



UNIVERSITY *of* LUSAKA

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SCHOOL OF LAW

**A CRITICAL ANALYSIS OF THE WEAKNESSES IN THE INDUSTRIAL DESIGNS
ACT OF 2016 OF ZAMBIA: A COMPARATIVE STUDY WITH BEST PRACTICES
FROM KENYA AND THE UNITED KINGDOM.**

By:

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**AN OBLIGATORY ESSAY SUBMITTED TO THE UNIVERSITY OF LUSAKA IN
PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE
BACHELOR OF LAWS (LLB) DEGREE.**

2025

DECLARATION

I, **NTAZANA NAMUMBA**, do hereby declare that this dissertation titled “**A CRITICAL ANALYSIS OF THE WEAKNESSES IN THE INDUSTRIAL DESIGNS ACT OF 2016 OF ZAMBIA: A COMPARATIVE STUDY WITH BEST PRACTICES FROM KENYA AND THE UNITED KINGDOM**”. Which is hereby submitted to the School of Law at the University of Lusaka as part of the fulfilments of the requirements for the award of the Bachelor of Laws (LLB) degree, is my original work and has not previously been submitted, in whole or in part, for the award of a degree at this or any other tertiary institution.

The sources that have been used or quoted have been indicated and duly acknowledged as complete reference.

Signature: NTAZANA NAMUMBA

Date : 18 November 2025

SUPERVISOR'S RECOMMENDATION

I RECOMMEND THAT this obligatory essay under my supervision

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**A CRITICAL ANALYSIS OF THE WEAKNESSES IN THE INDUSTRIAL DESIGNS
ACT OF 2016 OF ZAMBIA: A COMPARATIVE STUDY WITH BEST PRACTICES
FROM KENYA AND THE UNITED KINGDOM.**

Done under my supervision, be admitted by the University, I have checked it carefully and I am satisfied that it meets the necessary requirements pertaining to the format laid down by the University regulations.



.....
Mr. CHISANGA MUTALE

(Supervisor)

ACKNOWLEDGEMENT

I begin by thanking my Heavenly Father, Jehovah God, for granting me the strength, wisdom, and perseverance throughout my law school journey.

My sincere appreciation goes to my supervisor, Mr. Chisanga Mutale, for his patient guidance, constructive criticism, and invaluable insight. Your mentorship has been instrumental to the success of this research.

To my Dad, thank you for your endless support, sacrifices, and faith in me, every word of encouragement and for always reminding me that success comes through faith, discipline and hard work. You have taught me the value of perseverance and hard work, and your wisdom continues to inspire me.

To my Mom, my superwoman thank you. Your constant prayers, unconditional love, and belief in me have been my greatest source of inspiration and comfort. Your love has been the pillar on which I have leaned, and your faith has carried me through moments when I doubted myself. Thank you for every prayer whispered, every word of encouragement spoken, and every sacrifice made in silence.

To my older brother Izukanji, thank you for believing in me and for your constant encouragement for pushing me to be the best version of myself, for all the tears you dried and assistance you provided, I will forever be grateful. You have always been my protector and cheerleader. To my siblings, Taona, Muonvi, and Anene, thank you for inspiring me to be the best version of myself.

To my Fiancé Evans Halwiindi, thank you for your patience, love and unwavering support. You have been my calm in chaos, reminding me to breath, to rest, and to never lose sight of the goal. Thank you for the encouraging phone calls and messages before my exams. Even when things did not go my way you were always there to dry my tears and tell me how proud you were of me, thank you for making this journey lighter.

Lastly, I extend my gratitude to the School of Law, University of Lusaka, for the knowledge, guidance, and inspiration imparted throughout this academic journey.

DEDICATION

I dedicate this dissertation to myself, **Ntazana Namumba**, as a reminder that I am capable of achieving anything I set my mind to. May I always look back at this work with pride, gratitude and strength, to remember every late night, every tear, and every moment I chose to keep going.

To the woman I was when I started, unsure but determined and to the woman I have become through this journey, I am proud of you. You persevered, you grew, and you made it.

ABSTRACT

This study evaluated whether Zambia's Industrial Designs Act No. 22 of 2016 is adequate for protecting the forms of modern and digital design that increasingly define today's creative and technological landscape. Although the Act was introduced to modernize the country's intellectual property framework, it remains tied to a traditional, article-based definition of design that excludes digital interfaces, icons, animations and other virtual elements now central to innovation. The research identified several weaknesses within the current law, including the exclusion of digital subject matter, the absence of prior user rights, limited enforcement mechanisms, lack of protection for unregistered designs and Zambia's non-participation in The Hague international registration system. These limitations collectively undermine legal certainty for creators and restrict Zambia's ability to compete in a global market where digital creativity plays a major role. By examining the approaches adopted in Kenya and the United Kingdom, the study shows that more flexible and forward-looking design regimes are achievable and offer valuable lessons for reform. Based on these insights, the study recommended expanding the definition of industrial design to include digital creations, introducing prior user protections, recognising unregistered designs, strengthening enforcement structures and joining The Hague system to support international protection. Overall, the study concludes that meaningful reform of the current Act is essential for supporting innovation, encouraging entrepreneurship and positioning Zambia to participate effectively in the growing digital and creative economies.

TABLE OF CONTENTS

DECLARATION.....	ii
SUPERVISORS RECOMMENDATION.....	iii
ACKNOWLEDGEMENTS.....	iv
DEDICATION.....	v
ABSTRACT	vi
CHAPTER ONE.....	1
1.0 Introduction.....	1
1.1 Background of the Study.....	2
1.1 Statement of the Problem.....	3
1.2 Objectives of the Study.....	4
1.3 Research Questions.....	6
1.4 Significance of the Study.....	5
1.5 Literature Review.....	6
1.6 Research Methodology.....	9
1.7 Ethical Considerations.....	10
1.8 Research Approach.....	10
1.9 Data Collection.....	11
1.10 Scope and Limitations of the Study.....	11
 CHAPTER TWO	
2.0 Introduction.....	12
2.1 Definitional Scope and Theoretical Underpinnings.....	12

2.1.2. Zambia's Article-Centric Definition.....	13
2.1.3. Comparative Perspective – Kenya.....	14
2.1.4. Comparative Perspective – United Kingdom.....	15
2.1.5. Benefit to Zambia.....	15
2.2 Novelty Requirement and Absence of Prior User Rights.....	15
2.2.1 Zambia's First-to-File Rule.....	16
2.2.2 Problems with Statutory Prior User Rights.....	16
2.2.3 Weighing the Positions for Zambia.....	16
2.2.4 Comparative Perspective – Kenya.....	17
2.2.5 Comparative Perspective – United Kingdom.....	17
2.2.6 Benefit to Zambia.....	17
2.2.7 Enforcement Framework.....	18
2.2.8 Zambia's Enforcement Structure.....	18
2.2.9 Comparative Perspective – Kenya.....	18
2.3. Comparative Perspective – United Kingdom.....	18
2.3.1 Pros and Cons of a Specialized Tribunal.....	19
2.3.2 Position for Zambia.....	19
2.3.3 Benefit to Zambia.....	19
2.4 Absence of International Alignment – The Hague Agreement.....	20
2.4.1 Pros and Cons of Non-Membership.....	20
2.4.2 TRIPS-Plus vs TRIPS-Minus Debate.....	20
2.4.3 Comparative Perspective – Kenya & UK.....	20
2.4.4 Benefit to Zambia.....	20
2.5 Lack of Protection for Unregistered Designs.....	21

2.5.1 Zambia's Registered-Only Model.....	21
2.5.2 Comparative Perspective – United Kingdom.....	21
2.5.3 Pros and Cons of Zambia's Registered-Only System.....	21
2.5.4 Position for Zambia.....	22
2.6 TRIPS Compliance and Best Practice.....	22
2.7 Summary of Findings.....	22

CHAPTER THREE

3.0 Introduction.....	23
3.1 Kenya's Industrial Design Protection Regime.....	23
3.1.1 Evolution and Context.....	23
3.1.2 Novelty, Grace Period, and Prior User.....	24
3.1.3 Enforcement and Institutions.....	24
3.1.4 International Alignment.....	25
3.2 The United Kingdom's Registered Designs Act 1949.....	25
3.2.1 Legal Framework and Digital Recognition.....	25
3.2.2 Novelty and Prior Use.....	26
3.2.3 Enforcement System.....	26
3.2.4 International Integration.....	26
3.3 Lessons for Zambia.....	26
3.4 Conclusion.....	27

CHAPTER FOUR

4.0 Introduction.....	29
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4.1 Legislative Reforms.....	29
4.1.1 Broadening the Definition of Industrial Design.....	30
4.1.2 Introducing Prior User Rights and Grace Periods.....	31
4.1.3 Recognition of Unregistered Design Rights.....	32
4.1.4 Accession to The Hague Agreement.....	33
4.1.5 Strengthening Enforcement and Remedies.....	34
4.2 Institutional and Policy Reforms.....	35
4.2.1 Awareness and Capacity Building.....	35
4.2.2 Digitization of Registration.....	35
4.2.3 Integration with National Development Frameworks.....	36
4.3 The TRIPS-Plus and TRIPS-Minus Debate.....	36
4.4 Anticipated Benefits of Reform.....	38
4.5 Implementation Strategy.....	38
4.6 Conclusion.....	39

CHAPTER FIVE

5.0 Introduction.....	40
5.1 Summary of Findings.....	40
5.2 Summary of Chapters.....	40
5.2.1 Chapter One.....	40
5.2.2 Chapter Two.....	41
5.2.3 Chapter Three.....	41
5.2.4 Chapter Four.....	41

5.3 Major Findings of the Study.....	42
5.4 Recommendations.....	43
5.5 Final Observation.....	44
5.6 Conclusion.....	45
BIBLIOGRAPHY.....	45

CHAPTER ONE

1.0 INTRODUCTION

Creativity is now one of the most important factors driving both social and economic development. Creativity is what pushes innovative product design, and the way in which a product looks is a key factor in determining whether a consumer will purchase it and differentiate one product from another.

Therefore, industrial design protection is no longer simply a matter of style, but rather is a vital component of intellectual property law that fosters creative thinking and promotes sustainable industrial development by providing protection for the distinct characteristics of a product's appearance. Industrial design protection provides protection for the "look" of a product, specifically through the protection of the configuration, ornamentation, shape, pattern, and other visual aspects of a product. Protection for these visual characteristics of a product encourages continued product design innovation while also providing benefits to designers and manufacturers who create these visually distinctive products.

