



## PRIORITY OF PATENT REGISTRATION IN TANZANIA

### **Priority of patent registration in Tanzania**

As part of Tanzania, Zanzibar is a member of the Paris Convention. An application may contain a declaration claiming priority of one or more earlier national, regional or international applications filed by an applicant or his predecessor in title in any state party to the Paris Convention or to a convention to which Zanzibar is a party.

The required documents are:

(i) power of attorney; (ii) description; (iii) claim(s); (iv) abstract; (v) drawing(s); (vi) statement justifying that certain disclosures be disregarded; (vii) priority documents (if available at the time of filing); (ix) English translation (if available at the time of filing); and (x) application fee and any other documents, if any. The description, claim(s), abstract, drawing(s), statement justifying that certain disclosures be disregarded, priority and any other documents must be filed in triplicate (fourth copy for agent's file).

Point to note:

The description must disclose the invention in such manner and with such details so that the invention can be established by a person skilled in the art based on the specification and drawings. The specification and claims must be made on sheets of strong white paper of international size A4 (29.7 cm × 21 cm), which may be used on one side only. All sheets must be connected in such a manner that they can easily be separated and joined again. The margins to be observed are: left side 2.5; top 2; right side and bottom 2. The description and other documents (other than drawing) must be typewritten in a dark, indelible color, at least 1½ line spacing and in characters of which the capital letters are not less than 0.21 cm high. Graphic symbols and chemical and mathematical formulae may, when necessary, be written by hand or drawn, in a dark indelible color. Only minor erasures, corrections or insertions not affecting the authenticity of the text may be made. The request for grant of a patent, the description, the claims and the abstract may contain chemical or mathematical formulae. The claims may contain tables if use of tables is desirable. In all documents, including drawings, units of weight and measures must be expressed in terms of the metric system. If a different system is used, the units must also be expressed in metric system. Temperatures must be expressed in degrees Celsius. For the other physical values, the units recognized in international practice must be used, for mathematical formulae the symbols, atomic weights and molecular formulae in general use must be employed. In general, use



## PRIORITY OF PATENT REGISTRATION IN TANZANIA

must be made of technical terms, signs and symbols generally accepted in the field in question. If a formulae or symbols is used in the description a copy thereof, prepared in the same manner as drawings, must be furnished if the Patent Office so directs. The terminology and the signs must be consistent throughout the application. The description must contain:

- the title of the invention;
- specification of the technical field or fields to which the invention relates;
- indication of the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such background art;
- disclosure of the invention, as claimed, in such terms that the technical problem (even if not expressly stated as such) and its solution can be understood, and state the advantageous effects, if any, of the invention concerning the background art;
- brief description of the figures in the drawings, if any;
- statement on the best mode known to the applicant for establishing the invention known to the inventor at the filing date or, where priority is claimed, priority date of the application. This is done by way of giving examples and where appropriate, and with reference to the drawings, if any;
- explicit indication on when it is not otherwise obvious from the description or nature of the invention, the way or ways in which the invention is capable of industrial application or of other use; and
- applications comprising the disclosure of nucleotide or amino acid sequences must also comprise a sequence listing filed in a computer readable form produced in accordance with the rules and regulations of the PCT.

The contents of the description must be presented in the order in which such contents are listed in patents regulations, unless, because of the nature of the invention, a different order affords a better understanding and a more economical presentation.

If the contents of an application for a patent or of a patent discloses an invention which requires for its performance the use of a micro-organism which is not available to the public at its date of filing, these contents are treated as disclosing the invention in a manner which is clear and complete enough for the invention to be performed by a person skilled in the art if the following conditions are satisfied:

- a culture of the micro-organism has been deposited in a culture collection not later than the date of filing the application;
- the application as filed gives such relevant information as is available to the applicant on the characteristics of the microorganism; and



## PRIORITY OF PATENT REGISTRATION IN TANZANIA

- the name of the culture collection, the date when the culture was deposited and the accession number of the deposit are given in the description of the application.

The claim must be defined unambiguously, and in accordance with the description. Depending on the nature of the invention, claims may be for a product, an apparatus, a process or a use. The claims must be numbered consecutively in Arabic numerals. Claims must be written either: (i) in two parts, the first part consisting of a statement indicating those technical features of the invention which are necessary in connection with the definition of the claimed subject matter and which, in combination, appear to be part of the prior art, the second part ("the characterizing portion"), introduced by the words "characterized in that," "characterized by," "wherein the improvement comprises", or other words to the same effect, consisting of a statement concisely indicating those technical features which in combination with the features stated in the first part, define the subject matter for which protection is sought; or (ii) in a single statement containing a recitation of a combination of several elements or steps, or single element or step, which defines the matter for which protection is sought.

A claim must not contain, in respect of the technical features of the invention, references to the description or any drawings, for example, such references as: "as described in part .....of the description, " or " as illustrated in figure. ....of the drawings", unless such a reference is necessary for the understanding of the claim or enhances the clarity or the conciseness of the claim. A claim also must not contain any drawing or graph. A claim may contain tables and chemical or mathematical formulas. Further, where the application contains any drawing, any technical feature mentioned in any claim may, if the intelligibility of that claim can be enhanced, include a reference sign to that drawing or to the applicable part of that drawing. Such a reference sign must be placed between square brackets or parentheses and must not be construed as limiting the claim.

