

THE PROTECTION OF WELL-KNOWN TRADEMARKS IN TANZANIA

TRADEMARKS

Trademark registration aims to protect traders and consumers by ensuring that brands and products are clearly distinguishable in the marketplace.

For traders, it provides exclusive rights to use a particular mark, helping to prevent unauthorized use by competitors and for consumers, it ensures they can identify the source of goods and services, offering assurances of quality and helping to avoid confusion or misleading representations in the market.

Trademarks are designed to distinguish your goods or services from those of others. However, some third parties may attempt to exploit your trademark for their own benefit, using it to capitalize on the reputation and recognition you have built through time and investment. This allows them to benefit from your brand's success without the effort of creating their own identity.

Protecting your trade mark is crucial to maintaining the integrity and reputation of your brand. When third parties try to exploit your trade mark, it can dilute your brand's uniqueness and potentially confuse consumers.

REGISTRATION

In Tanzania Trade and Service mark are protected under Trade and Service Mark Act Chapter 326 (TSMA). In Tanzania, it is not compulsory to register a mark in order to use it. However, the exclusive legal right to use a trademark is acquired with registration under section 32 and 14 of TSMA.

A trademark well known globally enjoys local protection in the event it is recognized locally in order to seek protection against any infringement, the proprietor has to abide to local laws by registering the said trademark. Early registration of a trade or service mark is paramount for one to successfully maintain a suit on infringement.

INFRINGEMENT

Trademark infringement occurs when someone uses a trademark that is identical or confusingly similar to a registered trademark without permission, in a way that is likely to cause confusion among consumers. This could happen in various ways, **like/example**, A well-known company, "ABC Beverages," has registered a trademark for their logo and name in Tanzania. A new, smaller company called "AB Beverages" starts selling a similar line of drinks using a very similar logo, font, and colour scheme that resembles "ABC Beverages." Consumers might confuse "AB Beverages" with the well-established brand "ABC Beverages," leading them to believe the products are from the same company. In this case, the new company's use of a confusingly similar trademark could be considered an infringement of "ABC Beverages'" registered trademark, as it creates confusion in the marketplace and could damage the reputation of the original brand.

A common question that arises is how one can prevent trademark infringement in Tanzania, well the law does afford your protection if the circumstance warrants it.

OPPOSITION

Opposition systems offer third parties the opportunity to oppose the registration of a trademark within a certain period of time. Applicable laws provide details and sometimes exhaustive lists of grounds for opposition.

Section 27 of the TSMA allows for third parties to oppose the registration of a trademark during the initial registration procedure and within the time limit as prescribed from the date of advertisement of an application.

For a proprietor to seek the protection of the acquired reputation, the trademark usage must be upon registration. A well known trademark globally, automatically acquired protection is not the correct position in our jurisdiction A trademark well-known globally enjoys local protection in the event it is recognized locally. In order to seek protection against any infringement, it is incumbent on the proprietor to abide by our local laws and by registering the said trademark.

CONCLUSION

Protecting well-known trademarks in Tanzania is essential for maintaining the integrity and value of a brand. While trademark registration is not mandatory for use, it provides exclusive legal rights and safeguards against infringement, ensuring that traders and consumers are protected.

As global brands seek protection locally, adherence to Tanzanian laws is key to securing trademark rights and preventing misuse in the marketplace and Our trademark litigation team can help enforce your trademark and copyright rights in Tanzania and throughout Africa.

FURTHER INFORMATION:

This editorial is intended to give you a general overview of the Law. If you would like further information and clarification on any issue raised in this editorial, please contact.

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