Zambia protects industrial designs pursuant to the Industrial Designs Act No. 22 of 2016 ("Act"). The Act amended prior protections for industrial designs under the Patents and Companies Registration Act ("Prior Law") and was enacted to update the intellectual property laws of Zambia to reflect contemporary international standards, including those established by the Agreement on Trade Related Aspects of Intellectual Property Rights ("TRIPS"). However, despite its relatively recent introduction, Zambia's Industrial Designs's Act is still based on a very traditional view of design. It focuses almost entirely on protecting physical, tangible products. In the modern world, this traditional approach is becoming increasingly useless. Design innovation has moved well beyond physical objects and now heavily involves the digital realm. We can think about how many designs that are everywhere today like the Graphical User Interface (GUIs), Icon Designs, Animations, screen layouts. These digital creations are absolutely critical for shaping how we experience and interact with software and devices. The core issue is that these digital designs are not protected under the current Act. Why? Because the law defines an "Industrial Design" solely as a feature applied to a physical article.

This narrow physical product only definition created a huge barrier for designers and developers in Zambia. This is particularly harmful right now, as digital technologies are becoming an ever increasing engine for economic development and entrepreneurial activity. Our Zambian laws simply aren't keeping up with the kind of innovation that's driving the modern economy.

1.1 Background of the Study

The purpose of industrial design law is to accord protection on the aesthetic features of products the shape, pattern, ornamentation, and visual configuration that distinguish them in the marketplace¹. Traditionally, these laws were made from the perspective of concrete, mass produced goods. In the 21st century, however, industrial design has come to include such digital or virtual outputs like graphical user interfaces (GUIs), mobile application layouts, and 3D digital models in augmented reality or virtual reality environments.².

In Zambia, the Industrial Designs Act No. 22 of 2016 ("the Act") modernized the legal framework by replacing the colonial-era Registered Designs Act, Cap 402³. The Act aligns with the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), particularly Article 25, which requires protection for independently created designs that are new or original⁴. However, the legislation retains an "article-centric" definition of design that risks excluding many modern and digital creations from protection.

Globally, jurisdictions have moved toward broader, technology neutral definitions and enforcement structures that facilitate cross-border protection. The United Kingdom (UK) and Kenya both common law jurisdictions and WTO members offer instructive comparative models. The UK has reformed its Registered Designs Act 1949 to include digital designs such as screen displays and icons⁵. Kenya has interpreted its Industrial

¹ W Cornish, D Llewelyn and T Aplin, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (8th edn, Sweet & Maxwell 2013) 699.

² P Sampa and S Hossain, 'Innovation and Intellectual Property Rights: A Case Study of Zambia' (2024) 4(6) Middle East Research

³ Industrial Designs Act 2016 (Zambia).

⁴ WTO, *Agreement on Trade-Related Aspects of Intellectual Property Rights* (15 April 1994) 1869 UNTS 299.

⁵ Registered Designs Act 1949 (UK), s 1(3).

Property Act 2001 more flexibly, accommodating certain digital designs through administrative practice⁶.

Zambia's failure to adapt similarly risks undermining the competitiveness of its design demanding industries, from traditional manufacturing to emerging tech start-ups. This study examines the limitations of the current law and proposes reforms informed by comparative best practice.

1.2. STATEMENT OF THE PROBLEM

Zambia's Industrial Designs Act No. 22 of 2016 was enacted to modernize design protection and ensure compliance with the TRIPS Agreement. However, the Act remains rooted in an article centric conception of design law that excludes modern and digital forms of creativity such as GUIs, digital icons, and virtual displays. This definitional weakness is not merely an isolated flaw but the central problem that undermines the effectiveness of the entire regime.

Because the Act excludes modern designs, it also discourages registration and contributes to the low uptake of design protection in Zambia. The absence of prior user rights further intensifies this weakness by exposing innovators to opportunistic registrants, creating uncertainty in commercialization. Weak enforcement mechanisms, combined with the lack of specialized tribunals or trained judicial officers, mean that even registered rights offer little practical value to creators. Finally, Zambia's non-membership in The Hague Agreement leaves designers without affordable access to international markets, compounding the marginalization of local innovation.

Thus, the problem is not a series of unrelated shortcomings but an interconnected framework of shortages flowing from a failure to adapt the law to contemporary realities. The central issue is that the Act's outdated, article-based conception of design protection has created a legal vacuum for modern innovation, and this core weakness is reinforced by structural gaps in enforcement, prior user protection, and international integration.

Finally, Zambia's current legal framework does not appear to be fully aligned with international best practices, such as those embodied in **The Hague Agreement**⁷. This

⁶ Industrial Property Act 2001 (Kenya), s 84

⁷ Hague Agreement Concerning the International Registration of Industrial Designs (WIPO) 2003.

misalignment could restrict the ease with which Zambian designers can obtain international protection for their creations, potentially hindering Zambia's integration into the global intellectual property system. When comparing Zambia's Act to the legal frameworks of Kenya, which has established a specialized Industrial Property Tribunal for resolving disputes, and the United Kingdom, which explicitly includes certain digital designs within its scope of protection and is a signatory to The Hague Agreement⁸, it becomes clear that there are critical gaps in the Zambian legislation that need thorough immediate changes. The absence of Zambia from this system limits the global enforceability of Zambian registered designs, placing local innovators at a competitive disadvantage

Finally, like many African jurisdictions, Zambia suffers from limited institutional capacity, low public awareness of industrial design rights, and weak enforcement mechanisms. These systemic issues contribute to the lack utilization of industrial design law in Zambia, it also undermines its potential to inspire creativity, attract investment, and support small and medium enterprises (SMEs) in the design sector⁹

1.3. OBJECTIVE OF STUDY

To critically examine the adequacy of Zambia's Industrial Designs Act of 2016 in protecting modern and digital designs, and to propose changes informed by comparative and international best practices.

1.4 SPECIFIC OBJECTIVES

1. To analyze the substantive and procedural limitations of Zambia's Industrial Designs Act of 2016, with particular reference to modern and digital design protection.
2. To conduct a comparative analysis of how other jurisdictions, particularly Kenya and the United Kingdom, have addressed the shortcomings of design law, and to identify lessons that can be adapted to Zambia.

⁸ n3

⁹ WTO, 'Utilization of Industrial Designs and Utility Models in Africa: A Case Study' (2018)

3. To assess Zambia's alignment with international intellectual property frameworks, including TRIPS and The Hague Agreement, and evaluate the implications of TRIPS-Plus and TRIPS-Minus approaches.
4. To recommend reforms to Zambia's legal framework that would strengthen protection for modern and digital designs and enhance the country's participation in the global creative economy.

1.5. RESEARCH QUESTION

What are the major legal weaknesses in Zambia's Industrial Designs Act of 2016, particularly in relation to modern design protection?

2. How do Kenya and the United Kingdom address similar design protection issues through their legal frameworks?
3. What legal reforms can Zambia adopt from these jurisdictions to improve its design protection regime?

1.6. SIGNIFICANCE OF THE STUDY

This research holds a significant importance for many reasons. Firstly, it provides a timely and detailed critical analysis of the Industrial Designs Act of 2016 of Zambia, a new and recent piece of legislation that has not yet been the subject of wide academic examination. Identifying its natural weaknesses is an important step towards advocating for necessary legal reforms. Secondly, the comparative analysis with Kenya and the United Kingdom offers valued insights into different legal frameworks and established best practices that could be cautiously adapted to the specific context of Zambia. Kenya's regional relevance and the United Kingdom's mature and internationally aligned intellectual property system provide relevant benchmarks for Zambia's legislative development.

The findings of this study will be of considerable value to policymakers in Zambia, providing evidence based recommendations for revising the Industrial Designs Act to enhance its effectiveness in protecting the rights of creators, fostering a more vibrant environment for innovation, and ultimately promoting sustainable economic growth.

By addressing the identified weaknesses, Zambia can cultivate a more supportive ecosystem for both domestic and international designers, thereby encouraging greater investment in its expanding creative industries. Furthermore, this research will contribute to the broader academic understanding of intellectual property law within developing countries, with a specific focus on the challenges and opportunities in the realm of industrial design protection. It will enrich the existing body of knowledge by offering a detailed comparative analysis and recommendations tailored for Zambia, potentially serving as a valuable model for similar studies in other African nations seeking to strengthen their intellectual property regimes. Ultimately, this research aims to contribute to the evolution of a more robust, equitable, and globally competitive industrial design protection system within Zambia.

1.7. LITERATURE REVIEW

Industrial design protection plays a key role in promoting creativity, market competitiveness, and the growth of local innovation. Various scholars and institutions have contributed to understanding the role and effectiveness of industrial design law, especially within developing countries. This review explores literature relevant to Zambia's legal framework, with comparisons to Kenya and the United Kingdom, to contextualize the strengths and weaknesses of the Industrial Designs, Zambia's Industrial Designs Act¹⁰, was enacted to align with TRIPS standards and modern intellectual property expectations¹¹.

Ngulube critically explores IP enforcement in Zambia and identifies major barriers such as limited institutional resources, low public awareness, and an outdated legal framework. She argues that despite statutory reform, enforcement remains weak due to lack of judicial expertise and institutional coordination. This aligns with current gaps in design enforcement under the 2016 Act¹².

Sampa and Hossain in a comparative policy study, found that the Act falls short in covering digital design innovation, such as graphical interfaces and non-physical design works, which are rapidly growing in global markets. They also point out the lack of institutional infrastructure to support enforcement, monitoring, and access to

¹⁰ The Industrial Designs Act No.22 of 2016 of the Republic of Zambia.

¹¹ Daniel Gervais, *The TRIPS Agreement: Drafting History and Analysis* (4th edn, Sweet & Maxwell 2012)

¹² Misozi Ngulube, 'The Enforcement of Intellectual Property Rights as a Tool for Economic Development in Zambia' (University of Zambia 2013)

affordable legal protection for creators in Zambia, further noting that Zambia's absence from the Hague Agreement is a hindrance to cross-border protection¹³.

Tambulukani Contributes by assessing Zambia's alignment with International Intellectual Property norms. His analysis notes that although Zambia has adopted TRIPS compliant legislation, gaps remain in how the law is implemented, especially with regard to newer technological and design related developments.

Winston Muleba Jnr emphasizes the significance of intellectual property rights, including designs for Zambian innovators, for advocating for a greater appreciation of their role in economic development¹⁴. While it is an opinion piece, it provides a valuable local perspective on the perceived importance of design protection.

