPZ Fee (foreign applicants -USD)
4th -10th	50
11th-15th	120
16th-19th, for each year	60
Surcharge per month up to a maximum of 6 months, for late payment of annual fees	40

ARIPO-route Zimbabwe patents

Renewal fees are payable up to the 19th year which extends validity to the 20th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: https://www.aripo.org/resources/fee-schedules

ARIPO fees are payable **per designated state.**

The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee (USD)
1 (NB: Due the second year after the filing date)	50
2	70
3	90
4	110
5	130
6	150
7	170
8	190
9	210
10	230
11	250
12	270
13	290
14	310
15	330
16	380
17	430
18	480
19	530

Late renewal fees are 40 % of the renewal fee to be paid.

3.3. INDUSTRIAL DESIGNS

In Zimbabwe designs are registered without being classified as either aesthetic or functional designs.

Zimbabwe Industrial Design Registrations

National and regional (ARIPO) industrial designs can be registered in Zimbabwe in the following ways:

National

This is done at the Z Companies and Intellectual Property Office, CIPZ.

Regional

- for the Harare Protocol, through ARIPO.

It is therefore possible to file an ARIPO design application in which Zimbabwe or any other country is designated to achieve national design protection but through a regional registration system.

Choosing between a national or regional industrial design registration for Zimbabwe

The decision about whether to register a design in Zimbabwe through the national or ARIPO routeis usually guided by the following considerations:

- **whether design protection is required in Zimbabwe only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdictionprotection is required;
- **cost-effectiveness:** ARIPO's centralised regional design registration system is usually
considered to be more cost-effective than a national design registration approach;
- **time-effectiveness:** Time- conscious applicants usually tend to prefer to registertheir designs through the ARIPO route instead of the national route.

Examination and novelty of designs for Zimbabwe

Applications are examined only to ensure compliance with formal requirements. The examination is based on a relative statement of novelty.

As there is no requirement for a substantive examination of designs under Zimbabwean law, ARIPO only carries out a formal examination to register designs in Zimbabwe.

National Industrial Designs

3.3.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in Zimbabwe.

It is possible for two or more persons or companies to jointly own and apply for the registrationof an industrial design.

3.3.2 What are the registration requirements?

National – CIPZ designs

- a request for registration on Form I.D. 1.
- the applicant's full details, including full name, nationality, legal status, physicaladdress and full company details if the applicant is a company;
- six [6] identical copies of the design.
- the signed Deed of Assignment of the design if the creator is not the applicant, with a certified English translation if the document is not in English;

- a Statement of Novelty (Distinctive Statement) which must not include any descriptionof the use of the article or its features, or of its advantages or method of construction;
- a certified copy of priority document if priority is claimed;
- a Power of Attorney if the applicant is represented; and
- the prescribed application fees.

Regional (ARIPO) Industrial designs

A design application must contain the following documents:

- a request for registration on ARIPO Form No 28 including a designation of the contracting state (s) in respect of which protection of the industrial design is sought.;
- the applicant's full details, including full name, nationality, legal status, physicaladdress and full company details if the applicant is a company;
- at least one graphical representation of the design;
- the signed Deed of Assignment of the design if the creator is not the applicant, with a certified English translation if the document is not in English;
- a Power of Attorney if the applicant is represented.
- a Statement of Novelty (Distinctive Statement) which must not include any descriptionof the use of the article or its features, or of its advantages or method of construction;
- the prescribed application fees;
- when an industrial design is accepted: a letter of acceptance together with theregistration and publication fees.

A design is not required to have an objectively noticeable aesthetic quality.

3.3.3 What qualifies for registration?

An industrial design is registrable if it is new. For a creation to qualify for design registration it mustclearly identify novel features of the design in terms of:

- shape;
- configuration;
- pattern and/or ornament.

Multiple design applications are not possible in Zimbabwe.

3.3.4 What cannot be registered?

The following cannot be registered:

- designs that are contrary to the law, public policy or morality;
- designs for articles that are primarily literary or artistic in character, such as paintings,sculptures, drawings, enamelling, engravings, embroidery,

photographs, sculptures, architecture and works of artistic craftsmanship;

- designs consisting solely of a change in the colour of already known designs;
- designs whose features correspond to or are determined by functions to beperformed by the products.

