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IP Country Fiche
ZIMBABWE



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Harare
Population:	14.86 million
Currency of government (official) fees:	USD (foreigners) and Zimbabwean Dollar (local applicants)
Language for filing IP applications:	English
GDP per capita:	1,13 (World Bank 2020)
Human Development Index:	0.47 (World Bank 2020)
Main exports:	Gold, tobacco, nickel, ferro-chromium
Main imports:	Fuel and petroleum products, electrical energy, crude soya bean 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:

- ARIPO ⁽¹⁾, both the Banjul Protocol on Marks and the Harare Protocol on Patents and Industrial Designs;
- 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 ⁽²⁾ Agreement;
- WIPO ⁽³⁾ Convention

Most of Zimbabwe's IP laws are TRIPS-compliant although, in practice, the level of implementation may be different from other countries.

1.3 REGIONAL AGREEMENTS

¹ ARIPO: the African Regional Intellectual Property Organization.

² TRIPS Agreement: Agreement on Trade-Related Aspects of Intellectual Property Rights the World Trade Organization (WTO).

³ WIPO: World Intellectual Property Organization.

Zimbabwe is a member of the following regional agreements:

- **AfCFTA** (the African Continental Free Trade Area)
The Agreement contains a Protocol on IP rights which aims for effective protection and promotion of IP rights in Africa and may therefore have legal implications for Zimbabwe when it comes into legal force.
- **COMESA (the Common Market for Eastern and Southern Africa)**
It has a COMESA Policy on Intellectual Property Rights. The purpose of the Policy is to promote the use of IP rights by COMESA member states so that they can shift from resource-based economies to knowledge-based and innovation-driven economies.

COMESA has no regional IP agreements, protocols or registration systems in place.

- **SADC (the Southern African Development Community)**
SADC has no regional IP agreements, protocols or registration systems in place.

It has the SADC Industrialization Strategy and Roadmap (2015-2063) which includes a focus on promoting the use and enforcement of IP rights to encourage research and development and innovation amongst SADC countries.

1.4 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);
- 3) **industrial designs**: national and regional (ARIPO)
- 4) **Plant Breeder's Rights**⁴: national
- 5) **geographical indications**: national;
- 6) **layout designs of integrated circuits**: national; and
- 7) **copyright and neighbouring rights**: national.

1.5 IP REGISTRATION ROUTES

IP protection in Zimbabwe can be secured at three levels: national, regional and international.

National

The seven types of IP mentioned above can be protected directly in Zimbabwe through the Companies and Intellectual Property Authority (?).

⁴ Plant Breeder's Rights: note* Zimbabwe is in the process of accession to International Union for the Protection of New Varieties of Plants, UPOV. The list of current UPOV members can be accessed from here.

Regional

Zimbabwe is a contracting party to ARIPO's Banjul Protocol on Marks and the Harare Protocol on patents, utility models and industrial designs.

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

International

Zimbabwe is also a contracting party to the Madrid Protocol and the Patent Cooperation Treaty (PCT). 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/>

Choosing a suitable registration route: trade marks, patents, utility models and industrial designs

A **national** route is suitable when trade mark protection is required in Zimbabwe only.

A **regional** route through ARIPO is suitable when multi-country protection of the abovementioned IP rights is required.

An **international** route is advisable for trade mark protection only, when protection is required in more countries than are covered by the ARIPO regional trade mark system.

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 signed powers of attorney without any need for notarisation. However, you should check with your IP service provider in Zimbabwe whether 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 and for this reason 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.
- Zimbabwe is not a signatory to the Nice Agreement but uses the Nice Classification⁽⁵⁾. Classifications based on the latest edition of Nice at the time of filing of an application are accepted.

⁵ Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

SECTION 2: OVERVIEW OF IP ENFORCEMENT

Zimbabwe is a signatory of 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; there is no special IP rights (IPR) enforcement legislation. However, the IP owner must make a complaint to the State through the Zimbabwe Republic Police and justify that a criminal offence has been committed. Although the Zimbabwe Republic Police has begun in recent years to offer training, more IP awareness is still required.
- 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 provides for remedies and penalties that are not sufficiently deterrent to would-be offenders.
- IP legislation in Zimbabwe provides limited border control measures that are managed 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 in civil proceedings:

- an interdict or injunction ordering the respondent to refrain from further infringement;
- delivery up or destruction of any infringing product, article or product of which the infringing 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 an alleged infringement.

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

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 provides for conservatory measures that seek to prevent infringements and also to preserve relevant evidence related to an 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.

Despite the State 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 the infringement of their IP rights by competitors, retailers or street vendors. 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 same mark 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 business by licensing it to others, franchising or obtaining finance.

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 their 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 contain 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;
- 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; 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 per class.
- for a request for a registration certificate after completion of the opposition period, a request for a certificate on Form T.M. 12 and the prescribed fee, currently US\$80 per mark per 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. 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, the name 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 or cause confusion;
- is contrary to law, public order or morality;
- is likely to cause confusion with an earlier registered trade mark or pending application;
- constitutes a name or likeness of individuals without the authorisation of such individuals;
- contains a representation of the head of state of any foreign state, or any colourable imitation 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.

