

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 61 OF 2021

**The Protection of Traditional Knowledge, Genetic
Resources and Expression of Folklore, 2016**

(Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic
Resources and Expressions of Folklore Regulations, 2021**

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SCHEDULES

IN EXERCISE of the powers contained in sections 29 and 73 of the Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, 2016 the following Regulations are made:

- | | |
|--|-------------------|
| 1. These Regulations may be cited as the Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Regulations, 2021. | Title |
| 2. In these Regulations, unless the context otherwise requires | Interpretation |
| “agent” means a legal practitioner or person registered as a patent agent under the Patents Act, 2016, or a trade mark agent under the Trade Marks Act; | Act No 40 of 2016 |
| “appropriate institution” has the meaning assigned to the words in the Act; | Cap. 401 |
| “certificate of registration” means a certificate of registration issued under regulation 8; | |
| “compulsory licence” means a licence issued under regulation 17; | |
| “counter-statement” means a response to an objection for the registration of traditional knowledge or expressions of folklore; | |
| “holder” has the meaning assigned to the word in the Act; | |
| “licensing agreement” means an agreement concluded by the holder of an expression of folklore to authorise or licence the use of the expression of folklore; and | |
| “Nagoya Protocol” means the Nagoya Protocol on Access and Benefit sharing which entered into force on 12th October, 2014 and was ratified by Zambia on 20th May, 2016. | |

PART II

APPLICATION FOR REGISTRATION OF TRADITIONAL KNOWLEDGE OR EXPRESSIONS OF FOLKLORE

3. (1) A person who intends to register traditional knowledge or expressions of folklore shall apply to the Registrar in Form I set out in the First Schedule on payment of the fee set out in the Second Schedule.

(2) The Registrar shall cause a notice of the application for registration of the traditional knowledge or expressions of folklore in Form II set out in the First Schedule to be published in the *Gazette*, newspaper of general circulation in the Republic or other media.

Registration
of traditional
knowledge
or
expressions
of folklore

Objection to application for registration of traditional knowledge or expressions of folklore

4. (1) A person may, within sixty days of the date of the publication of the notice of the application for traditional knowledge or expressions of folklore, lodge an objection with the Registrar in Form III set out in the First Schedule on payment of the fee set out in the Second Schedule.

(2) The Registrar shall, within fourteen days of receipt of an objection made under subregulation (1), serve the applicant with a copy of the objection.

(3) An applicant shall, within thirty days of receipt of the objection, lodge with the Registrar a counterstatement in Form IV set out in the First Schedule, stating the grounds relied on in support of the application for registration.

(4) Where an applicant does not lodge the counterstatement under subregulation (3), the application shall be deemed to have been abandoned.

Request for further particulars

5. (1) The Registrar may, where the Registrar requires further particulars in relation to an application or an objection, request an applicant or the person that lodged the objection to provide further particulars within sixty days, in Form V set out in the First Schedule.

(2) A person who fails to provide further particulars as required under subregulation (1) shall be deemed to have abandoned that application or objection.

Determination of an objection

6. (1) The Registrar shall, within sixty days of receipt of the counterstatement or further particulars, determine an objection and communicate the decision of the Registrar to the applicant and the person who lodged the objection.

(2) Where the Registrar is of the opinion that an objection ought to be determined by an appropriate institution, the Registrar shall refer the objection to the appropriate institution and notify the parties accordingly.

(3) The appropriate institution referred to in subregulation (2) shall determine the objection and communicate its decision to the Registrar within sixty days of receipt of the objection.

(4) The Registrar shall communicate the final decision made under subregulation (3) to the applicant and the person who lodged the objection within fourteen days of receipt of the decision.

Registration of traditional knowledge or expressions of folklore

7. The Registrar shall, within thirty days of the determination of an objection or within thirty days of the expiry of the period within which to lodge an objection

- (a) approve the application for registration of traditional knowledge or expressions of folklore, if the application meets the requirements of the Act; or
- (b) reject the application, if the application does not meet the requirements of the Act and notify the applicant in writing stating the reasons for the rejection.

8. (1) The Registrar shall, where the Registrar approves an application for the registration of traditional knowledge or expressions of folklore, issue a certificate of registration in Form VI set out in the First Schedule.

Certificate
of
registration

(2) The Registrar shall cause to be entered in the Register the particulars of the registered traditional knowledge or expressions of folklore as provided in the Act.

9. (1) A person who intends to access a registered traditional knowledge or expressions of folklore shall apply to the holder for prior informed consent on terms and conditions that the holder may determine.

Access to
registered
traditional
knowledge
or
expressions
of folklore

(2) Where the holder cannot be found, a person may apply for prior informed consent to the Registrar in Form VII set out in the First Schedule.

(3) The Registrar may on receipt of an application under subregulation 2—

- (a) grant prior informed consent if the application meets the requirements under the Act; or
- (b) reject the application and notify the applicants in writing stating the reasons for the rejection.

(4) The holder or Registrar may grant prior informed consent in Form VIII set out in the First Schedule.

(5) Where prior informed consent is obtained from the holder, a user shall, on payment of the fee set out in the Second Schedule, submit the prior informed consent to the Registrar for approval in Form IX set out in the First Schedule.

(6) The Registrar shall within thirty days of the receipt of an application under subregulation (4)—

- (a) approve the prior informed consent if it meets the requirements of the Act; or
- (b) reject the prior informed consent if it does not meet the requirements of the Act.

(7) The Registrar shall, in considering whether the holder has given prior informed consent, take the following into consideration:

- (a) whether the holder had adequate knowledge of the value of the traditional knowledge or expressions folklore;
- (b) whether the holder had sufficient time to consider the application and make necessary consultations; and
- (c) whether the holder was able to engage in reasonable negotiations with the applicant on benefit sharing.

Application
for approval
of licensing
agreement

10. (1) A holder who intends to authorise or licence the expressions of folklore may conclude a licensing agreement.

(2) The holder shall, on conclusion of the licensing agreement, apply to the Registrar for approval of the licensing agreement in Form IX set out in the First Schedule on payment of the fee set out in the Second Schedule.

(3) The Registrar shall within thirty days of receipt of the application for approval, approve or reject the licensing agreement.

(4) Where the Registrar rejects the application under subregulation (3), the Registrar shall inform the applicant in writing, stating the reasons for the rejection.

