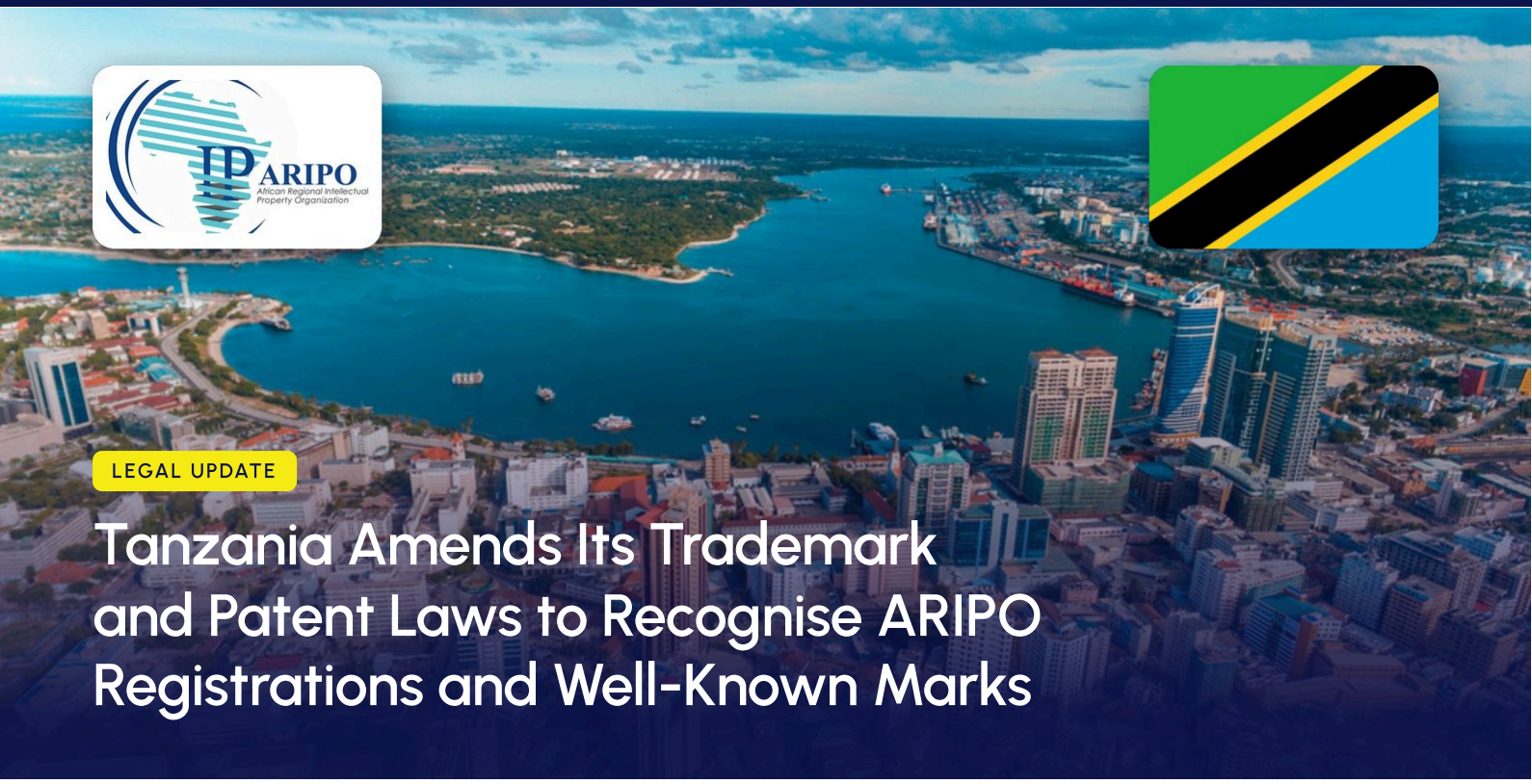


LEGAL UPDATE

Tanzania Amends Its Trademark and Patent Laws to Recognise ARIPO Registrations and Well-Known Marks

The Written Laws (Miscellaneous Amendments) Act, 2026 (Act No. 6 of 2026), came into force on 2 October 2026, amending the Trade and Service Marks Act (Cap. 326) and the Patents (Registration) Act (Cap. 217). The most significant change gives trademarks registered through the African Regional Intellectual Property Organization (ARIPO) and designating Tanzania full effect under domestic law. The 2026 Act also extends protection to non-traditional and well-known marks, introduces collective and certification marks, and revises the terms of patents and utility certificates.

