



REGISTRATION OF A MOBILE APPLICATION IN TANZANIA

The law in Tanzania recognises the power of creativity, innovation and any kind of intellectually manifested works. This is to the fact that, in every creative endeavor there is efforts, labour, knowledge and time invested by the creator, inventor or author.

It is, of course, axiomatic that an idea is an essential first step toward any invention. Nothing can or will happen without an idea, so in one sense ideas are a critical, and valuable, piece to the overall innovation equation. In and of themselves, however, ideas are not monetarily valuable. Without some identifiable manifestation of the idea there can be no intellectual property protection obtained and no exclusive rights will flow

The law in protection of Intellectual properties in Tanzania is diverse, as to the fact that works are protected categorically depending on their nature. One of these works may be a mobile application.

Mobile application is initially termed as an idea but normally it is categorically placed as an invention to be registered as Patent, it falls under this category as to the fact that, all of the mobile applications are invented to cure or solve various socio-economic difficulties. Hence registration of a mobile application has to adhere all the procedures for Patent registration.

But since it begins as an idea, it is advised to register an idea first before commencing the procedures for patent registration. Since will be a literal work, COSOTA is responsible for registration of the ideas. Thus, the idea for Mobile application will have legal protection while the procedures for Patenting it are on progress.

Patents provide a means for protecting the physical embodiments of certain classes of new and useful inventions. Patents are broadest form of intellectual property protection, encompassing not only the precise machine or process invented, but also variant machines or processes that may employ the underlying concept of invention. In Tanzania Patent is preserved or protected by the Patent Act, [CAP 217 R.E.2002]

For an Invention to accrue legal protection, the law under section 9, 10 and 11 places the need for it to be new (novelty) this is to say that, an invention has to be new not anticipated by any previous invention, it also has to be industrial applicable (industrial applicability) and more so, there have to be an inventive step. This gives an implication that, for the prospected mobile application to gain patentability and legal protection, it has to be new, industrial applicable and there are some realizable inventive steps.

In Tanzania, request for grant of a patent as for registration of a mobile application must be made in English, in triplicate and in a prescribed form having the following:



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- A request for the grant of a patent;
- Full name and address of the applicant(s) including their nationalities and country principal place of business (if there are several applicants, the proportion of their entitlement must be mentioned if it is not equal);
- Title of the invention, that is, a short and precise indication of the subject matter of the invention; statement that the applicant is the inventor (if applicant is not the inventor, a sworn statement must be provided to justify that the applicant has the right to file);

Also the request has to be accompanied with following documents:-

- Power of attorney; if the one applying for patent is not an inventor
- Description of the said invention
- Claim(s) which acts like a closing boundary of an invention showing the scope which the protection is sought and whoever cross the extent of the claims will be infringing the rights of an inventor
- Abstract
- Drawing(s);
- Statement justifying that certain disclosures be disregarded;
- Priority documents (if available at the time of filing);
- English translation (if available at the time of filing); and
- 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).

Application for Patent registration passes through different procedures prior grant, the procedures for mobile application registration as patent will pass through the following listed procedures:-

1. Preliminary Examination

2. Formal examination

- **Novelty Search**

1. Publication

2. Substantive Examination

3. Grant

- **Opposition**
- **Terms**

1. Reconsideration and Appeal



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2. Maintenance of Pending Application

3. Derivation

The law on patent under section 66 of the Patent Act provides that any act performed by a person other than the owner of patent and without authorization in relation to a product or process shall constitute the infringement of the patent. This is to say that, anyone using the mobile application already registered and protected by law without owners or inventor's consent thereof, will attract legal sanctions and the owner will be entitled to legal remedies.