PART III

ACCESS TO GENETIC RESOURCES

Application
for prior
informed
consent

11. (1) A person who intends to access genetic resources shall apply to the holder, for prior informed consent on terms and conditions that the holder may determine.

(2) Where the holder cannot be found, a person may apply for prior informed consent to the Registrar in Form VII set out in the First Schedule.

(3) The Registrar shall, within thirty days of receipt of an application under subregulation (2)—

- (a) grant prior informed consent if the application meets the requirements under the Act; or
- (b) reject the application and notify the applicant in writing stating the reasons for the rejection.

(4) The holder or the Registrar, may grant prior informed consent in Form VIII set out in the First Schedule.

(5) Where prior informed consent is obtained from the holder, a user shall, on payment of the fee set out in the Second Schedule, submit the prior informed consent to the Registrar for approval in Form IX set out in the First Schedule.

(6) The Registrar shall in considering whether the holder has given prior informed consent take the following into consideration:

- (a) whether the holder had adequate knowledge of the value of the resources being accessed;
- (b) whether the holder had sufficient time to consider the application and make necessary consultations;
- (c) whether the holder was able to engage in reasonable negotiations with the applicant on benefit sharing; and
- (d) where the genetic resource is communally owned, whether the views of the community were taken into account.

(7) On approval of the prior informed consent, the Registrar shall cause the particulars of the prior informed consent contract to be entered in the Register.

12. (1) A person who intends to access genetic resources shall apply to the Registrar for an access permit in Form XIII set out in the First Schedule on the payment of the fee set out in the Second Schedule.

Access
permit or
exploration
permit

(2) A person who intends to explore genetic resources shall apply to the Registrar for an exploration permit in Form XIII set out in the First Schedule on the payment of the fee set out in the Second Schedule.

(3) Where the application for an access permit or exploration permit meets the requirements of the Act, the Registrar shall within fourteen days of receipt of the application, submit a copy of the application to the appropriate institution for recommendation.

(4) The appropriate institution shall, within sixty days of receipt of the application for an access permit or exploration permit, communicate its recommendations, in writing, to the Registrar.

(5) The Registrar shall, on receipt of the recommendation from the appropriate institution, approve or reject the application for an access permit or exploration permit.

(6) Where the Registrar rejects the application under subregulation (5), the Registrar shall inform the applicant, in writing, stating the reasons for the rejection.

(7) Where the Registrar approves an application for an access permit or exploration permit, the Registrar shall issue an access permit or exploration permit in Form XIV and Form XV set out in the First Schedule, respectively.

(8) The Registrar shall cause to be entered in the Register the particulars of the access permit or exploration permit as provided in the Act.

(9) An access permit or exploration permit issued under this regulation shall be valid for a period of two years and may thereafter be renewed annually on the payment of the fee set out in the Second Schedule.

(10) An application for renewal of an access permit or exploration permit shall be in Form XVI set out in the First Schedule and shall be made at least three months before the expiry of the permit.

(11) The Registrar may, in consultation with the appropriate institution and the holder, renew an access permit or exploration permit in Form XVII set out in the First Schedule.

PART IV

GENERAL PROVISIONS

Access
agreement

13. (1) A person who intends to access traditional knowledge or genetic resources shall sign an access agreement with the holder.

(2) The holder and user may adopt the model access agreement set out in Form X in the First Schedule.

(3) A user shall apply to the Registrar for approval of the access agreement in Form IX in the First Schedule on payment of the fee set out in the Second Schedule.

(4) The Registrar shall, within fourteen days of receipt of the application under subregulation (3), cause the access agreement to be published in a newspaper of daily circulation in the Republic or other media.

Objection to
access
agreement

14. (1) A person may, within thirty days from the date of the publication of the access agreement, lodge an objection with the Registrar in Form III set out in the First Schedule.

(2) Regulations 4, 5 and 6 shall apply to an objection lodged under this regulation, with the necessary modifications.

Approval or
rejection of
access
agreement

15. (1) The Registrar shall, within thirty days of the final determination of the objection to an access agreement—

(a) approve the access agreement if it meets the requirements of the Act; or

(b) reject the access agreement if it does not meet the requirements of the Act.

(2) On approval of the access agreement, the Registrar shall cause the particulars of the access agreement to be entered in the Register.

(3) Where the Registrar rejects the access agreement, the Registrar shall notify the holder and the user of the rejection in writing stating the reasons for the rejection.

16. Where the Registrar alters, suspends or terminates an access agreement, the Registrar shall notify the holder and the user in writing.

17. (1) Where traditional knowledge or genetic resource that is protected in accordance with the Act, is not being sufficiently exploited by the holder or where the holder refuses to grant access, a person may, on payment of the fees set out in the Second Schedule, apply to the Minister for a compulsory licence in Form XI set out in the First Schedule.

Alteration,
suspension
or
termination
of access
agreement

(2) Subject to subregulation (1), the Minister may grant a compulsory licence in Form XII set out in the First Schedule.

Compulsory
licence

18. (1) A person who intends to engage an agent for purposes of lodging any document under these Regulations with the Agency shall apply to the Registrar for appointment of an agent in Form XVIII set out in the First Schedule on the payment of the fee set out in the Second Schedule.

Appointment
of agent

(2) Despite subregulation (1), a person that ordinarily does not reside in the Republic, shall lodge documents under subregulation (1) with the Agency through an agent.

19. A person may, on the payment of the fee set out in the Second Schedule, request the Registrar in Form XIX for a copy of a document recorded in the Register or any other particulars from the Register.

Request for
information
from
Register

20. (1) A person whose details are registered in the Register or any other register maintained by the Agency shall notify the Registrar of any change in that person's registered particulars.

Notification
of change of
particulars

(2) A notification under subregulation (1) shall be in Form XX set out in the First Schedule.

(3) The Registrar on receipt of the notification under subregulation (2), enter the changes in the Register.

21. A holder may apply to the Agency for a duplicate certificate of registration in Form XXI set out in the First Schedule on the payment of the fee set out in the Second Schedule.