Kazungu in Kenya finds that enhanced Intellectual Property protection correlates with improved trade outcomes and technological development. His study credits Kenya's flexible and better resourced IP regime for supporting design innovation and exports¹⁵

the **UK Intellectual Property Office (2022)** From a broader perspective highlights that its design law explicitly protects GUI designs and offers a swift and efficient registration system. UK design law covers both registered and unregistered designs and provides strong enforcement mechanisms, including design tribunals¹⁶.

Cornish, Llewelyn, and Aplin The UK's protection of industrial designs is rooted in the **Registered Designs Act 1949** and supported by common law principles. The authors argue that the UK's recognition of both registered and unregistered design rights, along with specific inclusion of digital and GUI designs, reflects a mature and forward-looking legal system¹⁷.

Suthersanen explores the UK's design law evolution in the context of European harmonization, highlighting efficient online application systems and robust remedies for infringement as key success factors¹⁸. Furthermore, the UK's membership in The

¹³ Precious Sampa and Sazib Hossain, 'Innovation and Intellectual Property Rights: A Case Study of Zambia' (2024) 4(6) *Middle East Research Journal of Economics and Management* 186.

¹⁴ Winston Muleba Jnr (2013). "Benefits of Intellectual Property Rights to innovators".

¹⁵ Benson N Kazungu, *Effects of Intellectual Property Rights on Trade in Kenya* (University of Nairobi 2023)

¹⁶ UK Intellectual Property Office, 'Protecting Designs' (2022)

¹⁷ William Cornish, David Llewelyn, and Tanya Aplin, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (8th edn, Sweet & Maxwell 2013).

¹⁸ Uma Suthersanen, *Design Law: European Union and United Kingdom* (Sweet & Maxwell 2010)

Hague Agreement facilitates international registration through WIPO, a feature Zambia currently lacks.

Globally, **The Hague Agreement Concerning the International Registration of Industrial Designs** provides a framework for streamlined registration in multiple countries through a single application. According to WIPO, over 75 countries including Kenya and the UK benefit from this system, whereas Zambia remains outside its reach, limiting its global IP integration¹⁹

The TRIPS Agreement under the WTO²⁰ mandates that all member states provide protection for new and original industrial designs. Gervais outlines the obligations under TRIPS and argues that while many countries have complied at the statutory level, actual enforcement and access remain uneven particularly in Sub-Saharan Africa.

The reviewed literature confirms that while Zambia has made progress through legislative changes, significant gaps persist in both substance and implementation. Most notably, the lack of explicit digital design protection, non-accession to **The Hague Agreement**, and absence of a specialized tribunal are recurring concerns. This study, therefore, builds on the above literature by offering a focused, comparative critique and proposing actionable reforms tailored to Zambia's context.

1.8. RESEARCH METHODOLOGY

This research adopts a qualitative approach. This approach involves a systematic examination of existing legal materials, including statutes, international treaties and scholarly works. This method is necessary for analyzing the legal framework governing industrial designs in Zambia, identifying its weaknesses proposing appropriate reforms. It also employs a comparative legal research methodology to draw parallels with jurisdictions from Kenya and the United Kingdom, with a strong emphasis on the difficult doctrinal analysis of both primary and secondary legal sources. The primary legal sources for this study will include the **Industrial Designs Act of 2016 of Zambia**, the **Industrial Property Act of 2001 of Kenya**, and the **Registered Designs Act 1949 of the United Kingdom**, along with their respective subsidiary legislation and

¹⁹ n2

²⁰ WTO, TRIPS Agreement: Part II, Section 4- Industrial Designs

any relevant case law interpreting these statutory frameworks. Additionally, relevant international legal instruments, such as the **Geneva Act of The Hague Agreement Concerning the International Registration of Industrial Designs**, will be carefully examined to understand the broader international context.

The secondary sources for this research will encompass a wide range of scholarly materials, including peer reviewed academic journal articles, authoritative books, and comprehensive research reports focusing on the multifaceted field of intellectual property law, with a specific emphasis on the legal protection of industrial designs. These secondary sources will provide essential theoretical frameworks, insightful comparative analyses of different legal systems, and critical evaluations of the key legal issues under investigation in this study. Furthermore, trustworthy online databases and valuable resources provided by international intellectual property organizations, such as the **World Intellectual Property Organization (WIPO)**, and the official websites of national intellectual property offices will be systematically utilized to gather relevant data and information.

The core of the analytical process will involve a detailed and systematic examination of the specific statutory provisions within each country's industrial design law, with a particular focus on critically analyzing the defined scope of protection, the established novelty requirements, the procedural intricacies of the registration processes, and the available mechanisms for enforcing design rights. To facilitate a clear and structured comparison, a comprehensive comparative matrix will be developed to systematically juxtapose the key features and provisions of each legal framework under scrutiny. The analytical process will also carefully consider the practical implications and potential shortcomings of the *Zambian Act* in light of the accumulated experiences and identified best practices within the Kenyan and UK legal systems. The findings derived from this rigorous doctrinal and comparative analysis will serve as the robust foundation for the critical evaluation of the *Zambian Act* and the subsequent formulation of well-reasoned recommendations for potential legal reform.

1.9. ETHICAL CONSIDERATION

This research will maintain high ethical standards throughout its development and execution. The study will rely exclusively on publicly accessible secondary data, including legislation, scholarly articles, international treaties, and institutional

publications. No human participants will be involved, and therefore, no personal data or consent procedures are required.

Proper academic integrity will be observed by accurately referencing all sources using the Oxford University Standard for the Citation of Legal Authorities (OSCOLA). All statutes, international instruments, books, journal articles, and reports will be acknowledged. The researcher will also ensure that no data is falsified, misrepresented, or plagiarized in any way.

Furthermore, care will be taken to present balanced legal arguments and to avoid bias in comparative analysis. The researcher will respect the academic and legal standards expected by the University of Lusaka.

1.10. RESEARCH APPROACH

This research adopts a doctrinal legal approach. It involves the systematic analysis of legal rules, statutory provisions, and scholarly commentary related to industrial design protection. The study is grounded in secondary sources, including **Zambia's Industrial Designs Act 2016**, **Kenya's Industrial Property Act 2001**, the **UK's Registered Designs Act 1949**, and relevant international instruments such as the **TRIPS Agreement** and **The Hague Agreement**. This approach is suitable for examining the content, scope, and limitations of legal frameworks and for generating informed recommendations for law reform.

1.11. DATA COLLECTION

Data will be collected through library based and internet based legal research, focusing on primary and secondary sources. Primary sources include legislation such as the Industrial Designs Act of Zambia, international instruments like **The Hague Agreement** and the **TRIPS Agreement**. Secondary sources include journal articles, textbooks, **WIPO** and **WTO reports**, and legal commentaries. The data collection process ensures that all legal materials referenced are credible, authoritative, and up to date.

1.12. SCOPE AND LIMITATIONS

The scope of this research is specifically restricted to a critical legal analysis of the **Industrial Designs Act of 2016 of Zambia** and a focused comparative study involving

the industrial design protection laws of Kenya and the United Kingdom. The research will primarily concentrate on the legal frameworks themselves, with a particular emphasis on the substantive provisions that govern the scope of protection afforded to industrial designs, the legal requirements for novelty, the treatment of prior use by designers and third parties, the procedural aspects of design registration, and the available legal mechanisms for enforcing design rights against infringement.

The study recognizes several essential limitations. Firstly, the body of Zambian case law specifically interpreting the relatively recent **Industrial Designs Act of 2016** may be somewhat limited due to its recent enactment. This potential scarcity of judicial interpretation may necessitate a greater reliance on principles of statutory interpretation and comparative legal analysis. Secondly, the availability of complete practical data on the direct impact of the Zambian Act on levels of innovation and overall economic activity within the country may not be readily accessible within the limited timeframe of this research project. Consequently, the primary focus of the analysis will be legal doctrinal, concentrating on the potential implications and inherent strengths and weaknesses of the legislative provisions themselves. Thirdly, the research will not extend to a detailed examination of the specific administrative practices and active competences of the intellectual property offices in each of the three countries, beyond their direct impact on the legal framework and the formal registration procedures. Finally, the scope of this study is specifically focused on the core aspects of industrial design protection and will not delve into the intricate details of related intellectual property rights, such as copyright law or trademark law, except in instances where these areas directly and significantly intersect with the legal protection of industrial designs.

CHAPTER TWO

2.0 INTRODUCTION

The fast paced development design based industries, particularly in the digital economy, demands a legal framework capable of protecting both traditional and evolving forms of innovation. Designs today often exist not merely as decorative features of physical products but as digital, interactive, and often intangible creations such as graphical user interfaces (GUIs), mobile application layouts, and augmented reality (AR) product representations²¹ This transformation challenges the scope and adaptability of industrial design protection frameworks globally.

Zambia's Industrial Designs Act No. 22 of 2016 (hereafter "the Act") modernized the country's design law by repealing the colonial-era Registered Designs Act, Cap 402²². While it aligned Zambia's legislation with the World Trade Organization's TRIPS Agreement²³ in many respects, it remains rooted in a conventional, article centric conception of design protection. The Act has not been meaningfully reformed to address the realities of digital innovation or to harmonize with international best practice as reflected in jurisdictions like Kenya and the United Kingdom (UK).

This chapter undertakes a doctrinal and comparative analysis of the legal limitations of Zambia's framework, focusing on: (1) definitional scope; (2) novelty and prior user rights; (3) enforcement and institutional capacity; (4) international alignment; (5) protection of unregistered designs; and (6) compliance with TRIPS and global best practice. For each limitation, the chapter compares Zambia's approach with Kenya and the UK, identifying the legal and economic benefits Zambia could gain from reform.

2.1 DEFINITIONAL SCOPE AND THEORETICAL UNDERPINNINGS

²¹ Precious Sampa and Sazib Hossain, 'Innovation and Intellectual Property Rights: A Case Study of Zambia' (2024) 4(6) *Middle East Research Journal of Economics and Management* 186.

²² The Industrial Designs Act No.22 of 2016 of the Republic of Zambia.

²³ WTO, Agreement on Trade-Related Aspects of Intellectual Property Rights (15 April 1994) 1869 UNTS 299.

2.1.2 Zambia's Article-Centric Definition

Section 2 of the Act defines an “industrial design” as:

“features of shape, configuration, pattern, or ornament applied to an article by an industrial process or means, which in the finished article appeal to and are judged solely by the eye²⁴.” Sections 15–17 further limit protection to designs applied to “articles” and expressly exclude “computer programs” from the definition of a “product,” despite including “graphic symbols” and “typographic typefaces²⁵.” This statutory framing embeds an “article centric” requirement the design must be tied to a tangible, physical product.

