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**TANZANIA**





## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	Dodoma (transfer from Dar es Salaam)
<b>Population:</b>	68.60 million (World Bank, 2024)
<b>Currency of government (official) fees:</b>	Tanzanian Shilling (TZS)
<b>Language for filing IP applications:</b>	English
<b>GDP per capita:</b>	\$1,192.840,04 (World Economic Forum 2024)
<b>Human Development Index:</b>	0.52 (Human Development Report 20234)
<b>Main exports:</b>	Gold, cashew nuts, precious metal ores or concentrates, unrefined copper and dried shelled vegetables.
<b>Main imports:</b>	Machinery, transport equipment, and petroleum and chemical products.

### 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Tanzania is a contracting state to the following international legal instruments:

- Berne Convention for the Protection of Literary and Artistic Works;
- Nice Agreement
- Marrakesh VIP Treaty
- Paris Convention for the Protection of Industrial Property;
- Patent Cooperation Treaty;
- TRIPS <sup>(1)</sup> Agreement
- UPOV <sup>(2)</sup> Convention
- WIPO Convention

Most of Tanzania's IP laws are TRIPS-compliant, although, in practice, the implementation level may differ from that of other countries. This may have an impact on the effectiveness of some IP enforcement issues.

<sup>1</sup> TRIPS Agreement: Agreement on Trade-Related Aspects of Intellectual Property Rights the World Trade Organization (WTO).

<sup>2</sup> The International Convention for the Protection of New Varieties of Plants.





### 1.3 REGIONAL AGREEMENTS

- **AfCFTA Agreement** (Agreement Establishing the African Continental Free Trade Area)
- This Agreement contains a Protocol on Intellectual Property Rights (IPR) which aims at the effective protection and promotion of IPR in Africa and may, therefore, have legal implications for Tanzania when it enters into force.
- **ARIPO Agreements**
- Tanzania is a member of the Lusaka Agreement of 9 December 1976, on the creation of the
- African Regional Intellectual Property Organization, ARIPO.  
It is also a Contracting Party to the following ARIPO IP Protocols:
- Banjul Protocol on Marks
- Harare Protocol which provides for the grant and registration of patents, utility models and industrial designs; and
- Kampala Protocol on voluntary registration of copyright and related rights.
- **EAC Treaty** (Treaty for the Establishment of the East African Community)
- The EAC has no regional IP agreements, protocols or registration systems in place. However, the EAC has a regional Intellectual Property Policy.
- **SADC** (the Southern African Development Community)
- SADC has **no** regional IP agreements, protocols or registration systems in place. It has the **SADC Industrialisation Strategy and Roadmap (2015-2063)** which includes a focus on promoting the use and enforcement of IP rights to encourage research development and innovation amongst SADC countries.

### 1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN TANZANIA

The following IP protection is available in Tanzania:

- 1) **trade marks**: national and regional (ARIPO);
- 2) **patents**: national and regional (ARIPO), although international registration is possible through its membership of the PCT
- 3) **utility models**: national and regional (ARIPO);
- 4) **industrial designs**: regional (ARIPO)
- 5) **plant breeders' rights**: national
- 6) **copyright and neighbouring rights**: national
- 7) **expressions of folklore**: (national);





## 1.5 IP REGISTRATION ROUTES

### Important feature of IP in Tanzania

Tanzania is a republic that unites Tanganyika and Zanzibar (which is part of an archipelago including Pemba). However, Zanzibar retained its legislative independence in certain areas including in intellectual property (IP).

As a result, the IP regime in Tanzania entails two separate and independent legal systems for Tanganyika (the Mainland) and Zanzibar, each of which has a separate IP office. However, the intellectual property regimes in both states are similar, save for some simple variations. For instance physical filing of IP applications is required in Zanzibar. It is advisable to consult a local attorney for advice on the peculiarities and discrepancies in the intellectual property law and administration in both parts of Tanzania. Regarding ARIPO designations, it is frequently asked whether a designation of Tanzania covers both Tanganyika and Zanzibar for enforcement purposes. ARIPO's position is that it does cover both territories since the accession to the Banjul and Harare Protocols was made by the United Republic of Tanzania. However, if in doubt, it is advisable to obtain legal advice.

**IP protection in Tanzania can be secured at three levels: national, regional and international.**

#### National

The seven types of IP mentioned above can be protected directly in Tanzania through the Business Registration and Licensing Agency (BRELA).

#### Regional

Tanzania is a contracting party to ARIPO's Banjul Protocol on Marks and the Harare Protocol on patents, utility models and industrial designs.

It is therefore possible to register trade marks, patents, utility models and industrial designs either nationally through BRELA or regionally, through ARIPO. The Arusha Protocol for the Protection of Plant Varieties in ARIPO Member States will be in force by late November, 2024.