A. KEY CHANGES TO THE TRADE AND SERVICE MARKS ACT

1 ARIPO registrations designating Tanzania are deemed registered

Under the new section 28A, a trade or service mark registered by ARIPO on or after 1 September 1999, the date the Banjul Protocol entered into force for Tanzania, and designating Tanzania, is deemed registered under the Trade and Service Marks Act. The only exception is where the Registrar has communicated to ARIPO a decision under the Protocol that the mark shall have no effect in Tanzania. ARIPO registrations designating Tanzania therefore now stand on an express statutory footing for registration, opposition, and enforcement purposes.

2 Colours, shapes, get-ups, and holograms are now registrable

A "trade or service mark" now means "any sign or combination of signs capable of distinguishing goods or services of one undertaking from those of other undertakings", and the former definition of "visible sign" is deleted. A "sign" is defined to include "three-dimensional marks, stylised, letters, words, colors or combinations of colors, numerals, get-ups, and holograms." Colour marks, shape marks,

packaging get-ups, and holograms are therefore now registrable. The TSMA also now defines the TRIPS Agreement and the Banjul Protocol.

3 Well-known marks are protected without local trade or goodwill

The new section 19A protects a mark entitled to protection under the Paris Convention or the TRIPS Agreement as a well-known mark, where it is well known in Tanzania as the mark of a national of, or a person domiciled or established in, a Convention country (whether or not that person carries on business or has any good-will in Tanzania). In deciding whether a mark is well known, the Registrar must consider:

- the degree of knowledge or recognition of the mark in the relevant sector of the public;
- the duration, extent, and geographical area of use and promotion of the mark, including advertising and presentation at fairs or exhibitions;
- the duration and geographical area of registrations and applications, to the extent they reflect use or recognition;
- the record of successful enforcement, in particular recognition by competent authorities; and
- the value associated with the mark.

The proprietor may restrain by injunction the use of an identical or similar mark for identical or similar goods or services where confusion is likely. However, bona fide use that began before the section came into force may continue. A mark that is likely to impair, interfere with, or take unfair advantage of the distinctive character of the well-known trademark shall not be registered.

4 Collective marks

Under the new section 16A, a mark capable of distinguishing the goods or services of members of an association from those of non-members is registrable, on application in the prescribed manner, as a collective trade or service mark in the name of the association.

5 Certification marks

Under the new section 16B, a mark adopted to distinguish goods certified as to origin, material, mode of manufacture, quality, accuracy, or other characteristics may be registered as a certification mark, provided the proprietor does not itself trade in goods or services of the kind certified. Registration gives the proprietor the exclusive right to use the mark in relation to the certified goods, subject to any conditions or limitations entered on the register. Unauthorised use in the course of trade of an identical or confusingly similar mark, in a manner likely to be taken as use of the mark or as a reference to certified goods, infringes that right.

The proprietor must deposit with the Registrar a regulating instrument setting out when goods are to be certified and use of the mark authorised. The instrument is open to inspection in the same manner as the register.

6 Advertisement before acceptance

A new provision to section 26(2) allows the Registrar to advertise an application before acceptance where he considers that exceptional circumstances exist.

B. KEY CHANGES TO THE PATENTS (REGISTRATION) ACT

1 Patent and utility certificate terms

A patent now expires twenty years from its filing date, and a utility certificate ten years from its filing date, up from seven. The 2026 Act contains no transitional provision for patents granted before it came into force.

2 Regional and international design registrations

Under the amended section 76, a design registered under a regional or international instrument designating Tanzania has the same effect as a national registration, unless the Registrar has communicated a refusal. Designs recognised before the amendment are deemed to be recognised under the new section.

WHAT THESE AMENDMENTS MEAN FOR RIGHTS HOLDERS

Owners of ARIPO registrations designating Tanzania can now rely on them as national registrations, unless the Registrar communicated a refusal. Section 28A should be raised without delay in any pending opposition or infringement proceedings in which the effect of an ARIPO designation has been challenged.

Brand owners can now register colours, shapes, packaging get-up and holograms, which are often the first features counterfeiters copy. Owners of well-known foreign marks gain a remedy that does not depend on local trade or goodwill, but should be ready to prove recognition against each of the section 19A factors.

Associations, cooperatives and producer groups can now protect shared marks of origin or quality through collective or certification registration.

Owners of patents granted before 2 October 2026 should confirm how their expiry dates and annuities will be calculated, and holders of existing utility certificates should confirm how the longer term applies to them.

CONCLUSION

The amendments bring Tanzania's trademark and patent laws into closer alignment with the TRIPS Agreement and international practice. They widen the range of registrable marks, protect well-known marks directly, confirm the domestic effect of ARIPO registrations and settle the terms of patents and utility certificates.

Rights holders who review their portfolios now will be best placed to use these protections against infringement and counterfeiting. We would be pleased to assist with such a review and to advise on any matter arising from the amendments.

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