While this definition reflects the traditional theory of design law protecting the visual, non-functional aspects of products it fails to capture the economic and creative value of designs that exist exclusively in digital form. As scholars such as Sampa and Hossain note, definitions in many developing countries are “inherited from colonial models” and “poorly equipped to address the new world of digital and virtual design innovation²⁶.”

The result is legal uncertainty for digital creators. Under a literal reading of the Act, purely digital designs such as GUIs, virtual fashion, AR product renderings, and software-based icons would not qualify for protection. This gap risks excluding some of the most commercially valuable designs from Zambia's IP framework.

2.1.3 Comparative Perspective — Kenya

Section 84 of Kenya's Industrial Property Act 2001 defines a design similarly, as “any composition of lines or colors or any three-dimensional form, whether or not associated with lines or colors, which gives a special appearance to a product of industry or handicraft²⁷.” While also tied to a “product,” Kenyan practice at the Kenya Industrial Property Institute (KIPI) recognizes registrations of two-dimensional designs for display devices, which can include screen based graphics applied to physical

²⁴ The Industrial Designs Act 2016, s2.

²⁵ Ibid ss 15-17

²⁶ Sampa and Hossain (n1) 190.

²⁷ Industrial Property Act of Kenya 2001, s84

products. This administrative interpretation, though not legislatively explicit, provides more flexibility than Zambia’s restrictive approach.

2.1.4 Comparative Perspective — United Kingdom

The UK’s Registered Designs Act 1949 (as amended) offers a broader, technologically neutral definition. Section 1(2) defines a design as:

“the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colors, shape, texture or materials of the product or its ornamentation²⁸.”

Crucially, “product” is defined in Section 1(3) to include “any industrial or handicraft item,” expressly encompassing “parts intended to be assembled into a complex product, packaging, graphic symbols, typographic typefaces and screen displays²⁹.” UKIPO guidance confirms that registered designs “can cover computer icons, GUIs, and animations as displayed on electronic screens³⁰.”

By openly protecting digital designs, the UK ensures that creative outputs central to the modern economy are covered, regardless of whether they are physically embodied.

2.1.5 Benefit to Zambia

Amending Section 2 to expressly include screen displays, graphical user interfaces, and digital product representations would further Provide legal certainty for Zambia’s growing tech and creative industries. Attract foreign investment in digital product development. Align Zambia’s law with international best practice and WIPO recommendations.

2.2 NOVELTY REQUIREMENT AND ABSENCE OF PRIOR USER RIGHTS

²⁸ Registered Designs Act 1949 (UK), s 1(2).

²⁹ Ibid s1 (3)

³⁰ UKIPO, Examination Guide for Designs (2022) para 3.1.

2.2.1 Zambia's First-to-File Rule

Section 10 requires that a design be “new and original” to be registrable. Section 27 adopts a first-to-file rule, stating:

“Where two or more persons have made applications for registration of identical or similar industrial designs, registration shall be granted to the person whose application has the earliest filing date³¹.”

This system offers administrative simplicity, but it provides no grace period for disclosures by the creator and no statutory defense for prior commercial users. The risk is that opportunistic registrants could capture rights over designs already in good faith use, leaving genuine innovators unprotected.

2.2.2 Problems with Statutory Prior User Rights

While statutory prior user rights are designed to balance fairness by protecting those who created and used designs before registration, they also introduce several problems when incorporated into intellectual property law. First, they undermine the certainty of registration. A registered owner may discover that their rights are limited by earlier, undisclosed users, creating hidden exceptions that weaken the value of the registered right. Secondly, prior user rights can motivate secrecy instead of disclosure, as businesses may prefer to rely on unregistered prior use rather than the transparency of the registration system. Thirdly, they complicate enforcement by requiring courts to investigate the existence, scope, and good faith of alleged prior use, which can prolong disputes and increase costs.

These issues illustrate the tension between fairness for small innovators and the need for clarity and efficiency in the registration system.

2.2.3 Weighing the positions for Zambia

The choice for Zambia lies between maintaining a strict first-to-file regime or introducing statutory prior user rights. A strict first-to-file system has the advantage of simplicity and legal certainty, which is important for certainty in commercial transactions and international alignment. However, it is harsh in practice, as it allows

³¹ The Industrial Designs Act 2016 s27.

opportunistic registrants to displace genuine innovators who may have already invested in their designs but failed to register promptly.

By contrast, statutory prior user rights promote fairness by protecting those who used a design in good faith before registration. This is particularly relevant in Zambia, where many innovators operate in informal or resource constrained settings and may not be able to file immediately. The downside, however, is that such rights can weaken the exclusivity of registered protection and complicate enforcement by introducing hidden exceptions.

In my view, the better position for Zambia is to introduce a limited form of prior user rights. These rights should apply only where a person can show or prove good faith in commercial use before the filing date and evidence of substantial investment in the design. This approach strikes a balance because it prevents abuse of the system, protects small scale innovators, and maintains the integrity of the registration framework. While legal certainty is important, in Zambia's developmental context, fairness and inclusivity carry greater weight, and limited prior user rights would achieve that balance.

2.2.4 Comparative Perspective — Kenya

Section 56 of Kenya's Industrial Property Act addresses this by providing that registration does not extend to acts done by a person who, in good faith before the filing date, was using the design or had made effective and serious preparations for such use³². This provision balances protection for registered proprietors with fairness for earlier good-faith users.

2.2.5 Comparative Perspective — United Kingdom

The UK's Registered Designs Act 1949 incorporates a similar safeguard in Section 7A, which provides a prior user defense for acts done before the priority date, including manufacturing, selling, or making serious preparations to do so³³.

2.2.6 Benefit to Zambia

³² Industrial Property Act of Kenya 2001, s56

³³ Registered Designs Act 1949 (UK), s 7A

Including a statutory prior user right would Protect SMEs and individual creators who may lack the resources for immediate registration, encourage early market entry and reduce secrecy in design development, harmonize Zambia’s approach with regional (Kenya) and international (UK) norms.

2.2.7 Zambia’s Enforcement Framework

The Act provides for civil remedies, including injunctions and damages. However, enforcement faces systemic challenges. There is no specialized IP or design tribunal, litigation in general courts is slow, and judicial expertise in design law is limited. Ngulube observes that lack of training and awareness has led to systemic underuse of statutory rights in Zambia³⁴.

2.2.8 Comparative Perspective — Kenya

Kenya’s Industrial Property Tribunal provides a specialized platform for design disputes, offering faster and more predictable adjudication³⁵. The Tribunal’s technical expertise improves decision quality and reduces the costs associated with lengthy court proceedings.

2.2.9 Pros and Cons of a Specialized Tribunal

The pros of establishing a specialized tribunal or expanding PACRA’s jurisdiction include greater efficiency, expertise in complex IP disputes, reduced costs, and increased confidence in enforcement. The cons are the financial and administrative burden of creating a new tribunal, the risk of overlapping jurisdiction with existing courts, and the need for sustained training and resourcing.

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³⁴ M Ngulube, *The Enforcement of Intellectual Property Rights as a Tool for Economic Development in Zambia* (University of Zambia 2013) 45.

³⁵ Industrial Property Act 2001 (Kenya), Part XV.

2.3.1 Position for Zambia

A hybrid approach could be adopted by expanding PACRA's role to include dispute resolution rather than creating a new tribunal from scratch. This would balance competence with resource restrictions while ensuring expertise is progressively built.

2.3.2 Comparative Perspective — United Kingdom

The UK's Intellectual Property Enterprise Court (IPEC) offers a streamlined process for IP disputes, including design cases. It covers recoverable costs, making enforcement more accessible to SMEs³⁶. Interim injunctions and case management procedures allow for swift resolution of infringement claims.

2.3.3 Benefit to Zambia

Establishing a specialized design tribunal or expanding the jurisdiction of the Patents and Companies Registration Agency (PACRA) to include dispute resolution could improve enforcement efficiency, increase public confidence in the system, encourage greater uptake of design registration.

The benefits of this proposal for Zambia are highly important because it would reduce the backlog of cases in ordinary courts, cut litigation costs for small businesses, and provide a proper and easily accessible forum with specialized knowledge of industrial design law. By introducing and consenting dispute resolution in PACRA, the institution that already administers design registrations, consistency between registration practice and enforcement would also be enhanced. This could increase stakeholder confidence and encourage greater use of the design system.

However, there are also drawbacks. Expanding PACRA's jurisdiction would require legislative amendments, new funding, and extensive training for staff. Without proper and sufficient investment, there is a risk of creating a weak tribunal that lacks independence or authority compared to the High Court. Additionally, concentrating administrative and judicial powers within the same agency could raise concerns about impartiality if PACRA acts both as registrar and adjudicator.

On balance, the proposal offers Zambia a realistic path to improve enforcement without the heavy costs of establishing an entirely new tribunal. But its success would

³⁶ Intellectual Property Enterprise Court Guide (2022) para 1.2.

depend on safeguards to ensure independence, adequate resources, and continuous capacity building for PACRA officials.

2.4 Absence of International Alignment — Hague Agreement

Zambia is not a member of The Hague Agreement Concerning the International Registration of Industrial Designs, administered by the World Intellectual Property Organization (WIPO). As a result, Zambian designers must file separate applications in each jurisdiction where protection is sought which increases administrative burdens. Costs and administrative burdens are higher, especially for SMEs.

2.4.1 Pros and Cons of Non-Membership

The pros of remaining outside of the agreement include reduced administrative obligations and avoiding the compliance costs associated with Hague procedures. However, the cons are significant, Zambian designers face high costs, fragmented protection, and limited access to export markets.

2.4.2 TRIPS-Plus vs TRIPS-Minus Debate

Zambia's position reflects a TRIPS-Minus approach meeting only the minimum obligations of TRIPS without going beyond. Hague membership would represent a TRIPS-Plus commitment, offering broader protection but requiring more administrative capacity. In Zambia's context, TRIPS-Plus accession would promote international competitiveness and support design-driven exports, outweighing the short-term administrative challenges.

2.4.3. Comparative Perspective — Kenya & UK

Kenya consented to The Hague Agreement in 2020, enabling its designers to seek protection in multiple jurisdictions via a single application. The UK is also a contracting party, and UK designers benefit from streamlined international filing and enforcement³⁷.

2.4.4. Benefit to Zambia

³⁷WIPO, Hague Agreement Concerning the International Registration of Industrial Designs (2023).