Application
for duplicate
certificate

-
- | | |
|---|---|
| Application
for
amendment
or correction
of document | 22. A person may apply to the Agency for the amendment or correction of a document lodged with the Registrar in Form XXII set out in the First Schedule on the payment of the fee set out in the Second Schedule. |
| Competent
National
Authority
and National
Focal Point | 23. For purposes of the Nagoya Protocol—

(a) the Agency shall be the Competent National Authority responsible for—

(i) grant of access permit under the Act;
(ii) issuance of written evidence that access requirements have been met; and
(iii) giving advice on applicable procedures and requirements for obtaining prior informed consent; and

(b) the Ministry responsible for natural resources shall be the National Focal Point for purposes of providing information on—

(i) procedures for obtaining prior informed consent and establishing mutually agreed terms for applicants seeking to access genetic resources or traditional knowledge associated with genetic resources; and
(ii) appropriate institutions and relevant indigenous and local communities. |
| Fees | 24. The fees set out in the Second Schedule are payable for the matters specified therein. |

FIRST SCHEDULE
(Regulations 3,4,5,7,8,9,10,13,14,15,16,19,20 and 21)

FORM I
(Regulation 3(1))
(To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act**
(Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

**APPLICATION FOR REGISTRATION OF TRADITIONAL KNOWLEDGE OR EXPRESSIONS OF
FOLKLORE**

TRADITIONAL KNOWLEDGE EXPRESSIONS OF FOLKLORE
(Tick [✓] where applicable)

Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
TO THE REGISTRAR:			
Details of applicant			
(a) Full names			
(b) Nationality			
(c) Residential address			
(d) Identity number			
(e) Mobile number			
(f) Email address			
Details of holder			
(a) Full names			
(b) Nationality			
(c) Identity number			
(d) Email address			
(e) Mobile number			
(f) Physical address			
1. Description of the traditional knowledge <input type="checkbox"/> expressions of folklore <input type="checkbox"/> and its associated economic, social scientific, technical, environmental or any other benefit that is likely to accrue to the traditional community or a holder.			

<p>2. Use of the traditional knowledge <input type="checkbox"/> expressions of folklore <input type="checkbox"/> (in the traditional context)</p> <p>3. I/we* being the holder/representative do <input type="checkbox"/> authorise/do not <input type="checkbox"/> authorise* the Agency to grant prior informed consent in respect of the above stated traditional knowledge <input type="checkbox"/> expressions of folklore <input type="checkbox"/></p> <p>3. Date</p> <p style="text-align: center;">_____ <i>Signature of holder/representative</i></p> <p style="text-align: center;">*delete what is not applicable</p>
<p>FOR OFFICIAL USE</p> <p>Application received by</p> <p>Date received:.....</p> <div style="border: 1px solid black; width: 100px; height: 40px; margin-left: auto; text-align: center; padding: 5px;"><p>OFFICIAL STAMP</p></div>

FORM II
(Regulation 3(2))
(To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

**NOTICE OF APPLICATION FOR REGISTRATION OF TRADITIONAL KNOWLEDGE OR
EXPRESSIONS OF FOLKLORE**

Traditional knowledge Expressions of folklore

NOTICE is given that an application for registration of the traditional knowledge/ expressions of folklore* has been filed with the Registrar.

DETAILS OF APPLICATION

1. Type and economic value of traditional knowledge/expressions of folklore*
2. Registration No.
3. Name of applicant.....
4. Name of holder.....
5. Location.....

A person who has an objection to this registration shall lodge the objection, in writing, with the Registrar within sixty days of the date of publication of this notice.

Dated this day of20.....

Registrar

**OFFICIAL
STAMP**

FORM III
(Regulation 4(1) and 14 (1))
(To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

NOTICE OF OBJECTION

TO THE REGISTRAR:

I/we*.....give
notice of my/our* intention to object to:

- (a) the registration of traditional knowledge/expressions of folklore*
- (b) licensing/assignment* of traditional knowledge
- (c) licensing/assignment* of expressions of folklore
- (d) access agreement

Here insert
the reference
No. of
registration/
licensing/
assignment/
access
agreement

which appeared in theof
the.....day of 20....., on page numberunder
the number.....

The grounds of objection are as follows:

- (a)
- (b)
- (c)

Dated this day of 20

Signature of the person objecting

*delete what is not applicable

FOR OFFICIAL USE ONLY	
Received by: _____	
Date received: _____	OFFICIAL STAMP

FORM IV
 (Regulation 4(3))
 (To be completed in duplicate)
 Counter Statement No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act**
 (Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

COUNTER-STATEMENT TO AN OBJECTION

TO: THE REGISTRAR

Details of application or agreement number	
(1) Here insert application or agreement number	<p>IN THE MATTER of application for registration of traditional knowledge/ expressions of folklore/access agreement/licensing agreement*(1) number</p> <p>.....</p>
Grounds in support of application	
(2) Here insert grounds relied on to support application (in case of additional information attach extra sheets)	<p>I/we*</p> <p>the applicant(s) of the above traditional knowledge/ expressions of folklore/access agreement/licensing agreement*(2) number..... give notice that the following are the grounds on which I/we* rely for my/our* application:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
Allegations admitted	
(3) Here insert allegations admitted if any	<p>I/we* admit the following allegations in the notice of objection(3):</p> <p>.....</p> <p>.....</p> <p>.....</p>
(4) Here insert signature of holder/representative*	<p>Dated this day of 20.....</p> <p style="text-align: center;">(4) _____ Holder/representative*</p>

* delete what is not applicable

FORM V
(Regulation 5(1))
(To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

REQUEST FOR FURTHER PARTICULARS

(1) Here insert full names and address of holder/representative/objector*	1. To: Full name (1)..... of
(2) Here insert the application number or number for the agreement	2. IN THE MATTER of application for registration of traditional knowledge/ expressions of folklore/access agreement*(2) number.....
INFORMATION REQUESTED FOR	
(3) Here provide the requested information	3. You are requested to provide the following information: (1) (2)..... (3).....
	4. The information requested in the paragraph (3) above should be provided within thirty days of the receipt of this request. In the event that the requested information is not provided within the stated period, you will be deemed to have abandoned the objection to the application/agreement*.
	Received by: _____ <i>Name and signature</i> Date received: _____
FOR OFFICIAL USE ONLY	
	Received by: _____ <i>Officer's name and signature</i> Date received _____
	OFFICIAL STAMP

* delete what is not applicable

FORM VI
(Regulation 8(2))
(To be completed in duplicate)
Certificate No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

**CERTIFICATE OF REGISTRATION FOR TRADITIONAL KNOWLEDGE/EXPRESSIONS OF
FOLKLORE**

Name of traditional community/group/individual*:

Address.....

Description of the traditional knowledge/expressions of folklore* :
.....

This is to certify that the traditional community/group/person* named on this Certificate has been registered as the holder of the traditional knowledge/expressions of folklore* described above.

