East Africa Intellectual Property Newsletter – Q2, 2026

Welcome to the **Q2 2026** edition of the Extent Corporate Advisory East Africa Intellectual Property Newsletter. This edition covers significant intellectual property developments across the region for the period **April to June 2026,** including landmark legislative reforms in Uganda and Tanzania, Kenya's advancing copyright overhaul, ARIPO's institutional milestones, and an important update from WIPO on IP and innovation for African startups. We trust this edition continues to serve as a valuable resource as you navigate the evolving intellectual property landscape. As always, our team remains on hand to provide guidance on any matters arising.

1. Recent IP Developments

Tanzania: BRELA Launches Upgraded Digital Services Platform (BOS)

On 8 April 2026, the Business Registrations and Licensing Agency (BRELA) officially launched its upgraded online services platform, the BRELA Online Services (BOS) system. The new platform is designed to streamline business, industrial licence and company registration through a more user-friendly, efficient, and accessible digital interface, reducing the need for physical visits to BRELA offices.

Other services including trademark registration, patent filing, and ongoing applications continue to be managed through the existing Online Registration System (ORS) during the transition period. BRELA has confirmed that full migration to BOS is planned progressively, with the long-term goal of consolidating all services onto a single platform.

Practitioners and rights holders managing trademark and patent portfolios should note that trademark registration and related filings remain on the ORS platform for the time being. Clients are advised to monitor official BRELA communications for further updates on the phased rollout.

Uganda: President Museveni Signs Copyright and Neighbouring Rights (Amendment) Act, 2026

Following parliamentary passage of the Copyright and Neighbouring Rights (Amendment) Bill, 2025 on 17–18 March 2026, President Yoweri Museveni has assented to the Bill, which has come into force as the Copyright and Neighbouring Rights (Amendment) Act, 2026. The legislation marks the most significant overhaul of Uganda's intellectual property framework in decades.

The key reforms under the Act include:

- Stronger protections for literary, scientific, and artistic works, including translations, adaptations, and expressions of folklore recognised as protectable derivative works;
- Enhanced royalty provisions, with equitable remuneration payable to performers and producers when sound recordings or audio-visual fixations are used for commercial advertising, broadcasting, or public performance;
- New digital enforcement mechanisms, including provisions on digital royalty distribution and protections against online piracy;
- Stricter penalties for copyright infringement, including fines of up to UGX 50 million and imprisonment of up to 10 years; and
- Broader mandates for the Uganda Registration Services Bureau (URSB) to oversee registration, support collective management organisations, and guide industry stakeholders on compliance.

ARIPO has commended Uganda for the reforms, which bring Uganda's copyright regime into closer alignment with international standards under the Berne Convention. Stakeholders have called on the government to expedite the development of implementation regulations and operationalize a national copyright management system to ensure effective enforcement.

Kenya: Copyright and Related Rights Bill, 2026 Opens for Public Participation

The Kenya Copyright Board (KECOBO), under the Ministry of Youth Affairs, Creative Economy and Sports, has published the draft Copyright and Related Rights Bill, 2026 for public and stakeholder comment, with submissions invited up to 31 March 2026. The Bill is intended to replace the Copyright Act, 2001 and represents the most significant proposed reform of Kenya's copyright framework in over two decades.

The proposed legislation would establish a restructured governance framework comprising a Copyright Authority with expanded enforcement and investigative powers, a Copyright Board, and a specialist Copyright Disputes Tribunal with both original and appellate jurisdiction. Other notable features include a National Rights Registry, formal implementation of the Marrakesh Treaty for persons with visual and print disabilities, online takedown procedures, and an extension of the private copying remuneration levy to digital services.

The consultation process has generated considerable debate, particularly around the Bill's silence on artificial intelligence and generative AI authorship, the absence of dedicated image or personality rights, and the scope of proposed takedown and subscriber-disclosure powers, which several digital rights stakeholders argue require stronger judicial safeguards. Clients operating in Kenya's creative, technology, and digital content sectors are advised to monitor the Bill's progress through Parliament, as its enactment would materially affect copyright enforcement, licensing, and collective management practices across the country.

ARIPO Marks its Golden Jubilee and Reforms the Banjul Trade Mark Protocol

2026 marks the 50th Anniversary of the African Regional Intellectual Property Organization (ARIPO), established under the Lusaka Agreement of 1976. ARIPO launched its Golden Jubilee celebrations at a ceremony at its Harare headquarters under the theme "Fostering Innovation, Creativity, and a Sustainable Future for Africa," unveiling a commemorative anniversary logo and a year-long programme of high-level symposia across the region. Within the second quarter alone, ARIPO convened a Brands and Trademarks Symposium in Banjul, The Gambia in April 2026, focused on strengthening trade mark systems to support African business competitiveness, followed by a Plant Variety Protection Symposium in Arusha, Tanzania in June 2026 addressing food security and climate-resilient agriculture. The anniversary programme is set to culminate in a flagship Africa IP Conference on 9 December 2026 in Lusaka, Zambia, the birthplace of the organisation.