3.3.5 Where can I file an application?

National-route design applications must be filed at the CIPZ.

Regional-route design applications can be filed through ARIPO electronically, by email, registered mail, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage e-filings.

3.3.6 How much does it cost?

National (CIPZ fees)

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Local applicants pay in local currency. Foreign applicants must pay in USD. Application forms and information on fees are available from the CIPZ.

Professional fees

Professional fees vary. It is advisable to obtain comparative fee quotes from at least three ARIPO-accredited professionals. A list is available through this link: https://www.aripo.org/ip-agents/

ARIPO-route design registration fees

These fees are paid through ARIPO. ARIPO's fees are reviewed regularly. The latest fees are contained in the operating edition of the Harare Protocol on Patents and Designs or from ARIPO's website by accessing them through this link: https://www.aripo.org/fee-schedules/https://www.aripo.org/public/resources/fee-schedules

Application fees are as follows:

Type of Fee	ARIPO Fee USD
Application fee, regardless of the number of states designated in the application	80
State designation fee Registration and publication fee	20 per state (multiplied by the number of designated state) 150
Total fees, assuming only Zimbabwe is designated in the application	250
Total fees, assuming all 20 Harare Protocol states, including Zimbabwe, are designated in the application	630

Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: https://www.aripo.org/ip-agents/

3.3.7 What is the duration of protection?

A CIPZ-registered industrial design has an initial duration of 10 years from the filing date, with the possibility of one extension of 5 years to make a total of 15 years as s provided for in Section 16 (2) of the Industrial Designs Act

ARIPO-route design registrations are valid for 15 years, with no possibility of extension as provided in section 4(6) of the Harare Protocol on Patents and Industrial Designs

3.3.8 When are renewal fees paid?

National designs – No renewal fees are payable for the first 10 years of protection. See Statutory Instrument 97 of 2023. The law provides for a possible single extension of the design term by 5 years in special circumstances; no extension fees are specified in the Regulations. As a result, 10-year term, but the law requires a registered owner to negotiate fees where an extension is10. A registered owner must negotiate fees where an extension has been sought and granted. However, the Registrar does not usually grant extensions beyond the 10-year protection term,

ARIPO designs

- In ARIPO, renewal fees are payable within 6 months before the registration period expires.

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- Late payment of the renewal fees is possible within a grace period of 6 months afterthe due date.

ARIPO-registered design renewal fees

Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: https://www.aripo.org/public/resources/fee-schedules

ARIPO fees are payable **per designated state.** The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee (USD)
1	10
2	15
3	20
4	25
5	30
6	35
7	40
8	45
9	
10	55
11	60
12	60
13	60
14	60

Late renewal fees are 30% of the renewal fee to be paid.

Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment, regardless of the number of designated states. It is advisable to compare the fees of different IP agents.

3.4. PLANT BREEDERS' RIGHTS (PBRs)

Zimbabwe Plant Breeders Rights (PBRs)

- Although it has expressed an intention to do so, Zimbabwe is not a member of the Union for the Protection of New Varietiesof Plants (UPOV). However, it has started the process of amending its PBR law in preparation of joining UPOV 91. international Convention for the Protection See the list of the UPOV Member States here.
- ARIPO has the Arusha Protocol for the regional Protection of New Varieties of Plants, it came into operation on 24 November 2024 with four Member States, namely, Cabo Verde, Ghana, Rwanda and São Tomé and Príncipe. Zimbabwe is not a Member State of this Protocol. As a result, PBRs can currently only be registered through the national route in Zimbabwe.
- The registration of PBRs falls under the control of the of the Ministry of Agriculture unlike allother IPRs which fall within the remit of the Ministry of Justice.