#### International

Tanzania is also a contracting party to the Patent Cooperation Treaty (PCT). It is therefore possible to register PCT-filed patent applications in which Tanzania is designated as country or in which it is designated under ARIPO which, as a region, is contracting party to the PCT.

Tanzania is not a member of the Madrid Protocol and therefore it is not possible to designate it in an international trade mark application.





## Choosing a suitable registration route: trade marks, patents, utility models and industrial designs

A **national** route is suitable when IP protection is required in Tanzania only.

A **regional** route through ARIPO is suitable when multi-country protection of the abovementioned IP rights is required.

An **international** route can be used for filing patent applications under the PCT system.

### Useful information:

#### Representation

Foreign applicants whose principal place of business is outside Tanzania must appoint a local agent. For local applicants, this is optional. BRELA accepts signed powers of attorney without notarisation. However, you should check with your IP service provider in Tanzania whether hard copies are necessary or whether scanned copies sent by email are acceptable. A list of ARIPO representatives (by country) is available at: <https://www.aripo.org/ip-agents/>

#### Trade marks

- The ARIPO trade mark system's multiclass and state designation system closely resembles the Madrid system and for this reason is often referred to as a 'mini Madrid'.
- The Banjul Protocol has not yet been implemented in the national trade mark laws of Tanzania, so it is not clear whether valid trade mark protection can be obtained in Tanzania via an ARIPO registration designating Tanzania.
- **Tanzania is not party to the Madrid Agreement or Madrid Protocol. Therefore, international protection is not available in Tanzania.**
- Tanzania is a signatory to the Nice Agreement and uses the Nice Classification. Classifications based on the latest edition of Nice at the time of filing of an application are accepted.

## SECTION 2: OVERVIEW OF IP ENFORCEMENT

Tanzania is a signatory of the WTO's TRIPS Agreement, and its laws are substantially TRIPS-compliant in providing a legal framework for protecting and enforcing IP rights.

The judiciary, through the courts, enforces trade mark rights in Tanzania. The competent court for the adjudication of IP rights is the High Court of Tanzania.







The Business Registrations and Licensing Agency (BRELA) also constantly engages with other stakeholders who have a role in combating IP infringement. These include the Fair Competition Commission (FCC) which is housed in the Ministry of Industry and Trade.

The FCC has powers to investigate godowns and premises suspected of holding illicit and counterfeit goods. The aggrieved proprietor of a trade mark may therefore approach the FCC to seek a compliance order and orders for the forfeiture or destruction of counterfeit goods that infringe their trade mark.

Other crucial enforcement players in Tanzania include INTERPOL.

Despite the BRELA, the FCC and State efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in Tanzania. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against the infringement of their IP rights by competitors, retailers or street vendors. Tanzanian Law entitles rights holders to take civil action against infringers to recover their lost revenue and/ or to have the infringing products destroyed.

For copyrights, the Copyright and Neighbouring Rights Act of Tanzania provides for conservatory measures that seek to prevent infringements and also to preserve relevant evidence related to an alleged infringement. In addition, the Act empowers the police to conduct searches of premises where it is suspected that infringing goods are concealed and to seize any offending goods.

## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.1 TRADE MARKS

National and regional, can be registered in Tanzania as explained below.

#### About national trade marks in Tanzania

If protection is required in the whole of the territory, trade marks have to be protected both in mainland Tanzania and in Zanzibar.

#### Benefits of registering a trade mark

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the same mark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising or obtaining finance.





### 3.1.1 Who can register a trade mark?

A natural person or a company, or any other entity can apply to register a trade mark.

A person or a business that is neither resident nor has a place of business in Tanzania must appoint a local representative.

### 3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- an application together with Form No.TM 1;
- applicant's name, nationality, physical address and occupation of the applicant;
- company name as it appears on Certificate of incorporation and physical address;
- payment of the prescribed official fee;
- a Power of Attorney, simply signed, no legalisation or notarisation is required.
- ten (10) printouts of the trade mark (except for word marks in ordinary type);
- a certified copy of the priority document, if applicable;
- a verified English translation if the proposed trademark is in another language; and
- a list of the goods and/or services, based on the Nice Classification, on which the trade mark will be used;
- prescribed application fees available from the BRELA website and a checklist of the documents submitted with the application.
- **Note that fees for colour marks are higher than for non-colour marks.**

### Registration process:

BRELA examines applications for compliance with formal and substantive requirements. It can accept a trade mark for registration subject to the imposition of a condition, such as a disclaimer.

An accepted application will be advertised in the Journal for opposition purposes. After the opposition period of 2 months, the applicant can pay the registration fees and request the Registrar to issue the registration certificate.

