



TRADEMARK PROTECTION IN TANZANIA

WHAT IS A TRADE OR A SERVICE MARK?

A Trade or Service Mark is a distinctive sign; be it a name, signature, drawing or anything, which is used to distinguish similar goods or Services of various manufacturers or of such services providers.

Trade or Service Marks besides serving the owner or Services providers or products manufacturers to market their products or Services, they on the other hand help the consumers to identify, choose and finally purchase a product or service because of its quality as it has been displayed by the Trade or Service Mark owner over the years.

HOW IS A TRADEMARK PROTECTED IN TANZANIA?

Trademark protection refers to safeguarding intellectual property rights to protect a trademark from counterfeiting and infringement. In Tanzania Trademark protection is governed by the Trademarks Act No. 3 of 2019 and the Trademarks Regulations of 2020. The act provides for the registration and protection of trademarks, as well as the regulation of the use of trademarks in the country.

WHAT ARE THE PROCEDURES FOR TRADEMARK REGISTRATION IN TANZANIA?

Under the act, a trademark is defined as any sign or combination of signs that is capable of distinguishing the goods or services of one person from those of others. This can include words, logos, symbols, sounds, or even colors. The procedures for applying Trademarks in Tanzania Mainland differs with the procedures available in Tanzania Zanzibar.

An applicant for the registration of a Trademark can be a natural person or a legal corporate with authentic or legitimate rights to apply for registration of a mark. An applicant has to have an account to be able to officiate the registration of a Trademark. ABC Attorneys as a registered agent in the national Industrial property office, has an account



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that officiates the registration of its clients' Trademarks in the United Republic of Tanzania.

To register a trademark in Tanzania, an application must be filed with the Registrar of Trademarks (BRELA for Tanzania Mainland and ZBPR for Tanzania Zanzibar). The application must include a clear representation of the trademark, a list of the goods or services for which the trademark will be used, and the name and address of the applicant. The application will then be examined to ensure that it meets the requirements of the act, and if it is approved, it will be published in the Trademarks Journal for opposition purposes.

Once a trademark is registered, it is protected for a period of seven (7) years and can be renewed indefinitely for a period of ten (10) years. On the other hand, for Zanzibar a trademark is protected after registration for a period of ten (10) years and can be renewed indefinitely for a period of seven (7) years. The registrant has exclusive rights to use the trademark in relation to the goods or services for which it is registered.

The act also provides for the infringement of trademarks, which occurs when a person uses a trademark that is identical or similar to a registered trademark in relation to goods or services that are identical or similar to those for which the registered trademark is registered. This can result in legal action being taken against the infringer, including fines and injunctions.

In conclusion, the Trademarks Act and Regulations provide a robust framework for the registration and protection of trademarks in Tanzania. It is essential for businesses to register their trademarks to protect their brand and prevent infringement.