Joining The Hague Agreement would expand market access for Zambian products, reduce costs for international protection and further enhance Zambia's attractiveness as a base for regional design-intensive industries.

2.5 LACK OF PROTECTION FOR UNREGISTERED DESIGNS

2.5.1 Zambia's Registered-Only Model

The Industrial Designs Act of 2016 provides protection only for registered designs. This system ensures legal certainty by maintaining an official register of rights that is accessible to the public, giving clear evidence of ownership. However, it excludes a significant portion of creative output, particularly in fast moving industries such as fashion, software development, advertising, and consumer electronics, where designs are often exploited commercially before registration. In practice, this limits the utility of design law for small and medium-sized enterprises (SMEs) and individual innovators, who may lack the resources or awareness to register every design they produce.

2.5.2 Comparative Perspective — United Kingdom

The United Kingdom provides both registered and unregistered design protection. Under the Registered Designs Act 1949 and EU derived legislation, unregistered design right arises automatically upon creation, lasting up to 15 years, and protects the shape and configuration of products. The Community Unregistered Design Right (CUDR), still recognized in UK law post-Brexit, offers three years of automatic protection for surface decoration and GUIs. This dual system supports both formal and informal creators by balancing certainty with accessibility.³⁸

2.5.3 Pros and Cons of Zambia's Registered-Only System

The advantages of Zambia's registered only system include legal certainty, reduced disputes, and stronger enforceability, since all rights are documented and searchable. This system also minimizes administrative complexity and avoids the evidentiary challenges associated with unregistered rights.

The disadvantages are more significant. Registration costs create barriers for SMEs and individual creators. The absence of automatic protection discourages disclosure and stifles fast-moving industries, particularly in the digital and fashion sectors, where

³⁸ Registered Designs Act 1949 (UK), Part III.

products may be outdated before registration is completed. Furthermore, the lack of an unregistered right prevents Zambian creators from relying on immediate protection against copying, putting them at a competitive disadvantage compared to jurisdictions like the UK.

2.5.4 Position for Zambia

Zambia would benefit from adopting a dual system similar to the UK, combining registered protection for high value, long term designs with unregistered protection for fast moving or low cost creations. This approach would encourage participation in the design economy by lowering barriers to entry while preserving legal certainty for more significant commercial investments.

2.6 TRIPS Compliance and Best Practice

Zambia's Act is formally compliant with TRIPS Article 25, which requires protection of independently created designs that are new or original. However, it falls short of TRIPS Article 41, which obliges members to provide effective enforcement. WTO reviews note shortages in enforcement infrastructure and limited public awareness. Aligning with best practice requires reforms in subject matter, prior user rights, enforcement institutions, and unregistered rights, alongside international integration.³⁹

2.6.1 Summary of Findings

Zambia's Industrial Designs Act 2016 is weakened by its narrow definition, absence of prior user rights, weak enforcement structures, lack of Hague membership, and exclusive reliance on registration. Each of these shortcomings has clear solutions illustrated by Kenya and the UK. Adopting reforms that balance fairness with legal certainty would better prepare Zambia to protect innovation and participate in the global digital economy.

³⁹ WTO, Trade Policy Review: Zambia (2019).

CHAPTER THREE

COMPARATIVE PERSPECTIVES ON INDUSTRIAL DESIGN PROTECTION: LESSONS FROM KENYA AND THE UNITED KINGDOM.

3.0 INTRODUCTION

Comparative legal analysis is an important tool for evaluating the competence of Zambia's **Industrial Designs Act of 2016**. By examining how other jurisdictions have responded to similar challenges, it becomes possible to identify proper important changes that could strengthen Zambia's legal framework. This chapter analyses the design protection regimes of Kenya and the United Kingdom (UK).

Kenya is a perfect example to use in this case because just like Zambia, they are an African country that also use the common law system, and they face similar everyday economic and social situations. But Kenya has been deliberate and smart about upgrading its legal system. Kenya has signed on to international agreements and set up special expert groups to handle these issues.

On the other side we have the United Kingdom. They represent a long lasting well established veteran system. The UK has successfully moved forward by making sure their laws are neutral concerning technology. This means that the rules apply no matter how a design is made. The UK also has strong enforcement mechanisms.

By looking closely at what Kenya did to modernize and what the UK does to make the system strong, this chapter will help us figure out the best most practical steps that Zambia as a country can take to make its own design protection framework much better.

3.1 KENYA'S INDUSTRIAL DESIGN PROTECTION REGIME

3.2.1 Evolution and Context

Kenya's Industrial Property Act 2001 (IPA) replaced the 1989 Act to ensure TRIPS compliance and to combine intellectual property under a modernized framework⁴⁰. The Kenya Industrial Property Institute (KIPI) administers the Act, handling design

⁴⁰ Kenya Industrial Property Institute (KIPI), Annual Report 2021 (Nairobi 2022) 14.

registration, publication, and enforcement. This change was part of Kenya's wider industrial policy aimed at promoting innovation and competitiveness⁴¹.

The 2001 Act defines a design as "any composition of lines or colors or any three-dimensional form, whether or not associated with lines or colors, provided that such composition or form gives a special appearance to a product of industry or handicraft." This definition, although not explicitly mentioning GUIs or digital designs, is sufficiently broad to encompass two-dimensional visual elements and non-traditional applications. Researchers do argue that the flexible phrasing allows courts to adapt the law to evolving technologies.⁴²

3.2.2 Novelty, Grace Period and Prior User

Kenya also provides a grace period of twelve months for novelty, this allows creators who disclose their designs to still register them within that timeframe⁴³. This is an important and crucial safeguard for innovators compared to Zambia's strict first-to-file rule. In addition, Section 56 of the IPA provides for prior user rights, protecting those who in good faith used or made serious preparations to use a design before another person filed for registration⁴⁴. In terms of enforcement, Kenya established the Industrial Property Tribunal, a specialist body that is authorized to resolve disputes under the IPA⁴⁵. The Tribunal offers quicker and more affordable resolution than the High Court, and has been credited with raising awareness and encouraging greater use of industrial property rights⁴⁶.

Internationally, Kenya is a contracting party to The Hague Agreement on the International Registration of Industrial Designs, having acceded in 2020⁴⁷. This enables Kenyan creators to secure protection in multiple jurisdictions through a single application, significantly reducing costs and administrative burdens. However, Kenya does not provide for unregistered design rights. This absence limits immediate protection for fast moving industries such as fashion and digital innovation. While its

⁴¹ Industrial Property Act 2001 (Kenya), Preamble.

⁴² Industrial Property Act 2001 (Kenya), s84

⁴³ Ibid s55

⁴⁴ Ibid s56

⁴⁵ Ibid Part XV

⁴⁶ J Mutai, 'A Model for IP Enforcement in Africa' (2019) 5(2) *African Journal of Law and Technology*

⁴⁷ WIPO, Hague Agreement Concerning the International Registration of Industrial Designs (2023)

registered system is stronger than Zambia's, it still requires innovators to undertake formal registration to secure protection.

3.2.3 Enforcement and Institutions

Kenya established the Industrial Property Tribunal under Part XV of the IPA. This body hears disputes relating to patents, utility models, and designs. It provides an accessible forum with reduced costs compared to High Court litigation⁴⁸.

Cases such as *Mifuko Ltd v KIPi [2015] eKLR* illustrate the Tribunal's role in resolving disputes quickly. However, critics note underfunding, backlog, and limited awareness as barriers to its effectiveness⁴⁹. Despite these challenges, the Tribunal demonstrates the value of specialized institutions in design enforcement an element missing in Zambia.

3.2.4 International Alignment

Kenya acceded to the Hague Agreement in 2020, becoming one of the first African states to do so⁵⁰. This enables its innovators to file one application through WIPO and obtain protection in multiple jurisdictions. The benefits include cost reductions, simplified administration, and expanded access to export markets across the world.

Nevertheless, TRIPS-Plus obligations bring higher compliance costs. Smaller businesses may still struggle to meet the standards required for international filings, raising concerns of uneven benefit distribution⁵¹

3.2.5 The United Kingdom's Registered Designs Act 1949

The UK's design law regime is a mature system that has undergone multiple reforms to adapt to technological change. The Registered Designs Act 1949 defines "product" to include packaging, graphic symbols, typographic typefaces, and screen displays⁵². This technologically neutral approach ensures that digital subject matter such as GUIs, icons, and animations are protected, in sharp contrast to Zambia's article-centric

⁴⁸ Industrial Property Act 2001 (Kenya), Part XV.

⁴⁹ *Mifuko Limited v Kenya Industrial Property Institute [2015] eKLR*.

⁵⁰ WIPO, Hague Agreement: Status of Contracting Parties (2023).

⁵¹ P Kamau, 'The Impact of Hague Agreement Accession on Kenyan SMEs' (2021) 3(4) African Journal of Trade Law 77.

⁵² Registered Designs Act 1949 (UK), s 1(2).

definition. UKIPO guidance explicitly recognizes GUIs and computer icons as registrable designs⁵³.

The UK also provides statutory unregistered design rights. Under the 1949 Act, unregistered design right arises automatically when a design is created and protects the shape and configuration of products for up to 15 years⁵⁴. In addition, the Community Unregistered Design Right (retained post-Brexit) grants three years of protection for surface decoration and digital designs such as GUIs⁵⁵. This dual system supports both major commercial players and smaller, fast-moving creators by providing immediate, low-cost protection alongside registered rights.

3.6 Novelty and Prior Use

Novelty is assessed relative to the “informed user,” and the UK allows for limited prior user rights. Section 7A of the Registered Designs Act 1949 permits those who in good faith used or made preparations to use a design prior to registration to continue such use⁵⁶. This balances fairness with the integrity of the registration system.

For enforcement, the UK has developed the Intellectual Property Enterprise Court (IPEC), a specialist tribunal within the High Court that provides cost-capped and streamlined procedures for IP disputes⁵⁷. This ensures access to justice for SMEs and reduces the prohibitive costs typically associated with litigation. The UK is also a member of The Hague Agreement, enabling its creators to access international protection through WIPO’s system. This further reinforces the competitiveness of the UK’s design regime by linking national law with global markets.

International Alignment

The UK has one of the classiest enforcement systems globally. The Intellectual Property Enterprise Court (IPEC) provides cost-capped, streamlined litigation for SMEs⁵⁸. Criminal sanctions for deliberate infringement were introduced by the

⁵³ UKIPO, Examination Guide for Designs (2022) para 3.1

⁵⁴ Registered Designs Act 1949 (UK), s12

⁵⁵ G Dinwoodie and D Gangjee, Design Law: European Union and United Kingdom (Oxford University Press 2022) 85.