### 3.1.3 What qualifies for registration?

Any visible sign used or proposed to be used on, in connection with or in relation to goods or services for the purpose of distinguishing, in the course of trade or business, the goods or services of one person from those of another. A visible sign is defined as any sign including a word, name, brand, device, heading, label, ticket, signature, letter, number, relief, stamp, seal, etc. or any combination thereof.





A trade mark is eligible for registration if it functions as a trade mark that is not generic or descriptive, that is to say a distinctive trade mark (TM), service mark or series mark (SM).

The following non-traditional trade marks are, in theory, registrable: 3-D marks, colours or a combination of colours. However, an applicant would have to prove that these trade marks are capable of distinguishing goods or services.

### 3.1.4 What cannot be registered?

A trade mark cannot be registered if is:

- is incapable of distinguishing the goods or services applied for;
- it is not graphically representable;
- it lacks distinctive character (in particular: the mark is descriptive, or it results directly from the nature of the goods, e.g., the shape of goods, or it is just necessary for obtaining a given technical effect, or it represents the essential value of the goods);
- its use conflicts with public order or public morality;
- it is capable of deceiving consumers with regard to any feature of the goods or services;
- it is a geographical name;
- it is identical with, or imitate the armorial bearings, flags and other emblems, initials, names or abbreviations or initials of name or official sign or hallmark of any state or organization.;
- it is a reproduction in whole or in part of well-known trade marks, business or company names;
- it is likely to deceive or cause confusion (e.g., trade marks which imply a false geographical origin or quality of the goods or services);
- it is substantially identical or deceptively similar to a prior trade mark application or registered mark in relation to the same, similar or closely related goods and services;
- relative grounds for refusal (and relative cancellation grounds) apply.

### 3.1.5 Where can I file an application?

- Business Registrations and Licensing Agency (BRELA). Note that a separate application at Zanzibar Business and Property Registration Office is advisable for trademark protection in Zanzibar.
- ARIPO, for regional marks, information on registration procedures are fees are available through this link: <https://www.aripo.org/ip-services/trademarks/>. Note that The Court of Appeal of Tanzania recently delivered a pivotal judgement in the matter of Lakairo Industries Group Co. Limited and Others v Kenafrica Industries Limited and Others (Civil Appeal No. 593 of 2022). It held that Tanzania has not yet locally ratified the Banjul Protocol on Marks. The primary consequence of this ruling is that an ARIPO trade mark registration designating







mainland Tanzania is currently deemed unenforceable under Tanzanian domestic law. Following the instructions of the Business Registrations and Licensing Agency (BRELA), ARIPO has announced that Tanzania is ineligible for designation under the Banjul Protocol, effective immediately until further notice. This means you can no longer file a new ARIPO trade mark designating Tanzania, and proprietors of ARIPO registrations that previously designated Tanzania must now pursue national filings. ARIPO suspended designations of Tanzania in trade mark matters from 23 October 2025 to allow for engagements with the Tanzania IP officials on the next step.

### 3.1.6 How much does it cost?

#### Government official fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Tanzania Shilling). Application forms and information on fees are available through this link: <https://ors.brela.go.tz/>

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals for Tanzania. A list is available through this link: <https://www.aripo.org/ip-agents/>

#### Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be in the region of the amounts set out in the table below (in Shillings), unless objections and other special circumstances that may increase the costs apply.

Description of Process/Service	Fees (TZS)
Application to the Registrar for protection of a TM/SM	50 000
Advertisement fee	<u>15 000</u>
Registration fee for a specification of goods included in one class for the first mark	60 000
Registration fee for a series of marks for a specification of goods included in one class for each subsequent mark	30 000
<b>Total fees</b>	<b>155 000</b>





### 3.1.7 How long does registration take?

The trade mark registration process takes 15-18 months from the filing date to complete, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 2 months.

### 3.1.8 What is the duration of protection?

#### Tanganyika

A trade mark registration is valid for **7 years** from the filing date and is renewable for periods of 10 years. If priority is claimed, registration, and hence renewal, is calculated from the priority date.

#### Zanzibar

A trade mark registration is valid for **10 years** from the filing date and is renewable for periods of **7 years**.

## 3.2 PATENTS

As indicated earlier, the United Republic of Tanzania comprises two regions, namely, the Mainland, also called Tanganyika and Zanzibar. These two regions have separate IP laws.

Patent protection is obtainable in Tanganyika via a national filing or via an ARIPO application designating Tanzania. Tanganyika has recognised the Harare Protocol (which regulates patent and design filings in ARIPO) in its national law. It is likely, therefore, that valid patent protection will be afforded to applicants seeking to obtain a patent via an ARIPO application.

Regarding Zanzibar, ARIPO's position is that since the United Republic of Tanzania is a signatory to the Harare Protocol, which provides for the regional registration of patents and designs and utility models, then designations of Tanzania extend to both the Mainland, Tanganyika and Zanzibar.

