



OPPOSITION OF A TRADEMARK IN TANZANIA and ZANZIBAR :

The owner of the trademark has to apply to the Registrar of Trademarks ('Registrar') for obtaining the trademark registration. Upon receiving the application for registration, the Registrar will advertise the trademark in the trademark journal.

Any person can file an opposition for registration of the trademark published in the Trademark Journal. The opposition is to be filed to the Registry of Trademarks, where the trademark registration application is filed

Any of the following are also grounds for opposition to the registration of a trade or service mark:

- 1) where the trade or service mark resembles, in such a way as to be likely to deceive or cause confusion, an unregistered trade or service mark used earlier in Tanzania by a third party about the same goods or services or closely related goods or services, provided that, an application for the registration of the earlier used unregistered trade or service mark is filed at the same time as the notice of opposition;
- 2) where the trade or service mark resembles in such a way as to be likely to deceive or cause confusion, with a business or a company name already used in Tanzania by a third party; and
- 3) Where the trade or service mark is filed by the agent or representative of a third party who is the proprietor of the trade or service mark in another country, without the authorization of that proprietor, unless the agent or representative justifies his action.
- 4) The notice of opposition must be given in writing in the prescribed manner and must include a statement of the grounds of opposition. The Trademark Office will send a copy of the notice to the applicant and, within the prescribed time after its receipt, the applicant must send to the Trademark Office, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and if he does not do so, he will be deemed to have abandoned his application.

If the applicant sends any counter-statement, the Trademark Office will furnish a copy of it to the person giving notice of opposition, and will, after hearing the parties and considering the evidence, decide whether, and subject to what conditions or limitations, if any registration is to be permitted. If any of the parties is aggrieved by the decision handed



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down by the Trademark Office, he may appeal to the High Court. On appeal from a decision of the Trademark Office, the High Court may permit the trade or service mark proposed to be registered subject to modification in any manner not substantially affecting its identity (but in that case the trade or service mark as so modified will be advertised in the prescribed manner before being registered). The High Court may also order the application to be registered as applied or it may order absolute rejection of the application if there are legal grounds to justify the rejection.

When an application for registration of a trade or service mark has been accepted, and either-

(a) the application has not been opposed and the time for notice of opposition has expired, or

(b) the application has been opposed and the opposition has been decided in favor of the applicant, the Trademark Office will, unless the application has been accepted in error, register the trade or service mark, and the trade or service mark, when registered, it will be registered as of the date on which the application for registration was received.