Given on this day of 20

Registrar

**OFFICIAL
SEAL**

FORM VII
 (Regulation 9(2) and 11(2))
 (To be completed in duplicate)
 Application No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act**
 (Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

APPLICATION FOR PRIOR INFORMED CONSENT			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
TO: AGENCY/HOLDER*			
DETAILS OF APPLICANT			
(a) Full names			
(b) Nationality			
(c) Identity number			
(d) Telephone number			
(e) Mobile number			
(f) Physical address			
(g) Email address			
I/we* apply for prior informed consent in respect of the following traditional knowledge/genetic resources/expression of folklore*			
1. Traditional knowledge/ genetic resources/expression of folklore* registration number (where applicable)			
2. The reasons for prior informed consent:.....			
3. I/we* declare that I am/we are willing to enter into an agreement on mutually agreed terms.			
4. I/we* declare further that to the best of my/our knowledge, the information given in this application is correct and true and that the prior informed consent will only be used for the reasons stated in this application.			
Dated this..... day of 20			
<hr style="width: 20%; margin: auto;"/> <i>Signature of applicant</i>			

FOR OFFICIAL USE ONLY

Application received by:

Date received:.....

**OFFICIAL
STAMP**

FORM VIII
 (Regulation 9(4) and 11(4))
 (To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act**
 (Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

PRIOR INFORMED CONSENT

To Applicant:

Address of Applicant.....

I/we*.....
 being the holder/Agency* acting on behalf of the holder of the following traditional knowledge/genetic
 resources/expression of folklore*.....

.....

located at consent that the
 above named applicant may access the above stated traditional knowledge/expression of folklore*/apply to the
 Agency for an access permit in respect of the above stated genetic resources/traditional knowledge associated
 with genetic resources*.

This consent is valid from 20.....to20..... and is
 subject to the following conditions:

(i)

(ii)

(iii)

(iv)

(v)

<p>The applicant has obtained the following agreements:</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>Dated this day of20.....</p> <p style="text-align: center;">_____ <i>Registrar/Holder</i></p>
<p>Endorsements:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Dated thisday of20.....</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto;"><p>OFFICIAL STAMP</p></div>

FORM IX
 (Regulation 9(5),10(2)11(5) and 13 (3))
 (To be completed in duplicate)
 Application No:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act
 (Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore (General) Regulations, 2021**

APPLICATION FOR APPROVAL OF PRIOR INFORMED CONSENT <input type="checkbox"/>			
ACCESS AGREEMENT <input type="checkbox"/> LICENSING AGREEMENT <input type="checkbox"/>			
(Tick [√] where applicable)			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
TO: THE REGISTRAR			
DETAILS OF USER			
(1) Here insert full names of user	Full names Identity Number Nationality..... Telephone Number..... Mobile number..... Residential address..... Email address.....		
(2) Here insert full names of user	IN THE MATTER of an application for the approval of the attached prior informed consent contract/access agreement/licensing agreement* between		
(3) Here insert full names of holder			
(2)..... and (3)			
<u>Instructions</u>			
(a) applicant for approval of access agreement and prior informed consent to attach signed copy of prior informed consent;			
(b) applicant for approval of licensing agreement to attach signed copy of licensing agreement.			

FOR OFFICIAL USE ONLY

Received by: _____

Officer's name and signature

Date received: _____

**OFFICIAL
STAMP**

FORM X
(Regulation 13 (2))
(To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act**
(Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

Model Access Agreement

THIS AGREEMENT made the.....day of.....Two thousand
and.....

BETWEENof (hereinafter referred to
as “the holder”) of the one part andof.....¹
(hereinafter referred to as “the User”) of the other part.

WHEREAS the holder of the traditional knowledge/genetic resource* described in the First
Schedule is a traditional community/group/individual*.

AND WHEREAS the holder confirms that the holder has been informed of the research/
exploitation* by the User and consents to provide access to the traditional knowledge/genetic
resources* in situ or ex situ* necessary to carry out the research/exploitation* in accordance
with the project described in the Second Schedule.

AND WHEREAS this Agreement is intended to specify the terms for accessing traditional
knowledge/genetic resources,* its utilisation in accordance with the prior informed consent,
and for sharing the benefits resulting from the utilisation of traditional knowledge/genetic
resources.*

NOW THIS AGREEMENT WITNESSETH as follows:

1.0 INTERPRETATION

1.1 The words defined in the Act shall have the same meaning in this Agreement,
unless otherwise defined in this clause.

1.2 In this Agreement, unless the context otherwise requires—

“associated traditional knowledge” means any experimental or observational
data, information and other findings on the composition, life conditions
and functions of the accessed genetic resources.

“commercialisation” means the use of the traditional knowledge/genetic
resources/traditional knowledge associated with genetic resources* for
the generation of any kind of actual or potential economic profit;

¹ Indicate registered office if it is a company

“product” means the result produced, obtained, extracted or derived from the traditional knowledge/genetic resources/traditional knowledge associated with genetic resources* through research or research and development activities, including data and information generated through analysis of the traditional knowledge/genetic resources/traditional knowledge associated with genetic resources*;

“utilisation for proprietary purposes” means research and development that aims at protecting the traditional knowledge/genetic resources/traditional knowledge associated with genetic resources*, including products and processes developed, by intellectual property rights, keeping the associated traditional knowledge secret, making the associated traditional knowledge accessible at minimal cost for dissemination or bringing the products and processes developed from the accessed genetic resources on the market;

“utilisation for the public domain” means research and development that aims at making the genetic resources or associated traditional knowledge, including products and processes developed, available to the public at a minimal cost for dissemination, and without being protected by patent rights or further restricted by other intellectual property rights;

“utilisation of traditional knowledge/genetic resources/traditional knowledge associated with genetic resources*” means research and development on the genetic or biochemical composition of the accessed traditional knowledge/genetic resources/traditional knowledge associated with genetic resources*, including through the application of biotechnology to make or modify products or processes for specific use.

2.0 ACCESS TO GENETIC RESOURCES

2.1 The User shall be entitled to collect samples as follows:²

2.2 The User shall within³ *after collection of the samples notify the holder/representative of the holder* the types of samples the User intends to utilise. The holder/representative of the holder* may, within (3) after receiving the notice, raise an objection in which case the parties will have to agree on the types of samples allowed to be utilised.