⁵⁶ Registered Designs Act 1949 (UK) s7A

⁵⁷ Intellectual Property Enterprise Court Guide (2022) pars 1.2.

⁵⁸ Intellectual Property Enterprise Court Guide (2022) para 1.2.

Enterprise and Regulatory Reform Act 2013⁵⁹. Despite these strengths, litigation costs remain high and some SMEs still avoid formal enforcement⁶⁰.

3.4 Lessons for Zambia

The comparative analysis of Kenya and the UK provides several lessons for Zambia:

Definitional Scope: Zambia should expand its definition of industrial design to include digital subject matter such as GUIs, screen displays, and virtual models. Kenya's broader definition and the UK's explicit inclusion of digital designs demonstrate that such reforms are feasible and consistent with international trends.

Novelty and Prior User Rights: Zambia's strict first-to-file system is harsh and discourages disclosure. Kenya's grace period and prior user rights, and the UK's limited prior user rights, show that it is possible to balance legal certainty with fairness. Zambia could adopt a grace period and narrowly defined prior user rights to protect small innovators without undermining the registration system.

Enforcement Mechanisms: The absence of specialist institutions in Zambia undermines enforcement. Kenya's Industrial Property Tribunal and the UK's IPEC illustrate the importance of affordable, expert forums for design disputes. Zambia could expand PACRA's role to include quasi-judicial functions, provided independence and resourcing are safeguarded.

International Alignment: Both Kenya and the UK benefit from Hague membership, enabling cost-effective access to international markets. Zambia's non-membership isolates its creators and undermines competitiveness. Accession to The Hague Agreement would represent a TRIPS-Plus reform that could significantly benefit Zambian innovators.

Unregistered Designs: The UK's dual system highlights the importance of protecting unregistered designs, especially in fast-moving industries. Zambia could adopt a similar approach to encourage innovation by SMEs and individual creators while preserving certainty for high-value designs through registration.

⁵⁹ Enterprise and Regulatory Reform Act 2013, s 13.

⁶⁰ L Bentley and B Sherman, *Intellectual Property Law* (5th edn, Oxford University Press 2018) 954.

3.5 Conclusion

Kenya and the UK provide complementary pathways for reform. Kenya shows that a developing country can modernize its design regime through broader definitions, prior user rights, a grace period, and accession to The Hague Agreement. The UK demonstrates the value of technological neutrality, dual protection systems, and robust enforcement institutions.

For Zambia, the challenge lies in adopting the changes that are both ambitious and realistic. Expanding the scope to include digital designs, introducing a grace period, and acceding to The Hague Agreement would align Zambia with international best practice. At the same time, care must be taken to manage resource limitations and prevent overloading SMEs. A hybrid model, drawing selectively from Kenya's accessibility and the UK's sophistication, offers the most viable pathway for Zambia to strengthen its design law and foster innovation in the digital age.

CHAPTER FOUR

TOWARDS A REFORMED INDUSTRIAL DESIGN FRAMEWORK IN ZAMBIA: LESSONS AND POLICY RECOMMENDATIONS

4.1 INTRODUCTION

This chapter builds upon the findings of the previous chapters to propose changes that can strengthen Zambia's legal and institutional framework for the protection of industrial designs. Chapter Two identified various limitations within the **Industrial Designs Act**, including its narrow definition of protectable subject matter, the exclusion of digital designs, the absence of prior user rights, weak enforcement mechanisms, and lack of international integration⁶¹. Chapter Three further analyzed the frameworks of Kenya and the United Kingdom, demonstrating how both jurisdictions have successfully addressed similar challenges through legislative reform, institutional development, and active international engagement⁶².

The purpose of this chapter is to combine the insights from those analyses and to formulate changes that are suitable for Zambia's socio-economic and legal context. The proposed changes are intended to modernize the Industrial Designs Act in order to align with international best practices while remaining sensitive to Zambia's local realities. In doing so, the chapter seeks to guide policymakers in developing a

⁶¹ Industrial Designs Act No. 22 of 2016

⁶² Industrial Property Act 2001 (Kenya); Registered Designs Act 1949 (UK).

comprehensive, innovation driven legal framework capable of supporting both traditional and digital creativity⁶³.

4.2 LEGISLATIVE REFORMS

4.2.1 Broadening the Definition of Industrial Design

In line with the first objective (1), which focuses on addressing the substantive weaknesses in the Zambian framework this improvement proposal tackles the narrow definition of what is considered as industrial designs. One of the most significant weaknesses identified in Chapter Two concerns the restrictive definition of “industrial design” under Section 2 of the Industrial Designs Act⁶⁴. The Act confines protection to designs applied to an “article,” thereby excluding digital creations such as graphical user interfaces (GUIs), icons, virtual reality products, and software-based designs⁶⁵. This limitation undermines the capacity of the law to protect the aesthetic and functional innovations that dominate modern creative industries. For instance, software design, app interfaces, and 3D product visualizations are integral to today’s commerce yet remain outside the statutory scope

Comparative insights from Chapter Three show that both Kenya and the United Kingdom have expanded their definitions to include visual elements embodied in both physical and digital environments⁶⁶. Kenya’s Industrial Property Act (2001) avoids this problem through an intentional interpretation that allows KIPi to register digital features integrated with functional articles, Section 84, defines a design broadly enough to cover digital expressions, while the **UK’s Registered Designs Act (1949), Section 1(2)**, recognizes designs embodied in any product, whether physical or virtual⁶⁷.

⁶³ Ibid.

⁶⁴ Industrial Designs Act No. 22 of 2016, s 2.

⁶⁵ Ngulube S, ‘Industrial Design Protection in Zambia: A Critical Appraisal’ (2020) Zambia Law Journal 32(1) 65.

⁶⁶ Industrial Property Act 2001 (Kenya), s 84.

⁶⁷ Registered Designs Act 1949 (UK), s 1(2).

To address this limitation, it is recommended that Zambia amend Section 2 of its Industrial Designs Act to read as follows: *“An industrial design means features of shape, configuration, pattern, ornament, or composition of lines or colors applied to or embodied in a product, whether physical or digital, which in the finished product appeal to and are judged solely by the eye.”* Such an amendment would harmonize Zambia’s definition with WIPO’s Guidelines on Digital Design Protection (2022) and with the TRIPS Agreement, Article 25(1)⁶⁸.

widening the definition would promote creativity in Zambia’s growing ICT and creative sectors by granting legal recognition to digital innovators. It would also align Zambia’s law with those of its regional partners, thereby facilitating cross-border consistency in intellectual property (IP) protection. Ultimately, this change would ensure that Zambia’s IP regime keeps pace with technological advancements and the expanding digital economy⁶⁹.

4.2.2 INTRODUCING PRIOR USER RIGHTS AND GRACE PERIODS

Still within objective 1, the next reform concern the procedural gap created by Zambia’s rigid first to file rule. The absence of prior user rights and grace periods within Zambia’s current design law undermines fairness and discourages innovation. As discussed in Chapter Two, the Act applies a strict first-to-file rule under Section 27, which favors applicants who register early, even if another party had already created or used the same design in good faith⁷⁰. This provision creates significant risks for small innovators who may disclose or use their designs before formal registration.

⁶⁸ WIPO, Guidelines on Digital Design Protection (World Intellectual Property Organization, 2022); TRIPS Agreement 1994, art 25(1).

⁶⁹ WIPO, Development Agenda Recommendations (World Intellectual Property Organization, 2023).

⁷⁰ Industrial Designs Act No. 22 of 2016, s 27.

Kenya provides a more balanced model under Sections 55 and 56 of its Industrial Property Act (2001), mitigates this problem by protecting bona fide prior users from infringement claims offering both a twelve-month grace period for self-disclosure and prior user rights for those who have lawfully used a design before its registration by another party⁷¹. The UK system through case law such as *Dyson Ltd V Qualtex (UK)*⁷² recognizes reasonable defenses for prior users who act in good faith, further, the UK's Registered Designs Act, Section 7A, recognizes the rights of prior users, thereby preventing opportunistic registrations⁷³.

Introducing prior user rights in Zambia would bring both fairness and flexibility to the registration process. The reform would protect good faith innovators who lack the resources to file immediately while maintaining the motivation for quick registration. However, as noted in Chapter Two, the inclusion of such rights also raises evidentiary challenges and potential uncertainty in litigation. Therefore, Zambia should adopt clear procedural rules to govern proof of prior use, ensuring that these rights do not become a loophole for infringement⁷⁴.

In weighing the options, the advantages outweigh the drawbacks. A limited, well-regulated system of prior user rights complemented by a twelve-month grace period would balance innovation incentives with legal certainty. This reform would directly address the harsh effects of the current first-to-file rule and bring Zambia's law closer to the fairness based approaches adopted in Kenya and the UK⁷⁵. However, this reform should also acknowledge the potential disadvantages. Prior user rights can introduce many uncertainty and invite opportunistic claims. To prevent abuse, Zambia should confine this protection to only documented, commercially verifiable uses.

4.2.3 RECOGNITION OF UNREGISTERED DESIGN RIGHTS

⁷¹ Industrial Property Act 2001 (Kenya), ss 55–56.

⁷² *Dyson Ltd V Qualtex (UK) Ltd* [2006] EWCA Civ 166

⁷³ Registered Designs Act 1949 (UK), s 7A

⁷⁴ Ngulube (n 5).

⁷⁵ *Ibid.*

Consistent with objective 4, which involves recommending reforms to make design protection more inclusive and effective. As established in Chapter Two, Zambia's Industrial Designs Act provides protection only for registered designs, neglecting the massive range of creative works that emerge informally or are too short lived to justify registration⁷⁶. The comparative analysis in Chapter Three revealed that the United Kingdom's dual system comprising the Unregistered Design Right (UDR) and Supplementary Unregistered Design (SUD) offers immediate protection for designs upon creation or first disclosure. This approach supports industries such as fashion, furniture, and technology, where product life cycles are short and innovation is rapid.

Introducing unregistered design protection in Zambia would ensure inclusivity and accessibility, particularly for SMEs and informal sector creators who often face financial and administrative barriers to registration. Such rights could last for three years from the date of first disclosure, similar to the UK model.

