

## TRANSFER OF INTELLECTUAL PROPERTY RIGHTS IN TANZANIA.

Transfer of Intellectual property rights is the process of transferring ownership and exclusive rights of the intellectual property from one party to another in whole or part. This can include transferring copyrights, patents, trade or service marks and other forms of intellectual property, as governed by applicable Laws and Regulations. Transfer of Intellectual property rights is an important part of the business world today as it helps businesses protect their investment and maximize profit.

### Types/Forms of transfer of Intellectual Property Rights

- **Assignment of Intellectual property rights:** When a creator assigns their Intellectual property right to another party, they are transferring the exclusive rights to use, reproduce, modify and distribute the work. Assignments can be in whole or in part of the registered rights.
- **License of Intellectual property rights:** A creator can license their work granting permission to another party to use their work in a specific way. Licensing agreements often include restrictions on how the work can be used, such as the duration of the license, the geographic area in which the work can be used and the types of uses that are allowed.

### Procedures

- Parties to the transfer need to have a properly documented agreement or contract specifying the rights being transferred, the duration of the agreement, the consideration, any restrictions on the use of the work and has to be signed by both parties.
- Make an application to the Registrar of Business Registration and Licensing Agency (BRELA) or the Copyright Society of Tanzania (COSOTA) to be registered as an assignee or licensee accompanied by copies of all required documents in accordance to the Regulations and upon payment of the required prescribed fees TZS 50,000/= for trade and service mark, TZS 8,000/= for patent, and TZS 41,000/= for Copyright.

### Benefits

- Assigning or licensing intellectual property rights allows the owner to monetize their rights to generate additional revenue streams.
- Creates exposure and expands the reach of the intellectual property into new markets.
- Increase the recognition of the brand associated with the intellectual property.
- Helps to promote innovation and creativity by providing incentives for the creators to develop new ideas and products.

### Restrictions or Limitations

- No rights or privileges shall be granted to the assignee or licensee until the details of the assignment or license are recorded in the registry. Additionally, documents indicating such transfer of ownership shall not be admissible in any proceeding.
- An application will be considered invalid if it tends to create confusion about the type, source, manufacturing process, features or appropriateness of the goods or services associated with the trade or service mark.
- No patent licence will be granted if it requires or allows the importation of technology from abroad when the same or better technology can be obtained under same or better conditions.

Prepared by  
**Noreen Nicolaus Maghimbi**

Should there be any question,  
please do not hesitate to  
Contact us:  
T: +255 (0) 683 064 649  
E: info@extentadvisory.co.tz

#### About ECA

A modern Law Firm, aimed at transforming the dynamics of business relationships by providing pro-active, accessible, efficient, ethical and reliable solutions on Corporate, Tax, Intellectual Property, Mining, Oil & Gas, Insurance, Investment and Competition, Employment, Telecommunication, Aviation, Litigation and Banking and Finance Law

#### Disclaimer

All the information published on this article herein is true and accurate to the best of the authors' knowledge. Information on this article should not be a substitute for legal advice. The opinions expressed are the opinions of the individual author and may not reflect the opinions of the firm.

#### Contacts

Extent Corporate Advisory (ECA)  
1st Floor Regus, 429 Mahando street, Msasani Peninsula,  
Dar es Salaam.

(c)2023 ECA, All Rights Reserved

- A registered user has no powers to institute a proceeding for trade or service mark infringement. He is entitled to request the proprietor to take proceedings to prevent infringement of the mark, and if the proprietor neglects to do so within two months after being asked, the registered user may institute proceedings in his own name as if he were the proprietor, joining the proprietor as the defendant.
- The registered user is not allowed to assign the licence to third parties and they are not allowed to grant any sub-licences.

In conclusion, the transfer of intellectual property is a process that requires careful consideration of the legal and financial implications. It is important to ensure that all parties involved are aware of their rights and obligations, and that the transfer is conducted in a manner that is compliant with the applicable laws and regulations.

Prepared by  
**Noreen Nicolaus Maghimbi**

Should there be any question,  
please do not hesitate to  
Contact us:  
T: +255 (0) 683 064 649  
E: info@extentadvisory.co.tz

---

#### About ECA

A modern Law Firm, aimed at transforming the dynamics of business relationships by providing pro-active, accessible, efficient, ethical and reliable solutions on Corporate, Tax, Intellectual Property, Mining, Oil & Gas, Insurance, Investment and Competition, Employment, Telecommunication, Aviation, Litigation and Banking and Finance Law

---

#### Disclaimer

All the information published on this article herein is true and accurate to the best of the authors' knowledge. Information on this article should not be a substitute for legal advice. The opinions expressed are the opinions of the individual author and may not reflect the opinions of the firm.

---

#### Contacts

Extent Corporate Advisory (ECA)  
1st Floor Regus, 429 Mahando  
street, Msasani Peninsula,  
Dar es Salaam.