2.3 The User shall bear all the costs incurred in accessing and preserving the traditional knowledge/genetic resources/traditional knowledge associated with genetic resources*.

3.0 UTILISATION OF THE TRADITIONAL KNOWLEDGE/GENETIC RESOURCES*

3.1 The User shall be entitled to utilise the accessed traditional knowledge/genetic resources/traditional knowledge associated with genetic resources* in accordance with clause 2.0.

- 3.2 The accessed traditional knowledge/genetic resources/traditional knowledge associated with genetic resources* shall be for commercialisation/utilisation for proprietary purposes/ utilisation for public domain*.

Specifications ⁴

- 3.3 Where the accessed traditional knowledge/genetic resources* is for commercialisation/utilisation for public domain* and after the conclusion of this Agreement, the User intends to utilise the accessed traditional knowledge/genetic resources/traditional knowledge associated with genetic resources* for proprietary purposes, the User shall seek the consent of the Holder.

- 3.4 Where the User intends to change the utilisation of the accessed traditional knowledge/genetic resources/traditional knowledge associated with genetic resources from non-commercial to commercial the User shall obtain a new prior informed consent issued by the Holder or the Agency. In this case, the terms of the commercialisation shall be subject to a separate benefit sharing agreement between the parties.

4.0 **TRANSFER OF GENETIC RESOURCES TO THIRD PARTIES**

- 4.1 A User may transfer the genetic resources and their associated traditional knowledge to third parties after having obtained the written consent of the Holder and in accordance with mutually agreed terms between the Holder and the third party unless where a transfer is for purposes of scientific identification by a taxonomic specialist.

- 4.2 Despite clause 4.1, the User shall be entitled to deposit the genetic resources in collections that are accessible without restrictions for research purposes such as herbaria, museums and culture collections.

- 4.3 Where the User transfers the collection of living genetic resources, for educational purposes, to a site outside their natural habitat or ecosystem, the User shall take appropriate precautions to prevent an unauthorised person from being in possession of the genetic resources.

- 4.4 The User shall maintain retrievable records of any transfer of the genetic resources to third parties under the conditions corresponding to this Agreement and allow access to such records to the holder or the authority designated by the Agency. (insert name and address of authority if applicable)

5.0 **SCIENTIFIC COLLABORATION AND CAPACITY-BUILDING**

The User agrees to collaborate with scientists from within Zambia in the utilisation activities based on this Agreement. The collaboration shall be as follows: ⁵

.....

² indicate the type of samples, quantity of samples and location of collection

³ period to be specified by the Parties

⁴ Specify the details of the intended utilisation of the accessed traditional knowledge/genetic resources/traditional knowledge associated with genetic resources

⁵ Here specify the details of the collaboration

6.0 BENEFIT-SHARING IN CASE OF UTILISATION FOR PROPRIETARY PURPOSES

- 6.1 The benefits arising from the access and use of the genetic resources shall be shared fairly and equitably by the User, in accordance with the principles established in the Act. Basic benefits to be shared include—
- (a) an offer to the Holder to include local researchers in the research activities, where necessary;
 - (b) in case of publications or oral presentation of the research results, acknowledgement is to be given to the source of the genetic resource/traditional knowledge*;
 - (c) if traditional knowledge associated to the genetic resources is used in the research, results published or presented orally will include full acknowledgement of the source of the genetic resources and the traditional knowledge, if so required by the Holder;
 - (a) the Holder will receive a copy of all publications;
 - (b) research results will be communicated to involved stakeholders in an adequate manner and according to reasonable requirements of the Holder;
 - (c) if applicable the User should share the duplicate specimens with the repository in Zambia in accordance with good scientific practice.

In addition the parties agree as follows:

- 6.2 The User agrees to pay an up-front compensation of ... (amount to be specified) to the Holder, if the User utilises the accessed genetic resources for proprietary purposes. The payment is due to the Holder within months (term to be specified) after consent on the kinds of genetic resources to be utilised has been reached under clause 2.0. The payment shall be transferred to the following account of the holder/representative of the holder*:⁶
.....
- 6.3 Where the User utilises the accessed genetic resources or uses the associated Knowledge for proprietary purposes according to clause 3.3 and 3.4, it must fairly and equitably share with the Holder any monetary benefit obtained.
- 6.4 The share shall be determined by further negotiations between the Parties to this agreement.
- 6.5 (Alternative to 6.4) The share shall bepercent of the revenue from sales of the product or process based on the accessed genetic resources. It shall be paid on the basis of a financial report to be sent to the holder or an authority designated by the Agency at the end of any year of any revenue generation to the account designated by the same.

⁶ This clause is to be crossed out if not applicable

(Insert authority and account details if applicable)

- 6.6 If the User utilises the accessed genetic resources or utilises the associated traditional knowledge for proprietary purposes without being entitled according to clause 3.3 or 3.4 and therefore in breach of the conditions of this agreement it must share with the Holder any monetary benefit obtained from such utilization or use. The share shall be percent of the revenue from sales of the product or process based on the accessed genetic resources. It shall be paid on the basis of a financial report to be sent to the Holder or an authority designated by the Agency in due time upon request by the same.⁷

(Insert authority and account details if applicable)

7.0 RESPECT FOR OTHER LAWS

The User shall ensure that the collection, storage, transfer, utilisation and exportation of the genetic resources complies with all applicable laws of the republic of Zambia on the protection of human health and the environment, on taxes, on customs and any other concern.

8.0 DURATION OF THE AGREEMENT

The Agreement shall be for a duration ofcommencing from to

8.0 APPLICABLE LAW

The applicable law on any matters relating to the interpretation and the application of the present Agreement shall be:

9.0 DISPUTE SETTLEMENT

- 9.1 No Party shall, in the event of a dispute arising from this agreement, commence court proceedings (except proceedings for urgent interlocutory relief) before searching for an amicable solution according to paragraphs 9.2 and 9.3 of this clause
- 9.2 A Party to this Agreement claiming that a dispute has arisen under or in relation to this agreement must serve the other Party with a written notice specifying the nature of the dispute on receipt of which the dispute resolution shall forthwith begin.
- 9.3 Any dispute arising from this Agreement shall be resolved expeditiously foremost by negotiation in good faith failure to which the Parties shall engage informal dispute resolution techniques, such as mediation and arbitration or similar techniques agreed to by them.

