



## 1. Copyright

### **Plant Breeders.**

Protecting Plant Breeders' IP Rights in Tanzania and Zanzibar

### **Plant Breeders' Rights Registration Process**

The Plant Breeders' Rights Act, 2012 established a protection system in Tanzania for new plant varieties that are not eligible for registration under traditional patent law. In Zanzibar, the Plant Breeders' Registry Act, 2014 applies. In Zanzibar a new plant variety can be protected if they it is new, distinct, uniform and stable. Plant breeders seeking to protect their varieties must be cautious to ensure that they have satisfied all of the requirements of the law.

At ABC Attorneys, we have years of experience helping plant breeders successfully apply for registration in Tanzania. We can walk you through the registration requirements, and we will handle the entire plant breeders' rights registration process for you to ensure that it goes as quickly and smoothly as possible.

### **Plant Breeders' Rights Licenses & Assignments**

We also regularly represent clients with respect to licensing and assigning plant breeders' rights in Tanzania. Tanzania law permits full licensing of plant breeders' rights, with the option for rights holders to set any specific conditions of the terms of the license.

If you are seeking to negotiate a plant breeders' rights license in Tanzania, or if you are contemplating an assignment or acquisition of plant breeders' rights, our intellectual property lawyers can represent you in all aspects of the transaction. We are available to assist rights holders and other interested parties in the compulsory licensing process as well.



### **Plant Breeders' Rights Cancellation and Infringement**

Not all plant varieties are eligible for protection under Tanzanian law. For example, plant breeders' rights are not available for varieties that:

- are essentially derived from another variety,
- are not clearly distinguishable from another variety, or
- repeat the use of a protected variety in their production.

However, determining whether a particular variety is eligible for registration can often be a challenge. Similarly, in many cases there can be a legitimate question as to whether a newly-developed variety infringes upon an existing plant breeder's exclusive rights. When issues arise, they generally must be resolved through either a proceeding for cancellation with the Registrar or an infringement claim in court.