Any claim which includes all the features of one or more other claims of the same category ("dependent claim" or "multiple dependent claim," respectively) it must preferably first refer to the other claim or claims by indicating the serial number of the other claim or the serial numbers of the other claims and then state those features claimed that are additional to the features claimed in the other claim or claims. Dependent claims or multiple dependent Claims may depend on dependent claims or multiple dependent claims, multiple dependent claims may refer in the alternative or in the cumulative to the claims on which they depend. All dependent claims referring to the same other claim and all multiple dependent claims referring to the same other claims, must be grouped together in the most practical way possible.

Drawings must be submitted in three identical sets (fourth set for agent's file). Drawings



## PRIORITY OF PATENT REGISTRATION IN TANZANIA

must be on sheets the usable surface area of which must not exceed 26.2 cm by 17 cm. The sheets must not contain frames round the usable or used surface. The minimum margins shall be as follows:

top ..... 2.5 cm

left side ..... 2.5 cm

right side ..... 1.5 cm

bottom ..... 1.0 cm

Drawings must be executed as follows:

1. without coloring in durable, black sufficiently dense and dark, uniformly thick and well defined lines and strokes to permit satisfactory reproduction;
2. cross-sections must be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;
3. the scale of the drawings and the distinctness of their graphical execution must be such that a photographic reproduction with linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing it must be represented graphically;
4. all numbers, letters and reference signs appearing in the drawings must be simple and clear and brackets, circles and inverted commas must not be used in association with numbers and letters;
5. elements of the same figures must be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;
6. the height of the numbers and letter must not be less than 0.32 cm and for the lettering of drawings, the Latin and, where customary, the Greek alphabets must be used;
7. the same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets must be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures must be arranged without wasting space, clearly separated from one another. The different figures must be numbered consecutively in Arabic numerals independently of the numbering of the sheets;
8. reference signs not mentioned in the description or claims must not appear in the drawings, and vice versa.. The same features, when denoted by reference signs, must, throughout the application, be denoted by the same signs;
9. the drawings must not contain textual matter, except, when required for the



## PRIORITY OF PATENT REGISTRATION IN TANZANIA

understanding of the drawings. a single word or words such as “water”, “steam”, “open”, “closed”, “section on AA” and in the case of electric circuits and block schematic or flow sheet diagrams, short catchwords; and

10. the sheets of the drawings must be numbered in accordance with patent regulation 14(9).

Abstract must be filed in three copies (fourth copy for agent’s file), in English language. The abstract must commence with the title of the invention. The abstract must contain a concise summary of the matter contained in the description of the invention. The summary must indicate the technical field to which the invention belongs and be drafted in a manner which allows a clear understanding of the technical problem to which the invention relates the gist of the solution to that problem through the invention and the principal use or uses of the invention.

Where appropriate, the abstract must also contain the chemical formula which, among those contained in the specification, best characterizes the invention. It must not contain statements on the alleged merits or value of the invention or on its speculative application. The abstract must normally not contain more than 150 words. If the description of the invention contains any drawings, the applicant must indicate the figure or, exceptionally, the figures of the drawings which he suggests should accompany the abstract when published. The Patents Office may decide to publish one or more other figures if it considers that they best characterize the invention. The abstract must be such that it constitutes an efficient instrument for the purposes of searching in a particular technical field, in particular by making it possible to assess whether there is a need to consult the description of the invention itself. At the end of the abstract the number of the figure in the drawings which best characterizes the invention must be indicated. The abstract must serve for the purpose of extracting technical information only. The abstract may not in particular serve for the interpretation of the extent of the protection claimed, and may not be taken into consideration when determining the state of the art.

Convention priority must be made at the time of filing the application and must generally indicate:

1. The date(s) of the earlier application(s);
2. The number(s) of the earlier application(s). If at the time of filing the number of the earlier application is not known, that number shall be furnished within three months from the date of filing of the application for a patent;
3. The symbol of the International Patent Classification which has been allocated to the



## PRIORITY OF PATENT REGISTRATION IN TANZANIA

priority application(s); Where a symbol of the International Patent Classification has not been allocated or had not yet been allocated at the time of filing the declaration, the applicant must state this fact and must communicate the symbol as soon as it has been allocated;

4. The state(s) in which the earlier(s) application(s) was filed or, where the earlier application is a regional or an international application, the state (s) for which it was designated; and
5. Where the earlier application is a regional or an international application, the office with which it was filed.

If the Patent Office requests for a certified copy of the earlier application, the copy must be furnished within one month from the date of request. Where an earlier application is not in English language, the applicant must, within three months from the date of request by the Patent Office, furnish English translation of the earlier application. Unless it is indicated otherwise by the Patent Office, the earlier application and any translation thereof must be filed in one copy. If the application is made in the name of someone other than the applicant in the basic case, the evidence of an assignment of priority rights is required.

Under Tanzanian patent law, internal priority may be claimed from an earlier application for utility model. If an applicant has filed an earlier utility model application relating to the same subject matter, he may on filing a patent application claim the filing date and priority date of the earlier utility model application provided that such claim is made before the notification of rejection of the application for utility model and after payment of prescribed fees.