3.4.1 Who can register?

- the State or the government of a reciprocating country; or
- a natural person, a company or any other entity. See section 6 of the Plant Breeders Rights Act, Chapter 18:16. B

3.4.2 What are the registration requirements?

A plant breeders' rights application must contain the following:

- an application letter accompanied by completed Forms P.B.R .1 and P.B.R. 2;
- a Power of Attorney if the applicant is represented
- a Deed of Assignment if the applicant is not the breeder;
- a completed technical questionnaire;
- a report establishing the distinctiveness, uniformity and stability of the variety, called a DUS report; and
- colour photographs showing essential characteristic of the variety.

3.4.3 What qualifies for registration?

- **a new variety** – i.e., one that has not been sold or marketed in Zimbabwe for longerthan 6 years be (for tree or grapevines) or for 4 years (any other variety) before the date of application; and
- **a prescribed variety**– i.e., one that is listed as a registrable variety in the PBRRegulations. See Schedule 2 of the Regulations contained in Statutory Instrument 113/1998.
-

3.4.4 What cannot be registered?

A variety cannot be registered if it is:

- not new in terms of the PBR Act; and
- is not distinct, uniform and stable.

3.4.5 Where can I file an application?

An application for registration must be submitted to the Registrar of PBRs through the Ministry ofAgriculture.

3.4.6 How do I register?

- You must submit a request, together with Forms P.B.R.1 and P.B.R.2 duly completed,supporting documents and the prescribed fees, to the Registrar.
- The Registrar conducts a formal and substantive examination usually within3 months. If they have no objections, they refer the application and his or her recommendations to the Minister of Agriculture who then decides whether to accept or reject the application.
- If the Minister accepts the application, he or she returns the application to the Registrarwho, in turn, will invite the applicant to pay publication fees of USD 75.00 for the application to be advertised in the Government Gazette.
- A registration certificate is issued within 3 months of publication in the Government Gazette unless the application is opposed.

3.4.7 How much does it cost?

Government (official) fees

- Application fees – USD1,00.00;
- Publication fees in the Government Gazette – USD75.00.
- Total official registration fees – USD1,075.00

You can obtain application forms and information on from the Judicial Services Commission: http://www.jsc.org.zw

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from established IP agents who are experts in PBR applications.

3.4.8 How long does registration take?

- Unless substantive objections are raised or unusual delays arise, a PBR

application takes between 15 and 18 months to complete registration, including an opposition period of 3 months.

3.4.9 What is the duration of protection?

- 20 years with an option of a once-off renewal of 5 years in proven exceptional circumstances to make it 25 years, but extensions are usually not granted.
- No annual maintenance fees are currently payable during the duration of protectionbut this issue is under review.

3.5. GEOGRAPHICAL INDICATIONS (GIs)

About GIs in Zimbabwe

- GIs are registrable under the Geographical Indications Act, [Chapter 26:06], 2001 which issupported by the Geographical Indications Regulations, 2016. In practice, the Trade Mark Regulations and procedures apply.
- GIs are registered through the Companies and Intellectual Property Office of Zimbabwe (CIPZ). There is no regional or international registration system through which GIs can be registered for Zimbabwe. This situation may change depending on the outcome of the African Union (AU) and the Food and Agriculture Organization of the United Nations, (FAO)'s Continental Strategy for GIs in Africa (2018-2023).
- Zimbabwe is also a signatory of the African Continental Free Trade Area (AfCFTA) Agreement but has not yet ratified it. The Agreement can be accessed here.

3.5.1 Who can register?

The following can apply for the registration of a GI:

- a person who sells or who manufactures, imports or exports for sale a product towhich the GI is applied or is to be applied;
- a person who, in the course of business, consumes or uses a product to which the GIis applied or is to be applied;
- any organisation established to represent or further the interests of the persons referred to above. See section 16 of the Geographical Indications Act.

A GI application can be made individually by any of the above or jointly with others.

3.5.2 Can European GIs be registered?

European GIs do not appear to be registrable under the current national law. For informationabout the protection of the European GIs in African countries, the Organization for an International Geographical Indications Network should be consulted via this link

3.5.3 What are the registration requirements?

An application for the registration of a GI must include:

- a request (Form GI 1), which states the applicant's name, address and nationality signed by the applicant or their agent
- 10 representations of the GI;
- The product or products to which the GI relates refers to the quality, reputation or characteristic which is attributable to its geographical origin
- specifications of the GI;
- a power of attorney, if the applicant is represented; and
- prescribed fees. See section 17 of the Geographical Indications Act.