#### Tanzania Patent Registrations

National and regional (ARIPO) patents can be registered in Tanzania in the following ways.

##### National

- at BRELA.

##### Regional

- for the Harare Protocol, through ARIPO.





Except for Mauritius and Somalia, which are not signatories to the Harare Protocol, the remaining 20 ARIPO Member States, including Tanzania, can be designated in an ARIPO patent application.

### Choosing between a national or regional patent registration for Tanzania

The decision about whether to register a patent in Tanzania through the national or ARIPO route is usually guided by the following considerations:

- **whether substantive examination is required or not:** although BRELA carries substantive examination, ARIPO has more technical expertise at its disposal because of its ability to pool the best resources. This enables it to leverage its status as a long-standing regional intergovernmental organisation with many technical partners with advanced expertise in the field of patents. Examples of ARIPO's key technical partners in this regard are the European and Japanese Patent Offices.
- **whether patent protection is required in Tanzania only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction patent protection is required; and
- **cost-effectiveness:** ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach.

### Choosing between registration routes

Most patent applications for Tanzania are registered through ARIPO because it allows applicants to designate more than one country. It is more cost-effective to file a single application in ARIPO to gain patent coverage in two or more ARIPO member states.

### Choosing a patent filing route

Tanzania is a member of the PCT. Patent applications for both the BRELA and ARIPO routes for Tanzania can also be filed through the PCT. However, the PCT provides a patent filing rather than a patent registration route.

The Tanzanian IP Act also specifically recognises and provides for PCT applications, so that valid protection can be obtained via a PCT national phase application in Tanzania.

## National (BRELA) Patents

### 3.2.1 Who can register a patent?

- inventor (or successor in title) or an assignee of an invention can apply to register a patent.





### 3.2.2 What are the registration requirements?

A patent application must contain the following:

- request for grant of a patent must be made in English on the prescribed form No. P.2;
- the 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;
- the patent title, abstract, description, claims and drawings;
- statement justifying that certain disclosures be disregarded;
- statement that the applicant is the inventor (if applicant is not the inventor, a sworn statement must be provided to justify the applicant's right to file a patent application);
- the Deed of Assignment, if the applicant is not the inventor;
- claim to priority rights, if appropriate, indicating number, country, and filing date of the application which priority is claimed and a statement as to whether the certified copy of the earlier application is accompanied to the application (if not the date when will be furnished must be indicated);
- the prescribed application fees;
- when the patent is accepted: a letter of acceptance together with the publication and grant fees.

### 3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- **novelty**, which must be absolute novelty in that the invention must be a new characteristic which is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art;
- **inventive step** which means that, having regard to prior art, the invention is not obvious to a person skilled in the art;
- **susceptible of industrial applicability** in that it can be used in any kind of industry, including agriculture, and
- **patentable invention under national patent law.**  
Unregistrable patents in Tanzania are those related to the treatment of humans or animals or to pharmaceutical inventions. These inventions are not patentable to avoid undue restrictions to access to medical care and medicines by people or animals in need.

### 3.2.4 What cannot be registered?

The following inventions cannot be patented:

- a discovery of a plant, animal, microorganism or substance as found in nature,





including the human body;

- a scientific theory or mathematical method;
- a literary, dramatic, musical or artistic work or other aesthetic creation;
- a scheme, rule or method for doing business, performing mental acts or playing a game;
- methods for the treatment of the human or animal body by surgery or therapy, including diagnostic methods practised in relation to them, except products for use in any such methods;
- an invention whose commercial exploitation is necessary to protect public order or morality, including the protection of human or animal health, plant life or to avoid prejudice to the environment;
- plants and animals other than microorganisms;
- essentially biological processes for the production of plants or animals.

### 3.2.5 Where can I file an application?

**National** applications, non-Convention, Convention and PCT national phase applications must be filed at BRELA.

**Regional** applications can be filed at BRELA or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

International applications can be filed through ARIPO and BRELA as designated by the International Bureau of WIPO, in the case of a resident or a national of Tanzania. However, an applicant may choose to file with the national Office of the country of which he is a national or resident or with the International Bureau.