The advantages of this change include reduced registration barriers, improved protection for local innovators, and encouragement of natural creativity. The main drawback lies in the difficulty of proving ownership and the shorter duration of protection. Nonetheless, this limitation is outweighed by the increased inclusivity and innovation that the reform would promote. It would also align Zambia's IP system with Article 41 of the TRIPS Agreement, which requires members to ensure effective enforcement and protection mechanisms⁷⁷.

4.2.4 ACCESSION TO THE HAGUE AGREEMENT

Chapter Two identified Zambia's non-membership in The Hague Agreement Concerning the International Registration of Industrial Designs as a critical shortcoming⁷⁸. Without access to this system, Zambian designers must file separate applications in every jurisdiction, increasing costs and administrative complexity. Kenya's accession to The Hague Agreement in 2020 has simplified international filings

⁷⁶ N10

⁷⁷ TRIPS Agreement 1994, art 41.

⁷⁸ Hague Agreement Concerning the International Registration of Industrial Designs (Geneva Act, 1999)

and expanded global market access for its designers. The UK's long-standing participation in the system further underscores its value⁷⁹.

Zambia should, therefore, accede to The Hague Agreement and align the Industrial Designs Act accordingly. This reform would enable local innovators to register their designs in multiple countries through a single application filed with WIPO⁸⁰. Although the process requires administrative upgrades and training for PACRA staff, the long-term benefits such as cost savings, efficiency, and global competitiveness far outweigh these transitional challenges⁸¹.

By joining The Hague system, Zambia would also demonstrate commitment to the WIPO Development Agenda and the African Regional Intellectual Property Organization (ARIPO)'s efforts toward harmonized IP standards. This change would directly address Zambia's international isolation, as discussed in Chapter Two, and would strengthen its position in global trade and innovation networks⁸².

4.2.5 STRENGTHENING ENFORCEMENT AND REMEDIES

Weak enforcement remains one of the most persistent challenges in Zambia's IP framework. As noted in Chapter Two, the country lacks specialized courts or tribunals for IP disputes, resulting in slow proceedings and inconsistent judgments⁸³. Kenya's Industrial Property Tribunal (IPT) and the UK's Intellectual Property Enterprise Court (IPEC) offer practical models for Zambia to emulate⁸⁴. These institutions combine legal expertise with procedural efficiency and cost-capped litigation, making IP enforcement accessible to small creators.

⁷⁹ KIPI, Annual Report 2021 (Nairobi 2022).

⁸⁰ WIPO, Guidelines on Digital Design Protection.

⁸¹ Ibid

⁸² WIPO, Development Agenda Recommendations (n 9).

⁸³ Ngulube (n 5).

⁸⁴ KIPI (n 18).

To address these issues, Zambia must establish a Designs and Intellectual Property Tribunal within PACRA, empowered to resolve disputes and enact statutory damages. The Tribunal could also handle mediation and arbitration to encourage amicable resolution. Furthermore, judicial officers and legal practitioners should undergo regular IP training to build expertise and consistency in case law⁸⁵.

This reform would directly remedy the enforcement weaknesses highlighted in Chapter Two and foster a culture of respect for design rights. Strong enforcement mechanisms are important for legal certainty and for maintaining the credibility of Zambia's IP system within both domestic and international markets⁸⁶.

4.3 INSTITUTIONAL AND POLICY REFORMS

Beyond legislative amendments, institutional strengthening is crucial to ensuring that legal reforms are effective in practice. The following reforms are therefore proposed to enhance the capacity, coordination, and visibility of industrial design protection in Zambia.

4.3.1 Awareness and Capacity Building

As established in Chapter Two, many Zambian creators are unaware of the benefits of design registration or the procedures involved. The low rate of design submissions can be credited largely to limited awareness and education. Kenya's KIPi and the UK's IPO have both succeeded in raising awareness through nationwide outreach programs, workshops, and educational resources⁸⁷.

Zambia should imitate these initiatives by establishing a sustained public awareness campaign through PACRA in partnership with universities, innovation hubs, and the private sector. Training workshops, design fairs, and media campaigns could help

⁸⁵ Ibid.

⁸⁶ N10

⁸⁷ KIPi (n 18).

demystify design registration and encourage participation. Over time, such initiatives would cultivate a culture of innovation and intellectual property literacy across the country.

4.3.2 Digitization of Registration

Zambia's paper-based registration system creates inefficiency, delays, and accessibility barriers for rural innovators. Digitization is therefore essential. Kenya's adoption of the IP Management System (IPAS) and the UK's E-designs Platform have demonstrated the advantages of electronic filing, including greater transparency, convenience, and faster processing times.

PACRA should develop a secure online platform for filing, tracking, and renewing design applications. Integration with WIPO's E-Hague system would further enable Zambian designers to manage both local and international registrations seamlessly⁸⁸. This change would not only increase accessibility but also support anti-corruption efforts by reducing manual intervention in administrative processes.

4.3.3 Integration with National Development Frameworks

Industrial design protection should not exist in isolation from national development policies. To ensure sustainability, IP reforms must be aligned with **Zambia's Vision 2030**, the **Eighth National Development Plan (2022–2026)**, and the **National Intellectual Property Policy (2019)**⁸⁹. These frameworks emphasize innovation, technology transfer, and creative industry development as drivers of socio-economic progress.

⁸⁸ WIPO (n 8).

⁸⁹ Government of Zambia, National Intellectual Property Policy (2019).

Adding design protection into these broader policies would allow for coordinated implementation, shared resources, and consistent evaluation. This integration would also strengthen Zambia's compliance with regional strategies under **COMESA** and the **African Continental Free Trade Area (AfCFTA)**⁹⁰.

4.4 THE TRIPS-PLUS AND TRIPS-MINUS DEBATE

Addressing Objectives 3 and 4, Zambia's legal reforms must adopt a balanced approach to the implementation of international intellectual property standards under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The TRIPS Agreement provides only minimum levels of IP protection, allowing member states to exceed them through "TRIPS-Plus" provisions or to maintain flexible "TRIPS-Minus" standards tailored to their developmental needs.

A TRIPS-Plus approach would involve the inclusion of modern features such as digital design recognition, the establishment of unregistered design rights, and accession to The Hague Agreement to facilitate international registration. These measures would enhance Zambia's competitiveness, attract foreign investment, and align domestic standards with advanced economies such as the United Kingdom. Conversely, a TRIPS-Minus model would maintain flexibility by ensuring low registration fees, simplified procedures, and short term unregistered design protection, thereby supporting accessibility for SME's, local artisans, and informal sector innovators. For Zambia, a hybrid TRIPS model that blends both approaches would best serve national interests. This would mean maintaining the accessibility and affordability of the current system while strategically integrating higher standards in areas crucial for digital innovation and international trade. Such a hybrid model directly supports Zambia's Vision 2030, which seeks to transform the country into a "prosperous middle-income nation" through science, technology, and innovation. By implementing selective

⁹⁰ Ibid.

TRIPS-Plus, standards in digital design protection and international integration, Zambia would strengthen its export potential and enhance its participation in global value chains.

At the same time, maintaining TRIPS-Minus elements such as grace periods and affordable filing fees would ensure that small and medium enterprises (SMES) remain active participants in innovation. This contrast resonates with the government's Eighth National Development Plan (2022–2026), which emphasizes inclusive growth and industrial diversification. The adoption of a hybrid TRIPS model therefore positions industrial reform not merely as a legal adjustment but as a strategic economic intervention aligned with Zambia's long term development priorities under Vision 2030.

4.5 ANTICIPATED BENEFITS OF REFORM

The reforms proposed in this chapter are not only legal adjustments but also instruments of economic policy. A modernized design regime would contribute to industrial diversification, attract foreign investment, and create employment opportunities in design-driven industries such as fashion, architecture, and technology.

By fostering a culture of innovation and protecting creators' rights, these reforms would align with the national innovation ecosystem promoted under the National Intellectual Property Policy (2019). They also complement the government's Eighth National Development Plan (2022–2026), which highlights the role of innovation and industrialization in achieving sustainable growth. Therefore, reforming the Industrial Designs Act is integral to Zambia's broader development strategy under Vision 2030, which envisions economic growth driven by knowledge, creativity, and technology.

4.6 IMPLEMENTATION STRATEGY

The successful realization of these changes requires a phased and well coordinated approach. In the short term (1–2 years), Zambia should amend its Industrial Designs Act to include broader definitions, prior user rights, and unregistered design protection. PACRA should also initiate awareness campaigns and capacity-building programs.

In the medium term (3–5 years), the focus should shift to institutional development, including the establishment of the IP Tribunal and digitization of registration systems. Finally, in the long term (5–10 years), Zambia should assent to The Hague Agreement and harmonize its IP laws with international best practices, ensuring that all changes are evaluated occasionally for effectiveness.

4.7 CONCLUSION

This chapter has demonstrated that Zambia's industrial design regime requires a complete alteration to meet the demands of a digital and innovation driven economy. Drawing from the lessons of Kenya and the United Kingdom, the chapter has outlined a roadmap for change that includes legislative, institutional, and policy adjustments. These changes bridging from the redefinition of design to improved enforcement and international integration would transform Zambia's Industrial Designs Act into a modern, competitive, and development oriented legal framework.

If applied, these measures would close the gaps identified in Chapter Two, define the best practices discussed in Chapter Three, and position Zambia as a leader in design innovation within Africa. The result would be a balanced, inclusive, and forward looking IP regime that supports both domestic creators and international competitiveness.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.0 INTRODUCTION

This chapter brings together everything discussed in the study, the key findings, the conclusions, as well as recommendations. The study looked closely at whether Zambia's Industrial Designs Act No. 22 of 2016 really protects modern and digital designs as it should. The chapter re-examines the objectives of the study and demonstrates how they were achieved through doctrinal and comparative analysis, before offering recommendations intended to guide legislative and policy reform.

5.1 SUMMARY OF FINDINGS

The study examined the extent to which Zambia's legal framework for industrial design protection meets the demands of contemporary innovation. It established that the Industrial Designs Act 2016 was enacted to modernize Zambia's intellectual-property system and align it with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), yet the statute remains limited in scope. The Act's definition of "industrial design" is confined to features applied to a physical article, thereby excluding purely digital and virtual creations such as graphical user interfaces (GUIs), screen layouts, and digital icons.

The absence of prior user rights, weak enforcement systems, and Zambia's non membership in The Hague Agreement Concerning the International Registration of Industrial Designs have collectively undermined the effectiveness of the Act. The study also noted that Zambia's failure to provide protection for unregistered designs disadvantages informal sector innovators who may not afford the cost of registration. Through comparative analysis with Kenya and the United Kingdom, it became apparent that Zambia's law requires substantive and procedural reform to stimulate innovation and competitiveness.

