



## THE REGISTRATION PROCESS FOR PATENTS IN TANZANIA.

### **THE REGISTRATION PROCESS FOR PATENTS IN TANZANIA.**

#### **What comes to your mind once you hear the word patent?**

##### **Introduction to Patent.**

Patent registration is an essential legal requirement that allows individuals, companies, and organizations to protect their inventions and innovations from unauthorized use, reproduction, or commercialization. Patent protection enables inventors to have a monopoly on their creations for a specified period, typically twenty years, and provides them with exclusive rights to manufacture, use, and sell their products in the market.

In Tanzania, the registration of patents is regulated by The Patent Act RE 2002, which outlines the legal requirements and procedures for patent registration in the country. This article will discuss the legal requirements for patent registration in Tanzania, including the application process, the criteria for patentability, and the rights and obligations of patent holders.

#### **What are the necessary procedures for the Application of a Patent in Tanzania?**

The application process for patent registration in Tanzania involves the following steps:

1. **Filing of Patent Application:** The applicant should file a written patent application with the Registrar of Patents, which includes a description of the invention, claims, drawings, and an abstract. The application must be in English or Swahili and must be accompanied by the prescribed fee.
2. **Formal Examination:** The Registrar examines the application to ensure that it meets the formal requirements, including the completeness of the documentation, payment of fees, and compliance with the legal requirements.
3. **Substantive Examination:** Once the application has been deemed complete, the Registrar conducts a substantive examination to determine the patentability of the invention. The examination checks whether the invention is new, involves an inventive step, and is capable of industrial application.
4. **Publication:** If the application is deemed to be patentable, the Registrar publishes the application in the official journal, giving the public an opportunity to oppose the grant of the patent.
5. **Grant of Patent:** If there is no opposition, the Registrar grants the patent, and the patentee is required to pay the prescribed fee to obtain the patent certificate.



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### **Do you know the Criteria for Patentability of Patent?**

To be eligible for patent protection in Tanzania, the invention must meet the following criteria:

1. **Novelty:** The invention must be new and not disclosed to the public anywhere in the world before the filing date of the patent application.
2. **Inventive Step:** The invention must involve an inventive step, which means that it should not be obvious to a person skilled in the art.
3. **Industrial Applicability:** The invention must be capable of industrial application, meaning that it can be manufactured or used in an industrial process.
4. **Exclusions:** The Industrial Property Act provides that certain inventions are not eligible for patent protection, including discoveries, scientific theories, and mathematical methods, among others.

### **The Rights and Obligations of Patent Holders.**

Once a patent is granted, the patent holder is entitled to the following exclusive rights:

1. **Monopoly:** The patent holder has the exclusive right to manufacture, use, and sell the invention for the duration of the patent.
2. **Licensing:** The patent holder may license the invention to third parties, allowing them to use the invention in return for a fee or other benefits.
3. **Infringement:** The patent holder may take legal action against any person or entity that infringes on their patent rights, including seeking damages or an injunction to stop the infringement.

However, the patent holder also has certain obligations, including:

1. **Disclosure:** The patent holder must disclose the details of the invention in the patent application to enable others to understand and replicate the invention after the expiry of the patent.
2. **Renewal:** The patent holder must pay the prescribed renewal fees to maintain the validity of the patent for the duration of the patent term.

### **Conclusion.**

Patent registration is a crucial legal requirement that enables inventors to protect their creations from unauthorized use and exploitation. In Tanzania, the Industrial Property Act provides the legal framework for patent registration, outlining the requirements and



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procedures for patent applications and the patentability criteria.