⁷ This article or single paragraphs of it are to be crossed out if not applicable

10. TERMINATION OF THE AGREEMENT

- 10.1 The agreement may be terminated at any time by mutual agreement in writing.
- 10.2 The agreement may be terminated by default if the User fails to satisfy any of the obligations under this agreement.
- 10.3 In the case of default by the User, the Holder may immediately terminate this agreement by giving written notice to the User of the termination, provided that:
 - (a) the holder has given prior notice to the User of the alleged default; and
 - (b) the user fails to respond to the holder within the period specified by the notice (being not less than 20 business days and not more than 60 business days) to rectify or explain to the satisfaction of the holder the reasons for the default.

11.0 RESPONSIBLE PERSON

The holder designates the following institution [insert the relevant institution] as the responsible contact point for the entire duration of the present Agreement. Contact details of the technical contact point are follows:

.....
.....

12.0 INTELLECTUAL PROPERTY RIGHTS

- 12.1. The User shall not claim any intellectual property rights over the Traditional Knowledge/Genetic Resource* in the form received. If the User wants to obtain intellectual property rights on research results such act shall be treated as change in utilisation and thus shall be regulated under clause 3.5 of this Agreement. In particular the ownership of the IPR and the distribution of the value derived from the IPR are to be negotiated.

13.0 DATA SHARING

- 13.1 The User agrees that the Provider has the right to access the following data resulting from the research/utilisation
.....[insert type of data]
- 13.2 The User shall facilitate access to the above defined data for the holder.

AS WITNESS the hands of the parties hereto or their duly authorised agents the day and year first before written.

SIGNED by Holder)

in the presence of:)

WITNESS

Name:

Address:

Occupation:

SIGNED by User)

in the presence of:)

WITNESS

Name:

Address:

Occupation:(**Footnotes**)

FORM XI
 (Regulation 17(1))
 (To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act**

(Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

APPLICATION FOR A COMPULSORY LICENCE			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
TO: THE MINISTER			
Details of Applicant			
Full names			
Identity Number			
Nationality.....			
Residential address.....			
Telephone Number.....			
Mobile number.....			
Email address.....			
Details pertaining to the traditional knowledge/genetic resources* to be accessed			
(1) Here insert full name of holder	1. Full name of holder		
(2) Here give a brief description of the traditional knowledge/genetic resources to be accessed	2. Type of traditional knowledge/genetic resources* to be accessed (2)		
(3) Here give the salient features of the traditional knowledge/genetic resource*	3. Description of the intended use of the traditional knowledge/genetic resource*(3)		

Grounds for application	
	<p>1. This application is based on the following grounds:</p> <p>(a) traditional knowledge/genetic resource* is not being sufficiently exploited by the holder <input checked="" type="checkbox"/></p> <p>(b) the holder has refused to grant access subject to reasonable commercial terms and conditions</p>
	<p>2. The application for compulsory license is made in the interest of public security/public health* on the basis of the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>NOTE: Where necessary attach supporting documents *Delete whichever is not applicable <input checked="" type="checkbox"/> Tick where appropriate</p>
	<p>Dated this day of 20.....</p> <p>_____</p> <p><i>Signature of Applicant</i></p>
<p>FOR OFFICIAL USE ONLY</p> <p>Received by: _____</p> <p style="text-align: center;"><i>Officer's name and signature</i></p> <p>Date received: _____</p> <div style="text-align: right; border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>OFFICIAL STAMP</p> </div>	

FORM XII
 (Regulation 17 (2))
 (To be completed in duplicate)
 Compulsory Licence No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act
 (Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

COMPULSORY LICENCE FOR TRADITIONAL KNOWLEDGE <input type="checkbox"/> GENETIC RESOURCES* <input type="checkbox"/> <i>(Tick [x] where applicable)</i>	
Issued by: The Minister responsible for commerce	
(1) Here insert the name of the applicant (2) Here insert the full physical address of the applicant (3) Here describe the traditional knowledge/genetic resources applied for (4) Here insert name of holder	To (1):..... of (2) WHEREAS the applicant in application No. applied for access to the following traditional knowledge/genetic resources*: (3) held by (4).....
(5) Here insert the intended use of the genetic resource/traditional knowledge*	WHEREAS the traditional knowledge/genetic resource* described in paragraph (3) is not being sufficiently exploited by the holder or where the holder refuses to grant access subject to reasonable commercial terms and conditions. WHEREAS the applicant desires the right to access the said traditional knowledge/genetic resources* as follows: (5)..... WHEREAS in the interest of public security/public health*, I grant this compulsory licence on the following conditions:

<p>(6) Here insert the amount to be paid by the applicant as set by the Minister</p> <p>(7) Here indicate the quantities to be accessed by the applicant</p>	<p>1. The applicant has the right to make use of the accessed traditional knowledge/genetic resource* as specified in the compulsory licence.</p> <p>2. In consideration of the compulsory licence, the applicant shall pay the holder a sum of (6)</p> <p>3. This compulsory licence is binding on –</p> <p> (a) the holder and applicant; or</p> <p> (b) in the case of traditional knowledge held by an individual, the heirs, legal representatives, successors, and an assignee of the individual holder.</p> <p>4. In the case of genetic resources, the quantity to be accessed by the applicant is (7)</p> <p>5. This compulsory licence is valid for a period of</p> <p style="text-align: center;">Dated this day of, 20.....</p> <p style="text-align: center;">_____ <i>Minister</i></p>
--	--

¹ Here specify the details of the collaboration

FORM XIII
 (Regulation 12 (1) and (2))
 (To be completed in duplicate)
 Application No.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act
 (Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

APPLICATION FOR ACCESS PERMIT OR EXPLORATION PERMIT ACCESS PERMIT <input type="checkbox"/> EXPLORATION PERMIT <input type="checkbox"/> (Tick [x] where applicable)			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
TO THE REGISTRAR:			
PART A ACCESS PERMIT			
Details of applicant			
(a) Full names			
(b) Nationality			
(c) Residential address			
(d) Identity number			
(e) Mobile number			
(f) Email address			
Details of traditional knowledge/genetic resources*			
(1) Here insert a brief description of the traditional knowledge/genetic resources* to be accessed	2. This application is for an access permit to access the following traditional knowledge/genetic resources*: (1)		
Accompanying documents			
Documents accompanying the application –			
(a) a written prior informed consent <input type="checkbox"/> (b) an access agreement <input type="checkbox"/> (c) an Environmental Impact Assessment Report (where applicable) <input type="checkbox"/> (d) a detailed project proposal <input type="checkbox"/> <input type="checkbox"/> Officer to tick documents received			