3.1.5 Where can I file an application?

- ZIPO, Zimbabwe Intellectual Property Office,
- ARIPO, for regional marks
- WIPO, country designation through the International Bureau.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in a statutory instrument. Application forms and information on fees are available through this link: <http://www.dcip.gov.zw/>

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

- The cost of registering a simple trade mark is set out in the table below (in USD for foreign applicants), unless objections and other special circumstances that may increase the costs apply.
- Zimbabwe uses a single class 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?

The trade mark registration process takes 18-36 months from the filing date to complete, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 2 months.

3.1.8 What is the duration of protection?

10 years from the filing date, which is renewable.

3.2 PATENTS

Zimbabwe Patent Registrations

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

National

- at ZIPO (Zimbabwe Intellectual Property Office).

Regional

- for the Harare Protocol, through ARIPO.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO patent application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining 18 member states in a patent application. It is therefore also possible to file an ARIPO patent application in which Zimbabwe (or any other member state) is designated to achieve national patent protection but through a regional registration system.

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 route is usually guided by the following considerations:

- **whether substantive examination is required or not:** although carries out substantive examination of patent applications, the Industrial Property Act allows it to outsource examination to other bodies which might result in delays and, therefore, a 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-jurisdiction protection 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 for Zimbabwe can also be filed through the PCT. However, the PCT provides a patent filing rather than a patent registration route.

National (ZIPO) Patents

3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

3.2.2 What are the registration requirements?

A 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;

3.2.3 What qualifies for registration?

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 technical field. It must not be anticipated by prior art;
- **inventive step** which means that, having regard to prior art, the invention is not obvious 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 ZIPO.

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

3.2.6 How much does it cost?

National (ZIPO) 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 may pay these fees using the local currency (RTGS\$) but foreign applicants must pay these fees in USD only.

Application forms and information on fees are available through this link: <http://www.dcip.gov.zw/>

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 ZIPO patent

An applicant can expect the cost of registering a patent to be in the region of the amounts set out in the table below.

Type of Fee	ZIPO Fee (foreign applicants -USD)
Application and complete specification fees	400
Publication fees	40
Grant fees	80

ARIPO-route patent registration fees

Fees must be paid through ARIPO and in USD if an applicant chooses to register a patent for Zimbabwe using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>

Fees that are required at the stage of filing an application as follows:

Type of Fee	ARIPO Fee USD
Application fee, regardless of the number of states designated in the application	232
State designation fee	85 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	317
Total fees, assuming all 18 Harare Protocol states, including Zimbabwe, are designated and payment of first annuity fee	2 662

Note on 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 professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>

3.2.7 How long does registration take?

National

Registration takes on average within 3 years from the filing date of the application.

Regional-route Zimbabwe applications are substantively examined by ARIPO and take 18 -36 months on average to complete registration, assuming that there are no objections.

3.2.8 What is the duration of protection?

Protection lasts 20 years from the filing date, subject to the payment of annual maintenance fees.

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 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:

Annuity Years	WIPO Fee (foreign applicants - USD)
4th -10th	80
11th-15th	120
16th-19th	160
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/fee-schedules/>

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

The following ARIPO renewal fees are currently applicable:

19Annuity 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

19Annuity Year	ARIPO Fee (USD)
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 consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	100
ii. Penalty fee for each month or fraction of a month for which the fees remain unpaid	50

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

- at ZIPO, see below.

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 route is 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-jurisdiction protection 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 register their designs through the ARIPO route instead of the national route.

Examination and novelty of designs for Zimbabwe

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

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

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 registration of an industrial design.

3.3.2 What are the registration requirements?

National – ZIPO designs

- a request for registration on Form I.D. 1.
- the applicant's full details, including full name, nationality, legal status, physical address 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 description of 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;
- the applicant's full details, including full name, nationality, legal status, physical address 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 description of 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 an acceptance together with the registration 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 must clearly 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 be performed by the products.

3.3.5 Where can I file an application?

National-route design applications must be filed at ZIPO.

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

3.3.6 How much does it cost?

National (ZIPO) 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 RTGS\$ and foreign applicants must pay in USD. Application forms and information on fees are available through this link: <http://www.dcip.gov.zw/>

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/>

ARIPO-route design registration fees

These fees are paid through ARIPO. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>

Application fees, are as follows:

Type of Fee	ARIPO Fee (USD)
Application fees, regardless of the number of states designated in an application	40
State designation fees	10 per state (multiplied by the number of designated states)
Total fees, assuming that only Zimbabwe is designated in the application	50
Total fees, assuming that all 18 Harare Protocol states, including Zimbabwe, are designated in the application	220

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 How long does registration take?

National-route applications usually take 28-36 months to complete registration. The deadline to file missing documents is 2 months from the date of notification.

