



TRADEMARK REGISTRATION IN TANZANIA AND ZANZIBAR

What is a trademark?

A trademark includes any word, name, symbol, or device, or any combination, used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. In short, a trademark is a brand name.

What is a Service mark?

A service mark is any word, name, symbol, device, or any combination, used, or intended to be used, in commerce, to identify and distinguish the services of one provider from services provided by others, and to indicate the source of the services.

What Do Trademarks Do?

A trademark not only gives the trademark owner the exclusive right to use the mark but also allows the owner to prevent others from using a similar mark that can be confusing for the general public. A trademark cannot, however, prevent another person or company from making or selling the same goods or service under a clearly different mark. Famous Trademarks in Tanzania are such as Azam, Bhakresa, NALA, MO, M-Pesa, Tigopesa and many others.

How do I know whether I need patent, trademark, and/or copyright protection?

Patents protect inventions and improvements to existing inventions. Copyrights cover literary, artistic, and musical works. Trademarks are brand names and/or designs which are applied to products or used in connection with services.

Who Can Apply For a Trademark in Tanzania?

In the Trademark Registration form, the person whose name is mentioned as the applicant will be declared as the owner of the trademark once the trademark is successfully registered. Any individual, a company and entity can be an applicant and may file the application for the registration of the particular trademark in Tanzania.

If you register a Trademark in Tanzania will it also be registered in Zanzibar?

Tanzania has separate IP offices for mainland Tanzania (Tanganyika) and the Zanzibar and archipelago region. In order to acquire trademark rights in any of these two regions, a trademark must be filed directly in each trademark office. Trademark rights are born with actual registration.



TRADEMARK REGISTRATION IN TANZANIA AND ZANZIBAR

The main legislation in Tanzania is Trade and Service Marks Act, RE 2002 and for Zanzibar is Zanzibar Industrial Property Act, Act No. of 2008

Trademarks in Tanzania are regulated by:-

- The Trade and Service Marks Act Cap. 326 R. E 2002
- The Trade and Service Marks Regulations, 2002
- The Zanzibar Industrial Property Act, 2008
- The Zanzibar Industrial Property Regulations of 2014;
- The Merchandise Marks Act Cap.85 R.E 2002; and
- The Merchandise Marks Regulations Government Notice No. 89 of 2008.

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What Conventions is Tanzania a part of?

- World Intellectual Property Organization Convention, 1967 (effective for Tanzania as from 30 December 1983);
- Paris Convention (International Union) 1883-1967 (effective for Tanzania as from 16 June 1963);
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union) 1957-1977 (effective for Tanzania as from 14 September 1999);
- Agreement on the Creation of the African Regional Industrial Property Organization, 1979 ((effective for Tanzania as from 12 October 1983);



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- The Protocol on Marks within the Framework of African Region Industrial Property Organization (the Harare Protocol), 1993) (effective for Tanzania as from 01 September 1999); and
- Agreement on Trade Related Aspects of Intellectual Property Rights (Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization), 1994.