ARIPO: WIPO Director General Pays Historic Visit to Harare

WIPO Director General Daren Tang paid a high-level visit to the ARIPO Secretariat in Harare during the quarter, reaffirming WIPO's commitment to supporting African countries in developing intellectual property systems that function as genuine drivers of sustainable economic growth. The visit followed the 20th Session of the ARIPO Council of Ministers, at which Mr. Tang had already pledged deepened support for the ARIPO-WIPO partnership, and formed part of a wider series of engagements with ARIPO Member States, including Botswana, Cabo Verde, Lesotho, Kenya, Namibia and Ghana.

During the visit, Mr. Tang addressed the 18th cohort of the Africa University Master's in Intellectual Property (MIP) Programme, commending the impact the programme's graduates continue to have on IP capacity and the SME sector across the continent. The MIP is delivered through a partnership of ARIPO, WIPO, Africa University and the Japan Funds-in-Trust. ARIPO Director General Bemanya Twebaze used the occasion to look ahead to ARIPO's 50th anniversary in December 2026, describing it as a platform to showcase the organisation's contribution to a strong and accessible IP ecosystem across Africa.

WIPO Spotlights Intellectual Property for African Startups

The World Intellectual Property Organization (WIPO) took an active role in promoting IP awareness among African entrepreneurs during the quarter, participating in the inaugural AI Everything x GITEX Kenya event held in Nairobi from 19 to 21 May 2026. WIPO used the platform to demonstrate the role of intellectual property in building commercially sustainable, investment-ready businesses, sharing tools such as the Patent Cooperation Treaty (PCT), the Global Innovation Index, WIPO IP Diagnostics, and its “Enterprising Ideas” guide for startups. A full-day workshop paired ten African startups with one-on-one consultations from qualified Kenyan IP practitioners, helping founders integrate IP protection into their commercial and fundraising strategies from an early stage.

The Nairobi engagement forms part of a broader continental push by WIPO, which also opened its first Sub-Saharan Africa office, in Abuja, Nigeria, in June 2026. Taken together, these developments signal growing international attention to intellectual property as a driver of investment and commercialisation across East Africa and the wider continent. Startups and investors in the region are encouraged to treat IP protection, whether through PCT applications, trade mark registration, or trade secret management, as a core part of commercial due diligence and fundraising readiness.

2. Knowledge Hub

Kenya: High Court Upholds Copyright Tribunal Ruling Against MCSK

The Music Copyright Society of Kenya (MCSK) has suffered a further setback in its long-running dispute with the Kenya Copyright Board (KECOBO) over its status as a licensed Collective Management Organisation (CMO). In November 2025, the Copyright Tribunal found that KECOBO had validly declined to renew MCSK's CMO licence for the 2025-2026 period, citing failures to submit certified annual returns and audited accounts and unresolved questions over the accounting of royalties owed to artists, and discharged earlier interim orders that had allowed MCSK to continue collecting and distributing royalties.

Key Findings:

- **Exhaustion of Remedies Enforced:** on 23 January 2026, the High Court (Milimani Commercial Courts) upheld KECOBO's decision and declined to intervene, holding that MCSK's constitutional petitions were, in substance, disguised appeals against a licensing decision that fell squarely within the Copyright Tribunal's specialised jurisdiction.

- **No Collection Without a Valid Licence:** the Court affirmed that, absent a valid

  CMO licence, MCSK had no lawful authority to collect or distribute royalties or to issue unified licences to users of music and audio-visual works, regardless of its historical role in the sector.

- **Constitutional Framing Rejected:** the Court found that MCSK's invocation of

  Articles 40 and 47 of the Constitution did not exempt it from the statutory requirement to first exhaust the Copyright Tribunal's appeal process before seeking the High Court's intervention.

The dispute remains live, with the substantive appeal now set down for a full inter partes hearing on 21 July 2026. In the interim, PAVRISK and KAMP remain the only KECOBO-licensed CMOs administering performing, audio-visual and sound recording rights in Kenya. The case is a useful reminder for rights holders and CMOs operating across East Africa that regulatory licensing disputes of this kind must ordinarily be pursued through the designated specialist tribunal in the first instance, and that failure to do so will not be cured by recasting the claim in constitutional terms.

