

High Court of Tanzania Rules: Failure to Renew Your Trademarks Forfeits Your Rights to Enforce It.

Introduction

Trademark protection in Tanzania is only as strong as a proprietor's commitment to maintaining it. In a recent ruling, the High Court of Tanzania confirmed that a trademark registration that has lapsed without renewal confers no enforceable rights and that the proprietor in that position cannot institute infringement proceedings. This decision serves as a critical reminder to businesses operating in Tanzania that renewal is not just a formality; it is a legal foundation upon which all enforcement rights depend.

In this legal update, we examine the court's decision in the case of **Dew Drop Drinks Company Limited v. Lemon Dove Company Limited, Civil Case No. 000026624 of 2025 (High Court of Tanzania at Kigoma, 11 March, 2026)**, its implications for trademark enforcement in Tanzania, and the practical steps that trademark owners should take in response.

Background

Dew Drop Drinks Company Limited (the Plaintiff) instituted a suit against Lemon Dove Company Limited (the Defendant) seeking TZS 500,000,000 as compensation for alleged trademark infringement and passing off arising from the Defendant's "Heru Water" products (1500ml and 600ml). The Plaintiff further claimed TZS 500,000,000 in punitive damages for alleged willful infringement, together with interest at 30% per annum, general damages, and costs.

The Defendant raised preliminary objections on points of law, including that the court lacks jurisdiction, that the Plaintiff's trademark has expired, and that no valid board resolution authorizing the institution of the suit has been produced.

The Decisive Issue: Expiry of the Trademark Registration

While the court overruled three of the four preliminary objections, the second objection proved fatal to the Plaintiff's case. The court found that the trademark "Dew Drop," registered on 3 February 2016, expired on 3 February 2023 under Section 29(1) of the Trade and Service Marks Act [Cap 326 R.E 2023]. The suit, filed on 29 September 2025, was instituted over two years after expiry, with no evidence of renewal.

Applying Sections 30 and 31 of the Act, the court held that an expired registration confers no enforceable rights and cannot sustain an infringement claim. The Plaintiff's argument that the cause of action arose during the validity of the mark was rejected, as the alleged infringement was only discovered in 2024, after the registration had lapsed. The court further invoked the equitable maxim that "he who comes to equity must come with clean hands", finding a direct nexus between the Plaintiff's failure to renew and the rights it sought to enforce. Consequently, the Plaintiff was found to lack standing [*locus standi*], and the suit was struck out with costs.

Practical Implications for Trademark Owners

The decision confirms that trademark renewal in Tanzania is a legal prerequisite to enforcement, not a mere administrative formality. Once a registration lapses without renewal, all statutory rights under the Trade and Service Marks Act are extinguished, including the right to institute infringement proceedings, regardless of when the infringement occurred or when it was discovered.

Practically, this means that an expired mark leaves its proprietor without recourse under the Act, even where there is ongoing copying of branding or packaging. The court will not entertain such claims, and any suit filed in those circumstances is liable to be struck out at a preliminary stage, resulting in wasted costs and no relief against the infringer.

In this case, although the Plaintiff became aware of the alleged infringement in 2024, the mark had already expired nearly two years earlier. The court emphasized that the key consideration is whether the registration was valid at the time the cause of action is relied upon and when proceedings are instituted.

Conclusion

The High Court's decision firmly confirms that the right to enforce a trademark in Tanzania depends on maintaining a valid and subsisting registration. Trademark owners, both local and foreign, must therefore ensure timely renewal with the registries and regularly audit their IP portfolios in line with Tanzanian laws. Failure to do so does not create a mere procedural defect; it extinguishes the statutory rights necessary to bring an infringement claim.



Author

**NOREEN
MAGHIMBI**

Trademark Prosecution Associate

noreen.maghimbi@extentadvisory.co.tz



Key Contact

For further information, kindly reach the contact below

**NABIRY JUMA
JUMANNE**

Partner & head of IP department

nabiry.jumanne@extentadvisory.co.tz

Disclaimer:

The information in this publication is of a general nature and is intended as a guide only. Professional advice should be taken before any course of action is pursued. The information presented here is offered free of charge and, accordingly, ECA takes no responsibility for any loss occasioned by the use of the information presented here for whatever reason.

We will communicate any subsequent material changes via our client update and newsletter service and also on our website.



Extent Corporate Advisory (ECA),
7th Floor Tanzanite Park, Victoria Area,
New Bagamoyo Road,
P.O.Box 75211, Dar es Salaam - Tanzania.