PART B	
EXPLORATION PERMIT	
Details pertaining to the Genetic Resources	
<p>(1) Here insert a brief description of the genetic resources to be explored</p> <p>(2) Here insert a clear description of the physical location of the genetic resources</p> <p>(3) Here indicate the full duration of the exploration and attach the time schedule for the exploration</p>	<p>The applicant applies for an exploration permit to explore the following genetic resources:</p> <p>(1)</p> <p>.....</p> <p>.....</p> <p>The location of the genetic resource listed in paragraph (1) is</p> <p>(2).....</p> <p>.....</p> <p>.....</p> <p>The estimated duration for the exploration is</p> <p>(3).....</p> <p>.....</p>
Purpose for the Exploration Permit	
	<p>The exploration permit is required for the following purposes:</p> <p>(a).....</p> <p>.....</p> <p>(b).....</p> <p>.....</p> <p>(c).....</p> <p>.....</p> <p>(d).....</p> <p>.....</p>
Attachments	
<p>Please attach the Access agreement</p> <p style="text-align: center;">Dated this day of 20.....</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Signature of applicant</i></p>	
DECLARATION	
<p>I/we* the applicant declare that the information provided herein and the accompanying documents are true and correct to the best of my/our* knowledge.</p> <p>I/we* declare further that to the best of my/our* knowledge, I/we* have complied with the relevant laws and regulations as per the documents.</p> <p style="text-align: center;">Dated thisday of 20.....</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Signature of Applicant</i></p>	
FOR OFFICIAL USE ONLY	
<p>Received by: _____</p> <p style="text-align: center;"><i>Officer's name and signature</i></p> <p>Date received: _____</p>	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="margin: 0;">OFFICIAL STAMP</p> </div>	

* delete what is not applicable

FORM XIV
 (Regulation 12 (7))
 (To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act**
 (Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

ACCESS PERMIT			
Please write in BLOCK LETTERS	Shaded fields for official use only	Permit No.	
		Date/place of issue	
Details of applicant			
Full names			
Identity Number			
Nationality			
Residential address			
Telephone number			
Mobile number			
Email address			
1. Subject to any other written law or agreement concluded between the holder and applicant, the above named applicant is authorised to access the following genetic resources located at..... (a) (b) (c)			
2. This permit is valid from 20..... to20.....			
<hr style="width: 20%; margin: 0 auto;"/> <i>Registrar</i>			
			OFFICIAL STAMP

FORM XV
 (Regulation 12 (7))
 (To be completed in duplicate)



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act
 (Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

EXPLORATION PERMIT			
Please write in BLOCK LETTERS	Shaded fields for official use only	Permit No.	
		Date/place of issue	
Details of User			
Full names			
Identity Number			
Nationality			
Residential address			
Telephone number			
Mobile number			
Email address			
Details of Genetic Resources			
2. Subject to any other written law and any other agreement concluded between the holder and applicant, the above named user is authorised to explore the following genetic resources located at:			
(a)			
(b)			
(c)			
Purpose of Exploration Permit			
3. The exploration permit is issued for the following purposes:			
(a).....			
(b).....			
.....			
(c).....			
.....			

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

This permit is valid from20.....to.....20.....

The exploration permit holder is required to –

- (a) deposit a copy of the exploration permit with the relevant appropriate institution in the district where the exploration is to be undertaken;
- (b) strictly observe the terms and conditions specified in the exploration permit;
- (c) present, on completion of the exploration, to the Agency, or an appropriate institution designated by the Agency, a detailed report and plan of the exploration undertaken;
- (d) show, on request by an appropriate institution or person having an interest in the property in which the exploration is being undertaken, the exploration permit;
- (e) respect local customs, traditions, values and property rights in the locality where the exploration is being undertaken; and
- (f) observe and comply with the other relevant laws.

1. This permit may be withdrawn by the Agency should the holder breach any of the laws of the Republic of Zambia or any of the conditions contained in the Access Agreements.
2. This permit is not transferrable.

Dated this day of 20.....

Registrar

FORM XVI
(Regulation 12 (10))
Application No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

APPLICATION FOR RENEWAL OF ACCESS PERMIT OR EXPLORATION PERMIT			
ACCESS PERMIT <input type="checkbox"/> EXPLORATION PERMIT <input type="checkbox"/> <i>(Tick [X] where applicable)</i>			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
TO THE REGISTRAR:			
Details of Permit Holder			
Full names			
Identity Number			
Nationality.....			
Residential address.....			
Telephone Number.....			
Mobile number.....			
Email address.....			
1. Here insert the date of expiry of the Access/Exploration* permit	The access/exploration* permit holder applies for the renewal of the access/exploration* permit which is due to expire on (1).....day of.....20.....		
Accompanying documents			
2. Here describe full details and conditions of Access/Exploration* Permit and any other accompanying documents	1. The following documents are attached to this application: (a) current permit <input type="checkbox"/> (b) written prior informed consent* <input type="checkbox"/> (c) an access agreement* <input type="checkbox"/> (d) an Environmental Impact Assessment Report* (where applicable) <input type="checkbox"/> (e) a detailed project proposal where there is a new project or the project has changed* <input type="checkbox"/> Dated this day of 20..... <div style="text-align: center;"> _____ <i>Signature of applicant</i> </div>		

DECLARATION

I, the applicant declare that the information provided herein and the accompanying documents are true and correct to the best of my knowledge.

Officer to tick box where relevant document attached.

Received by: _____

Officer's name and signature

Date received: _____

**OFFICIAL
STAMP**

FORM XVII
(Regulation 12 (11))
Application No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

RENEWAL OF ACCESS PERMIT OR EXPLORATION PERMIT			
ACCESS PERMIT <input type="checkbox"/>		EXPLORATION PERMIT <input type="checkbox"/>	
<i>(Tick [✓] where applicable)</i>			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
Details of Permit Holder			
Full names			
Identity Number			
Nationality.....			
Residential address.....			
Telephone Number.....			
Mobile number.....			
Email address.....			
This renewal is effective fromto			
Date this day of 20			
			OFFICIAL STAMP

FORM XVIII
(Regulation 18(1))
Application No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act**
(Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

APPOINTMENT OF AGENT

TO: THE REGISTRAR

DETAILS OF APPLICANT	
(1) Here also indicate if user or holder	Full names (1)..... Identity Number Nationality..... Residential address..... Telephone Number..... Mobile number..... Email address.....
DETAILS OF AGENT	
	Full names Identity number Nationality..... Residential address..... Telephone number..... Mobile number..... Email address.....
(2) Here indicate the relevant subject matter	I/we* authorise the above named person/firm*to act as my/our* agent in respect of (2)..... and request that all notices, requisitions and communications relating thereto may be sent to the agent at the above address. I/we* further revoke all previous authorisation/appointment, if any, in respect of the subject matter.

