



## **TRADEMARK RENEWAL IN TANZANIA**

**Trademark renewal** preserves those rights which are only available to a registered **mark**. In case the proprietor fails to **renew** the **trademark**, then he shall lose all the protection that comes along with registration. For example, a registered **trademark** has the benefit of the legal presumption of ownership.

### **PROCEDURE FOR TRADEMARK RENEWAL IN TANZANIA**

Where a trade or service mark has been used about some, but not all, of the goods or services in respect of which it is registered, that use is deemed to be equivalent to the use of the trade or service mark about all closely related goods or services in respect of which it is registered. If a trade or service mark was applied to goods or services exported from Tanzania, that use is deemed to be equivalent to the use of a trade or service mark about those goods or services in Tanzania. The use of an associated registered trade or service mark, or the trade or service mark with additions or alterations not substantially affecting its identity, may be accepted as an equivalent for the use of the trade or service mark.

If the registered trademark is not used for a period of three or more, the annulment of the protection may be commenced by the Trademark Office on request of any party (unless the owner of the trademark sufficiently justifies the ground for non-use). The user should have a certain extent (single use of a mark or a single advertisement during a three -year period is usually not regarded as sufficient).

Use of a mark for only some of the goods or services is not sufficient to keep it in force for all the goods or services for which it is registered. Use by a registered user is in this respect is a relevant use by the owner of the mark. Advertisements and business correspondence are considered equivalent to use. Therefore, if there is no real use of a registered mark of a foreign owner in Tanzania, it is recommended that offers referring to the mark are made to Tanzania business partners annually and that advertisements including the mark be published in Tanzania periodicals.

The following are the requirements for renewing a mark in Tanzania:

- Payment of renewal fee and maintenance fee
- Filing of power of attorney;



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- Filing of statement of use; and
- If the mark has not been used, filing a statement of the circumstances that prevented the use.

In Tanzania, the renewal of the mark has to be done one month before the expiry of the registration period and not more than one month after the expiry of registration. However, late filing of the renewal application is allowed on the condition that an additional fee must be paid. Although the laws require that renewal must be made one month before the expiry of the registration and not more than one month after the expiry of the registration, in practice, late filing/renewal can be done any time before the removal of the mark from the register.