



REGISTERING A SERVICE MARK IN TANZANIA

Service marks are words, phrases, sounds or symbols that identify your business and distinguish it from other businesses. If you use it for services that you provide, it's a service mark. Sometimes people use the word "trademark" to refer to both trademarks and service marks. In essence therefore, if a company in the course of doing business is involved in any legal action that imposes any liabilities on the company; the company shall be sued in its own capacity as an entity.

How do you know if you're providing products or services? Services are things that you do for other people, such as preparing tax returns or giving golf lessons. Products are items that you sell, such as tax preparation software or golf clubs.

WHY REGISTER A SERVICE MARK.

Service Marks receive common law trademark protection if you use them in your business. But this protection is weak and doesn't usually extend beyond your immediate geographic area. If another business then uses your mark, it can be hard to prove that you have a superior right to use it.

Many states offer **service mark registration**, but state registration will not protect you if an out-of-state business begins using your mark.

In Tanzania registration of Service Mark is done at **Business Registration and Licensing Agency (BRELA)**.

The steps required for registering a service mark are specified below; because of the details involved, it may be wise to consider using a third-party registration service.

PROCEDURES REGISTERING A SERVICE MARK IN TANZANIA.

Any person who or whose proposed registered user uses or proposes to use a service mark shall apply for the registration of the service mark. Any such applicant, person making request or giving notice, proprietor, or registered user may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar or the Court under the Act and these Regulations by signing and sending to the Registrar or the Court as the case may be, an authority to that effect in the Form TM/SM 1 or in such other written form as the Registrar or the Court may deem sufficient. An application to the Registrar for the registration of a service mark is made online by creating an account on Online Registration System.



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The benefits of registering a Service mark is that:

1. The registration of a trademark gives the owner the exclusive right to the use of the trademark in relation to the goods or services in respect of which the mark is registered and may seek the relief of infringement in appropriate courts in the country.
2. This is a marketing tool, the mark brands the goods represented by the manufacturer.

Required Documents:

1. Power of Attorney
2. Classification of Goods
3. Image of the mark