### 3.2.6 How much does it cost?

#### National (BRELA) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

#### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Tanzania shilling, TZS). Application forms and information on fees are available through this link: <https://ors.brela.go.tz/>



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### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals for Tanzania. A list is available through this link: <https://www.aripo.org/ip-agents/>

### Likely overall registration costs for a BREL A patent

An applicant can expect the cost of registering a patent to be in the region of the amounts set out in the table below (in Shillings), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	BRELA Fees (TZS)
Application fees for grant of patent	<u>12 000</u>
Grant of patent fees	<u>10 000</u>
Fee for publication of patent application	<u>3 000</u>
<b>Total fees</b>	<b>25 000</b>

### ARIPO-route patent registration fees

Fees must be paid through ARIPO and in USD if an applicant chooses to register a patent for Tanzania using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>

Fees that are required at the stage of filing an application as follows:

Type of Fee	ARIPO Fee USD
Application fee, regardless of the number of states designated in the application	232
State designation fee	100 per state (multiplied by the number of designated states)
Mandatory annuity fee: for PCT-based applications, the first ARIPO annuity fee will usually be due and <u>must be paid with the application fee</u>	50 per state (multiplied by the number of designated states)
Total fees, <b>assuming only Tanzania is designated</b> and payment of first annuity fee	382





Total fees, **assuming all 20 Harare Protocol states, including Tanzania, are designated** and payment of first annuity fee

3,232

### Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>

### 3.2.7 How long does registration take?

**National** patent applications take 18-24 months to complete registration unless there are unusual delays or technical challenges.

The application is deemed to have been abandoned if the applicant does not request the substantive examination within 3 years from the ARIPO filing date or priority date.

**Regional**-route Tanzania applications take 24-36 months to complete, including substantive examination by ARIPO and the states designated in the application.

### 3.2.8 What is the duration of protection?

#### National patents:

10 years, extendible for a further two terms of five years each, provided the owner or licensee can show that the patent was being worked in the United Republic or that there were legitimate reasons for non-working.

#### ARIPO patents:

20 years from the filing date, subject to the payment of annual maintenance fees.

### 3.2.9 When are renewal fees paid?

#### National patents

Maintenance fees are payable annually from the filing date for both pending applications and granted



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patents. A six-month grace period is provided, subject to surcharges. Failure to pay the annual maintenance fees before the deadline or within the six-month grace period leads to lapsing of the application/patent.

Find out more information on [BRELA](#) and [ARIPO](#) patent fee schedules.

### 3.3 UTILITY MODELS

In some jurisdictions utility models are referred to as 'petty patents' because they are similar to patents but require less stringent conditions for registration and are registered for a shorter term than a conventional patent.

#### Tanzania Utility Model Registrations

National and regional (ARIPO) utility models can be registered in Tanzania in the same way as patents in the following ways.

##### National

- at BRELA.

##### Regional

- for the Harare Protocol, through ARIPO.

##### International

- through PCT applications filed through BRELA, ARIPO or the International Bureau of WIPO

#### Choosing between a national or regional utility model registration for Tanzania

The decision about whether to register a utility model in Tanzania through the national or ARIPO route is usually guided by the following considerations:

- **cost:** it may be more cost-effective to proceed through the national route if protection is required in Tanzania only;
- **whether utility model protection is required in Tanzania only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **duration of protection:** the duration of protection of a national utility model registration is 7 years, whereas it is 10 years for an ARIPO-registered utility model. This difference may influence preference for the ARIPO registration route.

Most utility model applications for Tanzania are registered through ARIPO because it allows





applicants to designate more than one country in a utility model application. It is more cost effective to file a single application in ARIPO to gain utility model coverage in two or more ARIPO member states.

## National (BRELA) Utility Models

### 3.3.1 Who can register?

An inventor or assignee of an invention can apply to register a utility model.

For conversion, a request for conversion of the patent application must be submitted together with all the documents filed in the patent application. An application may not be converted more than once.

### 3.3.2 What qualifies for registration?

Under the Patents (Registration) Act, a registrable utility model must meet the following requirements:

- **novelty:** the invention must be a new characteristic and must not be anticipated by the prior art;
- **industrial applicability:** the invention must be useful in any kind of industry.

### 3.3.3 What cannot be registered?

The following inventions cannot be registered as utility models in Tanzania:

- the use of which is contrary to law or public morality;
- for processes, powders or liquids, or chemical compositions, pharmaceuticals or foodstuffs;
- utility models that form part of the state of the art, that is, those that were made available to the public by means of a written description anywhere in the world or by public use in Tanzania before the filing or priority date.

### 3.3.4 Where can I file an application?

**National** applications for utility models must be filed at BRELA.

**Regional** applications can be filed at BRELA or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings. If an applicant wishes to obtain a utility model instead of a patent in Tanzania on the basis of an international application, this must be indicated in the





international application when filed.

International utility model applications can be filed through ARIPO and BREL A as designated by the International Bureau of WIPO, in the case of a resident or a national of Tanzania. However, an applicant may choose to file with the national Office of the country of which he is a national or resident or with the International Bureau.

### 3.3.5 How long does registration take?

**National** (BREL A) utility models: the usual time frame is 15-18 months.

**Regional**-route filed BREL A applications take 12-15 months, assuming that only minimal official actions are needed and there are no objections.

### 3.3.6 What is the duration of protection?

In Tanzania, the duration of a utility model is 7 years from the filing date. It is not renewable. ARIPO-registered utility models have a duration of 10 years from the filing date.