3.5.4 What qualifies for registration?

To be registrable, a GI must be capable of distinguishing goods originating from a particularterritory, region or locality, or possess characteristics attributed to the territory, region or localityfrom which the goods come.

3.5.5 What cannot be registered?

A geographical indication cannot be registered if it is:

- incapable of distinguishing goods originating from a particular territory, region or locality, or does not possess characteristics attributed to the territory, region or locality from which the goods come;
- is contrary to public order or morality;
- is likely to mislead the public or those in the trade, as regards the geographical originof the goods concerned, or their nature or characteristics;
- in respect to goods, identical with the term usually used in common language as the common name for such goods in Zimbabwe;
- not protected, has ceased to be protected, or has fallen into disuse in its country of origin.

3.5.6 Where can I file an application?

Applications for registration must be submitted to the Companies and Intellectual Property Office of Zimbabwe (CIPZ).

3.5.7 How much does it cost?

National (CIPZ) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

Application forms and information on fees are available on request from the CIPZ.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: https://www.aripo.org/ip-agents/

Likely overall registration costs for a CIPZ GI registration are set out in the table below, unless objections and other special circumstances that may increase the costs apply.

Description of Process/Service	Fee (USD)
Application to register a GI in one class	200
Publication	40
Registration	80

3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes onaverage 18-36 months to complete registration. This includes an opposition period of 2 months.

3.5.9 What is the duration of protection?

The duration of protection for a Geographical Indication (GI) is not explicitly fixed in Geographical Indications Act.

3.6. INTEGRATED CIRCUIT LAYOUT DESIGNS

Integrated Circuit Layout Designs in Zimbabwe

- Integrated circuit layout designs are registrable in terms of the Integrated Circuit Layout Designs Act. The Act has no Implementing Regulations of its own but is governed by the Regulations that apply to the registration of industrial designs underthe Industrial Designs Act.
- Since then, there have been no applications or registrations made in terms of this

law todate.

- There is no regional or international registration framework to which Zimbabwe is a member through which integrated circuit layout designs can be registered.

3.6.1 Who can register?

An application for registration of a layout design can be made by, or on behalf of, the following:

- a person claiming to be the proprietor of the design;
- a person claiming to be the proprietor's assignee or successor in title.

3.6.2 What are the registration requirements?

- a request for registration on Form I.D. 1.
- the applicant's full details, including full name, nationality, legal status, physicaladdress and full company details if the applicant is a company;
- six [6] identical copies of the design.
- the signed Deed of Assignment of the design if the creator is not the applicant, with a certified English translation if the document is not in English;
- a Statement of Novelty (Distinctive Statement) which must not include any descriptionof the use of the article or its features, or of its advantages or method of construction;
- a certified copy of priority document if priority is claimed;
- a Power of Attorney if the applicant is represented; and
- the prescribed application fees.

3.6.3 What qualifies for registration?

A layout design, is registrable if:

- it is original, which means that it is the result of its creator's own intellectual effort and is not commonplace among creators of layout designs and manufacturers of integrated circuits at the time of its creation; and
- it has not yet been exploited commercially anywhere in the world or has not beenexploited commercially anywhere in the world for more than 2 years prior to the application for its registration.

A layout design consisting of a combination of elements and interconnections that are commonplaceis only registrable if the combination, taken as a whole is considered original.

3.6.4 What cannot be registered?

Any layout designs whose use would be contrary to the law, public policy or morality is not registrable.

A layout design that is not original and has been exploited commercially for more than 2 yearsprior to the application for its registration is also not registrable. See section 7 of the Integrated Circuit Layout Designs Act

3.6.5 Where can I apply?

Applications must be filed at the CIPZ where they will be processed like industrial design applications.

3.6.6 How much does it cost?

Registration fees consist partly of government (official) and professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. However, no fee schedules for this right have been published in recent years due to non-filings. Design fees can be used instead.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: https://www.aripo.org/member-states-view/239

Likely overall registration costs for a CIPZ integrated circuit layout design

Based on current industrial design registration fees, the likely costs are USD 380 – see the section on design registration costs above.

Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: https://www.aripo.org/member-states-view/239

3.6.7 How long does registration take?

National-route applications usually take 12-18 months to complete registration. The deadline to file missing documents is 2 months from the date of notification.

3.6.8 What is the duration of protection?

The duration is 10 years from the filing date, which is not renewable.

3.6.9 When are renewal fees paid?

Integrated circuit layout designs cannot be renewed beyond their 10-year duration.

3.7. COPYRIGHT AND NEIGHBOURING RIGHTS

About Copyright and Neighbouring Rights in Zimbabwe

- Zimbabwe has a dedicated Act for the protection of copyright and neighbouring rights, namely the Copyright and Neighbouring Rights Act.
- The Act is administered by the Controller Copyright Patents, who is also the Controllerof Patents, Trade Marks, and Industrial Designs.

3.7.1 Can I register?

Registration of copyright is voluntary. t in Zimbabwe in line with the Berne Convention for the Protection of Literary and Artistic Works. It exists automatically when any original work is created in one of the categories that is protected by the Copyright and Neighbouring Rights Act.

Zimbabwe is a member ARIPO which is currently considering the possibility of creating a voluntary copyright registration system for its Member States in terms of the Kampala Protocol. It remains to be seen if this system will become a reality.

3.7.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection under Section 10 of the Copyright and Neighbouring Act:

(a) literary works;
(b) musical works;
(c) artistic works;
(d) audio-visual works;
(e) sound recordings;
(f) broadcasts;
(g) programme-carrying signals;
(h) published editions.

3.7.3 What cannot be protected?

Any work whose subject matter does not qualify for legal protection.Any work whose

author is not Zimbabwean by:

1) citizenship,
2) domicile, or
   by virtue of being incorporated in Zimbabwe.

Any work that is contrary to law, public order or morality.

3.7.4 What are the requirements for legal protection?

The original work must be in one of the following categories:

(a) literary works;
(b) musical works;
(c) artistic works;
(d) audiovisual works;
(e) sound recordings;
(f) broadcasts;
(g) programme-carrying signals;
(h) published editions.

3.7.5 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- fair use: copyright in a work is not infringed by any fair dealing for the purposes ofresearch or private study by the person using the work.
- fair use for purposes of criticism, review or news reporting;
- educational use;
- copies made to replace or conserve library or archival copies of works;
- use of anonymous or pseudonymous works, subject to conditions;
- use of work for parliamentary or judicial proceedings or inquiries;
- quotations from copyright works;
- public readings and recitations.

3.7.6 Prohibited acts in relation to copyright works

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing the work into Zimbabwe or exporting it from Zimbabwe, otherwise than forpersonal and private use;
- causing the work to be transmitted in a cable programme service, unless the servicetransmits a lawful broadcast and is operated by the original

broadcaster;
- making an adaptation of the work.

3.7.7 What is the duration of protection?

The duration of copyright protection as provided in Section 15is as follows:

- **literary works:** the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- **performers and recording rights:** 50 years from the end of the calendar year in which the performance took place;
- **an audiovisual work, a collective work, a photograph, or a computer program:** 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright or, failing such an event, 50 years fromthe making of the work or 50 years from the end of the year in which the work was made;
- any other literary, musical or artistic work, the life of the author and fifty years from the end of the year in which the author dies.

3.7.8 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in Zimbabwe once its term has expired. The work lapses into thepublic domain at the end of the term of protection, thereby losing its protection.

Links to institutions:

AfCFTA – African the African Continental Free Trade Area Secretariat: https://au.int/en/cfta/

ARIPO – African Regional Intellectual Property Organization: https://www.aripo.org/

CIPZ – https://cipz.pfms.gov.zw:8090/Auth/CipzLandingPage?ReturnUrl=%2FHome%2FIndex#

COMESA – Common Market for Eastern and Southern Africa: https://www.comesa.int/SADC – Southern African Development Community: https://www.sadc.int/