



LEGAL UPDATE

Marks registered abroad may now be recorded without a Tanzanian certificate.

Tanzania: Fair Competition Commission Confirms the Acceptance of Foreign Trademark Certificates for Customs Recordation

Greetings from Extent Corporate Advisory.

The Fair Competition Commission (FCC) has confirmed that trademarks registered in foreign jurisdictions may be relied upon in support of applications for customs recordation in Mainland Tanzania, the law drawing no distinction between local and foreign certificates for that purpose.

The Commission has at the same time drawn a firm line between recordation and enforcement, and has addressed the absence of a prescribed procedure for the renewal of recordation.

The Clarification Issued by the FCC

1. Foreign trademark certificates are acceptable for recordation purposes

Neither the Merchandise Marks Act, Cap. 85 R.E. 2023 nor the Merchandise Marks (Recordation) Regulations, 2025 draws any distinction between trademarks registered in Mainland Tanzania and those registered in foreign jurisdictions for the purposes of recordation. Accordingly, the Chief Inspector accepts applications supported by either local or foreign trademark certificates, provided that the prescribed requirements are otherwise satisfied. A rights holder whose mark is registered abroad may therefore record it without first obtaining a Tanzanian registration.

2. Recordation does not, of itself, confer enforceable trademark rights

The FCC was careful to emphasize that recordation is an administrative measure rather than a source of substantive rights. Its function is to facilitate the administration of imports and the maintenance of a database of trademarks associated with imported goods. The enforcement of trademark rights remains governed by the applicable substantive law.

3. Enforceability depends upon protection subsisting in Tanzania

Trademarks protected under the laws applicable in Mainland Tanzania, including those registered under the Trade and Service Marks Act and those secured through any international or regional registration system recognized in Tanzania, may be enforced where the relevant legal requirements are met. By contrast, trademarks registered solely in foreign jurisdictions, without corresponding protection in Tanzania, are not presently enforceable by the Chief Inspector, notwithstanding that they have been duly recorded. Rights holders are therefore advised to ensure that their marks are protected in accordance with the laws governing trademark registration and protection in Tanzania in order to enjoy enforceable rights.

4. Renewal of recordation

The Recordation Regulations require renewal before expiry but prescribe no renewal form or procedure. The FCC has acknowledged the omission, confirmed that the necessary amendments are being prepared, and directed that renewal applications be processed administratively in the meantime.

What This Means for Rights Holders

✓ The recordation process is now clearly open to brand owners whose marks are registered outside Tanzania. Applications may be filed on the strength of a foreign registration alone, and marks that could not previously proceed on that basis may now be brought onto the record. Rights holders whose goods reach this market through import channels stand to benefit most.

✓ For those whose marks are already recorded, the Commission has acknowledged that the Regulations require renewal before expiry without prescribing the form or procedure by which it is to be effected. Renewals are for the present being processed administratively at the direction of the Chief Inspector, and the necessary procedural amendments are being prepared. We shall write to you once the prescribed forms are issued.

How We Can Assist

We file recordation applications on the strength of foreign registrations, take up applications that could not previously proceed on that basis, and attend to the renewal of existing recordations through the administrative channel presently in use.

We would be pleased to review your portfolio against the clarified position and to advise on the marks that should be recorded or renewed as a matter of priority. Kindly let us know should you wish to proceed, and we shall revert with the requirements and a costs estimate.



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