## 3.4 INDUSTRIAL DESIGNS

### National

Currently it is not possible to obtain design protection via a national filing directly in Tanganyika, as the regulations implementing the Act providing for the independent registration of designs are still pending. As Tanganyika is a member of ARIPO, design protection can be obtained via an ARIPO application, designating Tanzania. However, in the absence of any effective national laws, it is not certain that any enforceable rights can be obtained in Tanzania through an ARIPO registration.

### REGIONAL (ARIPO) Industrial Designs

#### 3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design designating Tanzania through ARIPO.

It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design.

#### 3.4.2 What qualifies for registration?

An industrial design is registrable if it is new. For a creation to qualify for design registration it must clearly identify novel features of the design in terms of:

- shape;







- configuration;
- pattern and/or ornament.

Multiple design applications are possible in ARIPO, provided that all the designs are embodied in a single set of articles and belong to the same class.

### 3.4.3 What cannot be registered?

The following cannot be registered:

- designs that are contrary to the law, public policy or morality;
- designs for articles that are primarily literary or artistic in character, such as paintings, sculptures, drawings, enamelling, engravings, embroidery, photographs, sculptures, architecture and works of artistic craftsmanship;
- designs consisting solely of a change in the colour of already known designs;
- designs whose features correspond to or are determined by functions to be performed by the products.

### 3.4.4 Where can I file an application?

Applications are usually filed online directly to ARIPO but can also be filed through the Tanzanian IP Offices in Tanganyika and Zanzibar. Online ARIPO application fees have a 20 % discount to encourage online filings.

### 3.4.5 How much does it cost?

ARIPO's fees are reviewed regularly. The latest fees are available through this link:  
<https://www.aripo.org/fee-schedules/>

Application fees, are as follows:

Type of Fee	ARIPO Fee (USD)
Application fees, regardless of the number of <u>states designated in an application</u>	80 (e-filing fees which entail a 20% discount on paper filing fees.)
State designation fees	20 per state (multiplied by the number of <u>designated states</u> )
Total fees, <b>assuming that only Tanzania is</b>	100





<u>designated</u> in the application	
Total fees, <b>assuming that all 20 Harare Protocol states, including Tanzania, are designated</b> in the application.	480

### Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>

### 3.4.7 How long does registration take?

The proceedings from the first filing to registration take approximately 9-12 months. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

### 3.4.8 What is the duration of protection?

ARIPO design registrations are valid for 15 years, with no possibility of extension.

## 3.5 PLANT BREEDERS' RIGHTS

### About Plant Breeders' Rights in Tanzania

Although Tanganyika and Zanzibar are considered a United Republic, no unified IP law has been enacted. Therefore, Tanzania and Zanzibar have different laws and different IP registries for plant breeder rights (PBRs), also known as plant variety protection. PBRs are a sui generis system of IP rights designed specifically to protect new varieties of plants.

### Tanganyika

PBR protection has been available on mainland Tanganyika since 2004, under the Tanzanian (mainland) Plant Breeders' Rights Law (2002) (repealed Tanzania Act). This Law was replaced by the United Republic of Tanzania Plant Breeders' Rights Act (2012) (new Tanzania Act), which came into force on 1 June 2013.

### Zanzibar

PBR protection became available more recently in Zanzibar. on 2 January 2015, by the enactment of the Zanzibar Plant Breeders' Rights Act (2014) (Zanzibar Act). Before this, PBR protection was





not available in Zanzibar.

These two Acts mirror each other with the vast majority of the Zanzibar Act reading the same as that of the new Tanzania Act. Certain amendments made to the new Tanzania Act and the careful drafting of the Zanzibar Act allow the PBRs granted in either Tanzania or Zanzibar to be enforced in both territories. This paved the way for the United Republic of Tanzania's accession to the 1991 Act of the International Union for the Protection of New Varieties of Plants (UPOV 1991) on 22 October 2015, and its entry into force on 22 November 2015.

### 3.5.1 Who can register?

An application for registration can be made by, or on behalf of, the following:

- a person or institution that bred or discovered and developed a variety, or their successor in title;
- the employer of the person who bred or discovered and developed a variety or who has commissioned the employer's work.

Foreign applications are usually filed by an applicant that is a citizen or resident of a reciprocating country. A local agent must file a power of attorney in support of such a PBR application.

### 3.5.2 What qualifies for registration?

To qualify for registration a variety must be:

- novel: it must be a new variety of plant genera and species at the date of filing; and
- distinct, uniform, and stable (DUS).

### 3.5.3 What cannot be registered?

The following subject matter cannot be registered as PBRs:

- anything that does not constitute a new plant variety under the Tanzanian PBR Act;
- plant varieties that are not novel, distinctive, uniform and stable.

