



TRADEMARK YOUR BUSINESS

PROTECT YOUR BRAND
WITH A TRADEMARK



+255 753 397 929

info@becounseled.com

www.becounseled.com

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Introduction

First of all, it is important to be aware that the United Republic of Tanzania consists of two separate jurisdictions, as far as registration and protection of Intellectual property is concerned, Tanzania mainland (“Tanganyika”) and Tanzania Zanzibar (“Zanzibar”). The reasons for this separation are historical originating from the very moment of the union between Tanganyika and Zanzibar and has remained as such to this day. As such, registration in one jurisdiction will not extend protection in the other. It is therefore recommended to register in both jurisdictions if one requires protection in each jurisdiction

Index Search

Before filing any application for registration of a mark, it is advisable to first conduct an index search at the Registry of Trade and Service marks, in order to search for registered marks which are identical to your proposed mark. Although it is not mandatory to conduct such a search it could provide an identification of certain marks that may be flagged as being identical by the Registrar and assist you in making the necessary preparations if this is the position. It is important to note that no details of the marks are availed other than the image of the mark and its application/registration number.

Any further details in relation to the mark required initiating a file search online.

In cases where your index search comes up with identical marks, it would be recommended to conduct a market survey in order to determine the usage of the cited Mark/s. In the event the Mark/s are not being used then they will be susceptible for cancellation on the basis of none-use in the event the Mark/s are cited by the Registrar as a basis for objection to your proposed Mark.

Filing an Application

To successfully register a mark in Tanzania (mainland) and Zanzibar, the following information and documents must be provided and submitted at the Registry :

- Full name, physical address, and nationality of the applicant.
- scanned Authorization of Agent form/ Power of Attorney. (with stamp duty affixed)
- Trademark image (for device/logo).
- Priority Document (if claimed) with an English translation.
- Specification of Goods/products and/or Services, and specific class to be registered.

Examination

A trade/service mark application is filed in Tanzania (mainland) or Zanzibar, the Registrar of Trade and Service Marks is required to examine the mark amongst the registered marks and pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or services or description of goods or services any marks identical with the mark applied for, or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion.

Once the above process had been undertaken, the Registrar will officially communicate its decision to the applicant in writing on whether it accepts the mark as applied, accepts the mark with conditions or reject the application totally.

If the Registrar objects to the application, he shall inform the applicant of his objections in writing, and unless within one month the applicant applies for a hearing or makes a considered reply in writing to those objections he shall be deemed to have withdrawn his application.

Publication

Once accepted, the mark will be advertised for opposition purposes in the trade and service mark Journal for a period of 60 days. If no opposition is raised, the applicant may proceed to apply for the issuance of registration certificates.

Accepted trademarks are published in the Official Journal in both Tanzania Mainland (Tanganyika) and Zanzibar for a 60-day opposition period.

Opposition

Any person may within sixty days from the date of any advertisement in the Trade and Service Marks Journal of an application for registration of a mark give notice on Form TM/SM 5 to the Registrar of opposition to the registration.

The following are some grounds for opposition of a trade or service mark :

- (a) if it is identical with a trade or service mark belonging to a different proprietor and already on the register in respect of the same goods or services or closely related goods or services or that so nearly resembles such a trade or service mark as to be likely to deceive or cause confusion
- (b) where the trade or service mark resembles, in such a way as to be likely to deceive or cause confusion, with an unregistered trade or service mark used earlier in Tanzania by a third party on relation to the same goods or services or closely related goods or services, provided that, an application for the registration of the earlier used unregistered trade or service mark is filed at the same time as the notice of opposition;
- (c) where the trade or service mark resembles in such a way as to be likely to deceive or cause confusion, with a business or company name already used in Tanzania by a third party; and
- (d) where the trade or service mark is filed by the agent or the representative of a third party who as the proprietor of the trade or service mark in another country, without the authorization of such proprietor unless the agent or representative justifies his action.

If an objection is raised within the prescribed period of 60 days for making an opposition, and all the necessary steps have been taken by the person opposing the registration of the mark, and the applicant of the proposed mark. The Registrar shall schedule a date for a hearing of the case and issue a decision within three months of the conclusion of the hearing.

Issuance of Registration Certificate

If there is no opposition within the prescribed period of 60 days or the registrar decides in favour of the applicant in cases of opposition the Registrar shall issue to the applicant a certificate of registration of trade or service mark.

After the opposition period has lapsed and no objections have been received, the registrar will promptly issue the registration certificate. It's worth noting that, while Tanzania Mainland (Tanganyika) issues electronic certificates, Zanzibar continues to provide physical certificates. This ensures that every registered entity receives a tangible and secure certificate, which can be easily accessed and stored for future reference.