Dated this day of, 20.....

Signature of applicant

FOR OFFICIAL USE ONLY

Received by: _____

Officer's name and signature

Date received: _____

**OFFICIAL
STAMP**

*delete what is not applicable

FORM XIX
(Regulation 19)
Notice No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

REQUEST FOR INFORMATION

TO: THE REGISTRAR

DETAILS OF APPLICANT	
Full names (1).....	
Identity Number	
Nationality.....	
Residential address.....	
Telephone Number.....	
Mobile number.....	
Email address.....	
(1) Here insert name of holder/representative*	I/we*(1)
(2) Here specify whether holder/representative*	in my/our* capacity as (2) give notice of the changes) in the particulars entered in the Register (3)
(3) Here specify name of register register* as follows:

	<p>Dated this day of 20.....</p> <p>_____</p> <p><i>Signature of Holder/Representative*</i></p>
<p>FOR OFFICIAL USE ONLY</p> <p>Received by: _____</p> <p><i>Officer's name and signature</i></p> <p>Date received: _____</p> <div data-bbox="1043 674 1206 745" style="border: 1px solid black; padding: 2px; text-align: center;">OFFICIAL STAMP</div>	

FORM XX
 (Regulation 20(2))
 Notice No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act**
 (Act No. 16 of 2016)

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

NOTICE OF CHANGE OF PARTICULARS	
TO: REGISTRAR	
Details of applicant	
(1) Here insert name of holder/representative* (2) Here specify whether holder/representative* (3) Here specify name of register	<p>I/we*(1)</p> <p>in my/our* capacity as (2) give notice of the change(s) in the particulars entered in the Register (3) register* as follows:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p style="text-align: center;">Dated this day of 20.....</p> <p style="text-align: center;">_____ <i>Signature of Holder/Representative*</i></p>
FOR OFFICIAL USE ONLY	
Received by: _____ <i>Officer's name and signature</i>	
Date received: _____	
<div style="border: 1px solid black; display: inline-block; padding: 5px 15px;">OFFICIAL STAMP</div>	

* delete what is not applicable

FORM XXI
(Regulation 21)
Application No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
and Expressions of Folklore Act
(Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
Expressions of Folklore Regulations, 2021**

APPLICATION FOR DUPLICATE CERTIFICATE FOR TRADITIONAL KNOWLEDGE OR EXPRESSIONS OF FOLKLORE*			
TRADITIONAL KNOWLEDGE <input type="checkbox"/> EXPRESSIONS OF FOLKLORE <input type="checkbox"/> (Tick [√] where applicable)			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.	
		Date/Time	
TO: THE REGISTRAR			
DETAILS OF APPLICANT			
	Full names Identity Number Nationality Residential address Telephone Number Mobile number Email address		
(1) Here insert name of holder/representative* (2) Here specify whether holder/representative*	I/we*(1) in my/our* capacity as (2) request for a duplicate of the certificate of registration for traditional knowledge/expressions of folklore* number..... for the following reasons:		
FOR OFFICIAL USE ONLY			
Received by: _____ <div style="text-align: center;"><i>Officer's name and signature</i></div> Date received: _____			
			OFFICIAL STAMP

FORM XXII
 (Regulation 21)
 Application No.:.....



THE PATENTS AND COMPANIES REGISTRATION AGENCY

**The Protection of Traditional Knowledge, Genetic Resources
 and Expressions of Folklore Act
 (Act No. 16 of 2016)**

**The Protection of Traditional Knowledge, Genetic Resources and
 Expressions of Folklore Regulations, 2021**

APPLICATION FOR AMENDMENT OF DOCUMENT LODGED	
TO: THE REGISTRAR:	
Details of applicant	
(a) Full name	
(b) Identity number	
(c) Nationality	
(d) Residential address	
(e) Telephone number	
(f) Mobile phone number	
(g) Email address	
Details of agent (if filed by agent)	
(a) Full name	
(b) Identity number	
(c) Nationality	
(d) Residential address	
(e) Telephone number	
(f) Mobile number:	
(g) Email address:	
The Registrar is requested by the above named applicant to amend the document stated below –	
The following are the details to be amended: (i) (ii) (iii) (iv)	

Dated this day of20.....

Signature of applicant/holder

FOR OFFICIAL USE ONLY:

Application received by: _____

Officer's name and signature

Date received: _____

**OFFICIAL
STAMP**

SECOND SCHEDULE
(Regulation 24)

PRESCRIBED FEES

<i>No.</i>	<i>Item</i>	<i>Form No.</i>	<i>Foreign fee</i>	<i>ZMW</i>
TRADITIONAL KNOWLEDGE				
1	Application for registration of Traditional Knowledge	I	N/A	500
2	Notice of application for registration of Traditional Knowledge,	II	N/A	500
GENETIC RESOURCES				
3	Application for access permit	XIII	5,000	1,000
4	Application for an exploration permit	XIII	3,000	1,000
5	Application for renewal of access permit	XVI	5,000	1,000
6	Application for renewal of exploration permit	XVI	3,000	1,000
EXPRESSIONS OF FOLKLORE				
7	Application for registration of Expressions of Folklore	I	N/A	300
8	Notice of application for registration of Expressions of Folklore,	II	N/A	500
GENERAL PROVISIONS				
9	Appointment of Agent	XVIII	1,000	500
10	Application for prior informed consent	VII	5,000	500
11	Application for approval of Prior Informed Consent/Access/Licensing agreement	IX	1,000	100
12	Notice of Objection	III	2,500	1,000
13	Application for a Compulsory Licence	XI	5,000	2,500
14	Request for information	XIX	350	100
15	Application for duplicate certificate for traditional knowledge/ expressions of folklore	XXI	500	500
16	Application for amendment/correction of clerical errors	XXII	500	500

C. YALUMA,
Minister of Commerce, Trade and Industry

LUSAKA

11th May, 2021

[MCTI.101/21/2]