### 3.5.4 Where can I file an application?

The registration of PBRs is done by the Plant Breeders' Rights Office (PBRO) which falls under the Minister for Agriculture. The Plant Breeders' Rights Office is responsible for protecting plant breeders' rights in Tanzania by granting rights to the owners of such varieties and registering them.

An application filed with the PBRO of Tanganyika is considered to be an application for the same variety filed in Zanzibar and vice versa.

## Registration procedure

- The Registrar of the PBRO examines an application submitted for registration,





checking novelty and DUS requirements. They may refer to UPOV for examination guidelines.

- If the variety is registrable, the Registrar invites the applicant to pay for publication of the notice of application in the Government Gazette and in a newspaper of vast circulation.
- The publication notice must contain:
  - the applicant's name and address;
  - the filing date of the application;
  - the proposed denomination;
  - any other information required by the Regulations in force at the time of advertisement.
- The opposition period is 2 months. The Minister of Agriculture and any member of the public can file an opposition.
- If there is no opposition within the 2-month period, the Register will issue a registration certificate called a Certificate of Grant.

### 3.5.5 How much does it cost?

You can obtain the latest fees from BRELA, the IP Office of Zanzibar or from a local IP agent.

### 3.5.6 How long does registration take?

12-15 months to complete registration, including the opposition period of 2 months, unless there are unusual delays, significant technical objections or if registration is opposed.

### 3.5.7 What is the duration of protection?

Under Section 33 of the PBR Act, a PBR registration's term is 20 years from the date of the grant except for trees and vines whose breeder's right will expire after 25 years from the date of grant.

The term may be conditionally extended in exceptional circumstances for an additional 5 years, by a written notice to the Registrar given by the holder of the breeder's right 6 months before the expiration of the original term.

### 3.5.8 When are renewal fees paid?

Annual maintenance fees are payable during a PBR right's term of protection.

You can [contact the Ministry of Agriculture, Irrigation, Natural Resources and Livestock](#) to obtain more information on the registration and renewal of plant breeders' rights in Tanzania.





## 3.6 EXPRESSIONS OF FOLKLORE

### About traditional knowledge and handicrafts in Tanzania

ARIPO's Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore provides its Member States with a registration system for traditional knowledge. However, Tanzania is not yet a signatory to this Protocol, which currently has the following nine (9) Member States: The Protocol has nine contracting states, which are : Botswana, Cabo Verde, Malawi, Namibia, Rwanda, The Gambia, Liberia, Zambia and Zimbabwe.

Tanzania does not have a specific legal framework for the protection of traditional knowledge, but the Copyright and Neighbouring Rights Act provides limited protection. The information below is based on the limited protection available under this Act.

#### 3.6.1 Who can register?

Registration is on a voluntary basis, Applicants for the registration of traditional knowledge can be individuals but are usually a community acting through a duly appointed community representative.

An individual creator of an expression of folklore can also apply.

#### 3.6.2 What qualifies for registration?

- Any expression of folklore developed and maintained in the United Republic of Tanzania;
- Any original work in respect of the works listed below qualifies for protection:
  - (a) folk tales, folk poetry, riddles;
  - (b) folk songs and instrumental folk music;
  - (c) folk dances, plays and artistic forms of rituals; production of folk art;
  - (d) drawings, painting, carvings, sculpture, pottery, terracotta, mosaic, woodwork, metal ware, jewellery, baskets, costumes;
  - (e) traditional musical instruments.

#### 3.6.1 What cannot be registered?

**Expressions of folklore** cannot be registered if the subject matter does not fall within the definition of expressions of folklore and if it cannot be established that they are identifiable with a specific community or culture of Tanzania.

**Expressions of folklore** cannot be registered if they are contrary to law, public order or morality.

#### 3.6.2 Where can I file an application?

An application for registration must be submitted to the National Arts Council of Tanzania (BASATA):







### 3.6.3 How much does it cost?

#### National (BASATA) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

#### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Tanzania shilling, TZS). Application forms and information on fees are available through this link: <http://www.basata.go.tz>

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>

#### Likely overall registration costs for a BASATA expression of folklore

It is advisable to check the fees that are in force through this link: <http://www.basata.go.tz/>

### 3.6.3 How long does registration take?

It takes 6-9 months although processing times vary.

### 3.6.4 What is the duration of protection?

The duration of protection of expressions of folklore in Tanzania is 25 years, not renewable.

#### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Tanzania shilling). Application forms and information on fees are available through this link: <http://www.basata.go.tz>

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>





### Likely overall registration costs for a BASATA expression of folklore

It is advisable to check fees that are in force. You can use this link: <http://www.basata.go.tz/>

## 3.7 COPYRIGHT AND NEIGHBOURING RIGHTS

Tanzania has many famous traditional dance styles, including the *ing'oma*, *magosi*, *samba*, *mwambulo* and *ipenenga*. These dance styles are unique, rhythmic, and expressive. Apart from for entertainment, they are also used for healing and storytelling.