Regional-route applications usually take 8 -12 months to complete registration. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

3.3.8 What is the duration of protection?

A ZIPO 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

ARIPO-route design registrations are valid for 10 years, with no possibility of extension.

3.4.9 When are renewal fees paid?

National designs – the Registry does not readily approve extensions of the 10 year term, but the law requires a registered owner to negotiate fees where an extension is sought based as much as possible on renewal fees that are payable for patents.

- In ARIPO, renewal fees are payable within 6 months before the registration period expires.
- Late payment of the renewal fees is possible within a grace period of 6 months after the 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/fee-schedules/>

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

Annuity Year	ARIPO Fee
1	10
2	12
3	14
4	16
5	18
6	20
7	24
8	28
9	32
Late renewal fees consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	15
ii. Penalty fee for each month or fraction of a month for which the fees remain unpaid	2

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)

- Zimbabwe is in the process of joining the Union for the Protection of New Varieties of Plants (UPOV) and is amending its legislation accordingly. This is currently in the consultative stage.

- Although ARIPO has the Arusha Protocol for the Protection of New Varieties of Plants, it does not yet have an operational PBR registration system. As a result, PBRs can currently only be registered through the national route in Zimbabwe.
- The registration of PBRs falls within the remit of the Ministry of Agriculture unlike all other 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.

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; 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 longer than 6 years (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 PBR Regulations.

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 of Agriculture.

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 within 3 months. If they have no objections, they refer the application and their recommendations to the Minister of Agriculture who then decides whether to accept or reject the application.

- If the Minister accepts the application, they will return the application to the Registrar who, 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/headoffice/>

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ZIPO-accredited professionals. A list is available through this link: <http://www.dcip.gov.zw/>

3.4.8 How long does registration take?

- Unless substantive objections are raised or there are unusual delays arise pandemics or similar unforeseen events, 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 to make it 25 years but extensions are seldom granted.
- No annual maintenance fees are currently payable during the duration of protection but 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], which is supported by the Geographical Indications Regulations, 2016. In practice, the Trade Mark Regulations and procedures apply.
- GIs are registered through the Zimbabwe Intellectual Property Office (ZIPO). Currently, 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 to which 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 GI is applied or is to be applied;
- any organisation established to represent or further the interests of the persons referred to above.

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 information about the protection of the European GIs in African countries, the Organization for an International Geographical Indications Network should be consulted at: <https://www.origin-gi.com/i-gi-origin-worldwide-gi-compilation-uk.html/>

3.5.3 What are the registration requirements?

An application for the registration of a GI must include:

- a request (Form GI 1), signed by the applicant or their agent;
- 10 representations of the GI;
- specifications of the GI;
- a power of attorney, if the applicant is represented; and
- prescribed fees.

3.5.4 What qualifies for registration?

To be registrable, a GI must be capable of distinguishing goods originating from a particular territory, region or locality, or possess characteristics attributed to the territory, region or locality from 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 origin of 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 ZIPO.

3.5.7 How much does it cost?

National (ZIPO) 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 through this link: <http://www.dcip.gov.zw/>

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 ZIPO 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 on average 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 a GI registration in Zimbabwe is 10 years which is not renewable.

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 under the Industrial Designs Act.
- Since then, there have been no applications or registrations made in terms of this law to date.
- 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, physical address 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 description of 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 been exploited 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 commonplace is 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 years prior to the application for its registration is also not registrable.

3.6.5 Where can I file an application?

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

3.6.6 How much does it cost?

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 RTGS\$ and foreign applicants must pay in USD. Application forms and information on fees are available through this link: <http://www.dcip.gov.zw/>

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 ZIPO integrated circuit layout design

An applicant can expect the cost to be as set out in the table below, unless objections and other special circumstances which increase costs apply.

Type of Fee	ZIPO Fee (local applicants – RTGS\$)	ZIPO Fee (foreign applicants - USD)
Application and registration fees	1200	120

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/>

3.6.7 How long does registration take?

National-route applications usually take 28-36 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 Controller of Patents, Trademarks, and Industrial Designs.

3.7.1 Can I register?

Copyright is **not** a registrable right in Zimbabwe. 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. 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:

- literary works;
- musical works;
- artistic works;
- audiovisual works;
- sound recordings;
- broadcasts;
- programme-carrying signals;
- 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
- 3) 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:

- literary works;
- musical works;
- artistic works;
- audiovisual works;
- sound recordings;
- broadcasts;
- programme-carrying signals;
- 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 of research 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 What acts are not permitted 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 for personal and private use;
- causing the work to be transmitted in a cable programme service, unless the service transmits 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 (is 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 from the making of the work or 50 years from the end of the year in which the work was made;

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 the public domain at the end of the term of 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/>

ZIPO

COMESA – Common Market for Eastern and Southern Africa: <https://www.comesa.int/>

SADC – Southern African Development Community: <https://www.sadc.int/>