5.2 SUMMARY OF CHAPTERS

5.2.1 CHAPTER ONE

Chapter One introduced the research problem and established the context in which industrial design protection operates. It explained the importance of design law in encouraging creativity and investment and presented the general and specific objectives of the study. The chapter defined the scope of research, formulated the research questions, and set out the theoretical and conceptual framework underpinning the inquiry. It further discussed the methodology mainly doctrinal and comparative in order to evaluate the adequacy of Zambia's design-law framework.

5.2.2 CHAPTER TWO

Chapter Two critically analyzed the practical and technical weaknesses of the Industrial Designs Act 2016. It revealed that the Act's definition fails to recognize modern design realities and excludes digital forms of creativity. The chapter also examined the absence of prior user rights, the inadequacy of enforcement mechanisms, and Zambia's failure to accede to The Hague Agreement. The analysis demonstrated that these weaknesses limit legal certainty, discourage innovation, and isolate Zambian designers from international markets.

5.2.3 CHAPTER THREE

Chapter Three undertook a comparative analysis between Zambia, Kenya, and the United Kingdom. Kenya's Industrial Property Act 2001 extends protection to a wider range of designs and provides a defense for good faith prior users, thereby promoting

fairness and encouraging early innovation. Moreover, Kenya's compliance to The Hague Agreement offers its designers simplified access to international protection. The United Kingdom's Registered Designs Act 1949, as amended by the Intellectual Property Act 2014, recognizes both registered and unregistered designs, including digital and screen based works. These comparisons underscored the gaps in Zambia's legislation and offered practical lessons on how to reform the Act to enhance both accessibility and technological relevance.

5.2.4 CHAPTER FOUR

Chapter Four merged the comparative insights and proposed detailed reforms aimed at modernizing Zambia's legal regime. Each recommendation was clearly linked to the research objectives and to specific shortages in the Zambian Act. The chapter advocated for expanding the statutory definition of "industrial design" to include digital and GUI-based creations, the introduction of prior-user rights, the establishment of specialized intellectual property tribunals, and accession to The Hague Agreement. It further proposed adopting a hybrid TRIPS-Plus and TRIPS-Minus model, combining global best practices with flexibility suited to Zambia's developmental priorities. The chapter concluded that reforming the Industrial Designs Act is both a legal and an economic imperative aligned with the goals of Vision 2030 and the Eighth National Development Plan (2022–2026).

5.2.5 MAJOR FINDINGS OF THE STUDY

Narrow Definition of Industrial Design –The law only protects physical items, completely excluding new digital and virtual innovations. This limitation simply does not make sense when you look at global practices, and its actively discouraging people from participating in the digital economy

Absence of Prior-User Rights – When the law ignores prior users, it causes a lot of legal ambiguity. This means someone can file a claim later and unfairly take the registration, completely ruining the concept of fairness.

Weak Enforcement Framework – The challenge comes in when properly enforcing design law because we don't have specialized courts, and judges often lack expertise in the area. Since the legal battles drag on for quite some time, it ends up discouraging creators especially SMEs.

Lack of International Integration – Because of Zambia not being a member of The Hague Agreement, designers who want to sell their work internationally face higher costs and more obstacles when trying to protect their creations overseas

No Protection for Unregistered Designs – The current system leaves out innovators in the informal sector, who often rely on quick, automatic or short term protection offered in other countries.

Limited Public Awareness – Creators and business owners just don't know enough about the system, which adds on to why anyone hardly uses it, which then leads to very low rates of design registration.

Missed Developmental Opportunities – If Zambia does not update its laws, it risks falling behind regional neighbors like Kenya. This means it will miss out on using industrial design to boost creativity, create jobs, and expand exports.

5.2.6 RECOMMENDATIONS

In light of the conclusions drawn, several key recommendations emerge that can help modernize and strengthen Zambia's framework for industrial design protection.

To begin with, there is a need to expand the statutory definition of "industrial design" under Section 2 of the Industrial Designs Act (2016). The law should be amended to expressly include digital and non-physical designs, such as graphical user interfaces, digital icons, screen layouts, and virtual product appearances. This broader definition would ensure that Zambia's legal system captures the full picture of current innovation and remains relevant in an increasingly digitalized economy.

Furthermore, the introduction of prior user rights into the Act is vital. Providing statutory protection for those who have, in good faith, used or disclosed a design before its registration by another person would promote fairness and reduce conflicts over ownership. This approach, which is effectively applied in Kenya, would encourage transparency and early innovation while preventing opportunistic submissions.

Equally important is the strengthening of enforcement mechanisms. Establishing a specialized tribunal within the Patents and Companies Registration Agency (PACRA) or under the Industrial Property Office would provide a cheaper and efficient platform for resolving design related disputes. This reform would not only improve access to justice but also promote confidence among innovators that their rights can be meaningfully enforced.

Zambia should also consider joining The Hague Agreement Concerning the International Registration of Industrial Designs. Membership would simplify the process of securing international protection through a single application, reduce administrative costs, and it would open export opportunities for Zambian designers. Participation in this system would integrate Zambia into the global innovation network and enhance the visibility of local creative industries.

Additionally, the introduction of unregistered design protection is highly recommended. Such protection, similar to that available under the UK system, would provide automatic rights upon the creation of a design, particularly benefitting SMEs, artists, and informal creators who may not have the means to pursue formal registration. This would promote proper inclusivity and ensure that all creators, regardless of their financial status, enjoy some level of protection.

Lastly, Zambia needs to adopt a hybrid TRIPS-Plus and TRIPS-Minus approach to reform. While the country should embrace TRIPS-Plus elements such as digital design recognition and Hague membership to enhance competitiveness, it must also maintain TRIPS-Minus flexibility in the form of affordable fees, simplified procedures, and local accessibility. This balance would support small businesses while promoting compliance with international best practices. Ultimately, changes must be supported by capacity building and public awareness programs. Legal practitioners, judges, innovators, and business owners must be educated on the importance of design protection and its contribution to economic growth. The government, through PACRA

and the Ministry of Commerce, need to also actively promote awareness campaigns that encourage creators to register their designs and assert their rights confidently.

5.2.7 FINAL OBSERVATION

To try and sum up everything that has been said in all the chapters till this point, this study establishes that Zambia's Industrial Designs Act (2016) possesses the structural foundation for effective design protection but it lacks the flexibility and vision required for a modern innovation economy. This means that improving the Act would bridge the gap between law and technology, empowering local creators while attracting foreign investment.

If properly implemented, the proposed reforms would not only strengthen the country's intellectual property framework but also align it with ***Zambia's developmental goals under Vision 2030 and the Eighth National Development Plan (2022–2026)***. A dynamic and inclusive industrial design administration is therefore essential to transform creativity into sustainable economic growth and to position Zambia as a competitive player in the global creative and digital industries.

5.2.8 CONCLUSION

From the findings, it can be concluded that the Industrial Designs Act (2016), though progressive in intent, has not evolved properly to accommodate the realities of modern design innovation. Its article based definition is outdated, and its enforcement framework lacks the capacity to efficiently handle disputes or encourage registration. Zambia's not being part of The Hague Agreement has further hindered international competitiveness and cross border protection.

The absence of prior user rights and unregistered design protection demonstrates that the law has not yet achieved the balance between accessibility, fairness, and international alignment. As a result, many Zambian innovators remain unprotected in both local and international markets, which negatively impacts the growth of the creative and technological industries.

It is therefore essential that the reform of the Industrial Designs Act not be viewed merely as a legal adjustment, but as a broader economic and developmental necessity. A modern, inclusive, and responsive legal regime would not only secure the rights of designers but also stimulate investment, job creation, and technological advancement in Zambia.

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L400B / Dissertation II – DIRECTED RESEARCH (OBLIGATORY ESSAY)

RESEARCH CLEARANCE FORM

NAME: NTAZANA NAMUMBA

STUDENT NUMBER: LLB211482266

SUPERVISOR: Mr. CHISANGA MUTALE

TOPIC: A CRITICAL ANALYSIS OF THE WEAKNESSES IN THE INDUSTRIAL DESIGNS ACT OF 2016 OF ZAMBIA: A COMPARATIVE STUDY WITH BEST PRACTICES FROM KENYA AND THE UNITED KINGDOM.

Stage	Supervisor's Comments	Supervisor's Signature & Date	Student's Signature & Date
Research Proposal	Student was asked to Revise and resubmit. Focus was on the research questions are methodology	 30 th July 2025	NTAZANA NAMUMBA 30 th July 2025
Chapter 1 – Introduction	Revise and resubmit	 16 th August 2025	Ntazana Namumba 16 th August 2025
Chapter 2 –	Revise and resubmit	 16 th August 2025	Ntazana Namumba 16 th August
Chapter 3 –	Revise and resubmit	 12 th September 2025	Ntazana Namumba 12 th September 2025
Chapter 4 –	Revise and resubmit	 3 rd November 2025	Ntazana Namumba 3 rd November 2025
Chapter 5 – Conclusions & Recommendations	Revise and resubmit	 19 th November 2025	Ntazana Namumba 19 th November 2025
Abstract, Table of Contents, Bibliography and Appendices	Revise and resubmit	 19 th November 2025	19 th November 2025

First Draft	Revise and resubmit	 19 th November 2025	19 th November 2025
Second Draft	Revise and resubmit	 19 th November 2025	19 th November 2025
Final Draft	Revise and resubmit	 19 th November 2025	19 th November 2025

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REPORT #30153957

THAT this obligatory essay under my supervision By NTAZANA NAMUMBA LLB211482266 Entitled A CRITICAL ANALYSIS OF THE WEAKNESSES IN THE INDUSTRIAL DESIGNS ACT OF 2016 OF ZAMBIA: A COMPARATIVE STUDY WITH BEST PRACTICES FROM KENYA AND THE UNITED KINGDOM. 1 2 3 Done under my supervision, be admitted by the University, I have checked it carefully and I am satisfied that it meets the necessary requirements pertaining to the format laid down by the University regulations. Mr. CHISANGA MUTALE (Supervisor) iii ACKNOWLEDGEMENT I begin by thanking my Heavenly Father, Jehovah God, for granting me the strength, wisdom, and perseverance throughout my law school journey. My sincere appreciation goes to my supervisor, Mr. Chisanga Mutale, for his patient guidance, constructive criticism, and invaluable insight. 83 Your mentorship has been instrumental to the success of this research. To my Dad, thank you for your endless support, sacrifices,