### About Copyright and Neighbouring Rights in Tanzania

Tanzania has a dedicated Act for the protection of copyright and neighbouring rights, namely the Copyright and Neighbouring Rights Act, 1999 (Act No. 7 of 1999).

Tanzania is not a signatory to the WIPO Copyright Treaty nor the WIPO Performances and Phonograms Treaty.

It is also a member of the Berne Convention for the Protection of Literary and Artistic Works of 1886 as revised at Paris in 1971.

#### 3.7.1 Can I register?

Copyright is **not** a registrable right in Tanzania. It exists automatically when any original work is created in one of the categories that is protected by the Copyright And Neighbouring Rights Act.

Tanzania is a member ARIPO which is currently considering the possibility of creating a voluntary copyright registration system for its Member States. It remains to be seen if this system will become a reality.

#### 3.7.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection:

- (a) literary works;
- (b) musical works;
- (c) artistic works;
- (d) audio-visual works;
- (e) sound recordings;
- (f) broadcasts;
- (g) films;





- (h) cable programmes;
- (i) typographical arrangements of published editions.
- (j) architecture works;
- (k) performance;
- (l) phonograms;
- (m) expression of folklore carried out in Tanzania.

### 3.7.3 What cannot be protected?

- any work whose subject matter does not qualify for legal protection.
- any work whose author is not Tanzanian by:
  - 1) citizenship; or
  - 2) domicile; or
  - 3) by virtue of being incorporated in Tanzania.
- any work that is contrary to law, public order or morality;
- laws and decisions of courts and administrative bodies as well as official translations;
- news of the day published, broadcast or publicly communicated by any other means;
- any idea, procedure, method of operation, concept principle, discovery or mere data, even if expressed, described, explained, illustrated or embodied in a work.

### 3.7.4 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- fair dealing: copyright in a work is not infringed by any fair dealing for the purposes of research or private study by the person using the work. Fair dealing does not apply if the person who reproduces the work knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time;
- fair dealing for purposes of criticism, review or news reporting use of the work by way of illustration in publications, broadcasts, programs distributed by cable, or sound or visual recordings for educational use;
- copies made to replace or conserve library or archival copies of works;
- distribution by cable or any work broadcast, where the beneficiaries of the
- distribution by cable live in one and the same building;
- use of anonymous or pseudonymous works, subject to conditions;
- use of work for parliamentary or judicial proceedings or inquiries;
- reproduction of works of art and of architecture in an audiovisual or video recording, and the communication to the public of the works so reproduced, if the said works are permanently located in a place where they can be viewed by the public;
- quotations from copyright works
- recording, by any broadcasting organisation for the purpose of its own broadcasts and by means of its own facilities, in one or several copies, of any work that it is authorised to broadcast, subject to conditions;
- public readings and recitations.





### 3.7.5 What acts are not permitted in relation to copyright works?

Restricted acts include:

- reproducing the work;
- publishing the work;
- importing the work into Tanzania or exporting it from Tanzania, otherwise than for personal and private use;
- causing the work to be transmitted in a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster;
- making an adaptation of the work.

### 3.7.6 What is the duration of protection?

The duration of copyright protection is as follows:

- **literary works:** the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- **performers and recording rights:** 50 years from the end of the calendar year in which the performance took place;
- **an audio-visual work, a collective work, a photograph, or a computer program:** 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright or, failing such an event, 50 years from the making of the work or 50 years from the end of the year in which the work was made;
- **a sound recording:** 50 years from the end of the year in which the recording was first published;
- **a broadcast:** 50 years from the end of the year in which the broadcast first took place;
- **a programme-carrying signal:** 50 years from the end of the year in which the signal was first emitted to a satellite;
- **a published edition:** 50 years from the end of the year in which the edition was first published;
- **a work of applied art:** 25 years from the making of the work.

### 3.7.7 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in Tanzania once its term has expired. The work lapses into the public domain at the end of the term of protection.

#### Links to legislation:

ARIPO: [Swakopmund Protocol and Kampala Protocol](#) on the voluntary registration of copyright and related rights; [Member States' laws](#).

#### Links to institutions:



European  
Commission

AFRICA

IP SME HELPDESK





IP Country Fiche  
TANZANIA

AfCFTA – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana:  
<https://au.int/en/cfta>

ARIPO – <https://www.aripo.org/>

BRELA: Business Registrations and Licensing Agency: <https://www.brela.go.tz/>

BPRA – Zanzibar Business and Property Registration Agency: <https://bp.ra.go.tz/>

National Arts Council of Tanzania (BASATA): <http://www.basata.go.tz/>

SADC – Southern African Development Community: <https://www.sadc.int/>



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