<u>Case to Watch: Unga Limited v. Daiga Millers (“Hodari” Trademark Dispute)</u>

In a dispute that has drawn wide attention in Kenya's milling industry, the High Court in Nanyuki granted Unga Limited a temporary injunction on 22 January 2026 against Daiga Millers, restraining it from manufacturing, packaging, distributing or selling maize meal under the “Hodari” brand pending trial. Unga, which holds registered rights in the Hodari mark across Kenya, Tanzania, Zanzibar and Uganda, argued that Daiga's use of an identical name on competing maize meal products created a clear likelihood of consumer confusion; the Court agreed that actual confusion need not be proven at the interim stage, only its likelihood. The matter has not yet been finally determined, and the full hearing, at which the Court will rule on infringement, passing off and any damages, is still pending. Given the cross-border reach of the Hodari mark, the eventual judgment will be worth monitoring for clients with regional trademark portfolios in the food and consumer goods sectors.

Tanzania: Fair Competition Commission Upholds Seizure of Counterfeit "Flamingo" Branded Goods

Extent Corporate Advisory successfully represented Abri General traders in the case of *Flamingo Car Care Tech Limited v. The Chief Inspector of the Merchandise Marks & Abri General Traders Limited* (Claim No. 2 of 2026). The Fair Competition Commission's Hearing Committee dismissed a challenge to the seizure of 190 cartons and 2,861 pieces of car care and detailing products bearing the "Flamingo" mark, impounded on suspicion of being counterfeit under Sections 9(1)(a) and (c) of the Merchandise Marks Act [Cap 85, R.E. 2023]. The Claimant, an importer and distributor claiming to be the exclusive Tanzanian agent for the Chinese manufacturer Guangzhou Flamingo Car Care Tech Co. Ltd, sought release of the goods and a declaration that the seizure, prompted by a complaint from Abri General Traders Limited (the registered proprietor of the "FLAMINGO" trademark in Tanzania), was unlawful and made in bad faith.

Key Findings:

- **Pending Rectification Proceedings Do Not Suspend Registered Rights:** the Committee held that the mere existence of rectification and expungement proceedings before the Registrar of Trade and Service Marks at BRELA does not suspend or invalidate a subsisting trademark registration; until formally cancelled, the registered proprietor's rights remain fully enforceable, and a status quo order issued in separate BRELA proceedings cannot operate as an injunction against a regulator's statutory enforcement functions.

- **No Enforceable Rights Without Local Registration:** relying on the Court of Appeal's decision in *Lakaro Industries Group Co. Limited & Others v. Kenafrica Industries Limited & Others* (Civil Appeal No. 593 of 2022) [2025] TZCA 999, the Committee found that neither the Claimant nor its Chinese principal held a registered trademark in Tanzania, and that a claim founded on a non-locally registered mark, or on a foreign distributorship agreement to which the Claimant was not even a party, could not defeat the registered proprietor's enforcement rights.

- **Proper Seizure Procedure Followed:** the Committee found that the Chief Inspector's enforcement process, from complaint, through brand-identification training, seizure, verification, to warehousing, was properly documented and substantially compliant with the Merchandise Marks Regulations, 2008; minor discrepancies in the description of certain seized items did not go to the legality of the process.

· **Goods Found to Be Counterfeit:** applying the test for consumer confusion adopted from *Cadila Healthcare Limited v. Cadila Pharmaceuticals Limited* (Civil Appeal No. 2372 of 2001), the Committee found clear similarities in appearance, labelling, colour scheme and trade dress between the seized goods and the registered proprietor's genuine products, sufficient to meet the definition of counterfeit goods under Section 2 read with Section 3(1)(g) of the Merchandise Marks Act.

The Committee accordingly dismissed the claim, upheld the Notice of Seizure, and confirmed that the seized goods were counterfeit. The ruling, delivered on 18 May 2026, underscores the primacy of local trademark registration in Tanzania and confirms that pending BRELA rectification proceedings offer no shield against FCC enforcement action. **The matter remains pending on appeal before the Fair Competition Tribunal (FCT)**, and clients with regional distribution arrangements involving marks registered by third parties in Tanzania should take note of the outcome once the appeal is determined.

Tanzania: Registrar Refuses Registration of "MO CLEANSOFT" Trademark on Grounds of Similarity to "KLEESOFT"

In *Guangzhou Sunda International Trading Company Limited v. Royal Soap and Detergent Industries Limited* (Opposition to Trademark Application No. TZ/T/2019/532), the Deputy Registrar of Trade and Service Marks, upheld an opposition brought by Guangzhou Sunda International Trading Company Limited, proprietor of the registered "KLEESOFT" trademark, against the Applicant's attempt to register "MO CLEANSOFT" (and logo) in Class 3 for detergent products. The Opponent, represented by Extent Corporate Advisory, argued that the applied-for mark was visually, aurally and phonetically confusingly similar to its prior registered "KLEESOFT" mark and that registration would deceive consumers and unlawfully permit two confusingly similar marks to co-exist in the same class of goods.

Key Findings:

· **The Anti-Dissection Rule Applied:** relying on *Tiffany and Company v. Wilmer Resources PTE Ltd* (Civil Appeal No. 42 of 2023), the Registrar held that competing marks must be assessed as a whole rather than dissected into individual components;

comparing only the shared suffix "SOFT" between the two marks, as the Applicant urged, would have been "a mortal fault" contrary to established principle.

· **"Well-Known Mark" Argument Was Not the Relevant Question:** the Registrar declined to determine whether the Applicant's "MO" branding was a well-known mark, holding that the true subject of the opposition was the similarity between "MO CLEANSOFT" and "KLEESOFT" as filed, not the separate question of the fame of "MO" standing alone.

· **Visual and Phonetic Similarity Test:** applying the reasoning in *BATA Limited (Canada) v. BORA Industries Ltd*, Commercial Case No. 76 of 2005, and the classic *Pianotist's Application* test on look, sound, and the class of customer likely to purchase the goods, the Registrar found the marks "strikingly similar" in normal speech and appearance, sufficient to create a real likelihood of confusion among ordinary consumers exercising ordinary caution.

· **A Disclaimed Element Can Still Be Considered:** referencing the South African Supreme Court of Appeal's decision in *iCollege (Pty) Ltd v. Xpertease Skills Development and Mentoring CC* [2023] ZASCA 70, the Registrar accepted that a mark can be protected, and a disclaimed feature can still be weighed, when assessing overall similarity and likelihood of confusion.

The Registrar concluded that, considered as a whole, "MO CLEANSOFT" and "KLEESOFT" were incapable of harmonious co-existence in the marketplace for identical goods, and refused registration of Application No. TZ/T/2019/532, with costs awarded against the Applicant. The parties retain a right of appeal to the High Court of Tanzania under Section 48 of the Trade and Service Marks Act, Cap 326, and Regulation 96 of the Regulations. The ruling reinforces the Registrar's consistent application of the "mark as a whole" and anti-dissection principles in Tanzanian trademark opposition practice, and is a useful precedent for clients seeking to protect established marks against phonetically similar newcomers in the same class.

4. Updates from Registries

Both Tanzania Mainland (BRELA) and Zanzibar (BPRA) continue to publish online Trade Mark Journals, inviting interested parties to file oppositions within 60 days from the date of publication. Stakeholders are encouraged to regularly monitor www.brela.go.tz and www.bpra.go.tz for new Journal publications. Timely monitoring is essential for protecting existing rights and preventing conflicting registrations.

Please note that trademark and patent filings in Tanzania continue to be managed through the ORS platform (www.brela.go.tz) as BRELA transitions to the new BOS system.

5. Firm News

ECA Intellectual Property Team at INTA Annual Meeting 2026

Our Managing Partner and Head of Intellectual Property attended the 148th Annual Meeting of the International Trademark Association (INTA), held in London from 2 to 6 May 2026. The meeting provided a valuable platform for our team to engage with global IP professionals, stay current on emerging international trends, and strengthen ECA's network within the global IP community. As a firm with a strong regional presence in East Africa and ARIPO, ECA remains committed to bringing global IP perspectives to our clients' matters.

ECA Attends Tanzania's World Anti-Counterfeiting Day 2026 Commemoration

Extent Corporate Advisory attended the Fair Competition Commission's (FCC) World Anti-Counterfeiting Day (WACD) 2026 breakfast meeting, held on 25 June 2026 at the Hyatt Regency, The Kilimanjaro, Dar es Salaam. The event, convened by the FCC pursuant to its mandate under the Merchandise Marks Act, 1963 (as amended), was held under the theme "Secure Lives, Secure Markets Against Counterfeit Alcohol, Lubricant and Cigarettes," and featured panel discussions raising public and stakeholder awareness of the prevalence, health risks, and economic impact of counterfeit alcohol, lubricants, and cigarettes in Tanzania. ECA was pleased to participate alongside fellow stakeholders in the business community, reaffirming the firm's continued commitment to supporting clients in the fight against counterfeiting and the protection of brand integrity in the Tanzanian market.

We remain at your disposal for any guidance on the developments discussed in this edition or any intellectual property matter arising from your business operations across East Africa. Please do not hesitate to contact our team.

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