

# NATIONAL SEMINAR ON THE IP AND COMPETITIVENESS

THE TANZANIA LEGAL AND  
INSTITUTIONAL FRAMEWORK

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# 1.OVERVIEW

- INTRODUCTION
- WHAT IS INDUSTRIAL PROPERTY
- WHAT IS THE LEGISLATIVE FRAMEWORK GOVERNING IND. PROPERTY IN TANZANIA
- EFFECTS OF LEGISLATION & ENFORCEMENT.
- WHICH ARE THE INSTITUTIONS FOR THE ADMINISTRATION OF IP IN TANZANIA
- CHALLENGES OF THE EXISTING SYSTEM.
- RECOMMENDATIONS
- CONCLUSIONS



# 2.INTRODUCTION

- IP is not a new subject
- It came with the emergency of private property
- Division of labour, skilled and non skilled
- Protection systems of knowledge within clans& passing it from one generation to the other.
- Introduction of Juridical protection systems through reception clauses. Patents, trademarks& copyrights 1924.
- Colonial systems. Natives continued with their own systems.
- Post colonial era. No much change. Reg.Uk Granted Patents&Trademarks



# 3. WHAT IS INDUSTRIAL PROPERTY

- Intellectual Property is a set of two subsets.
- Industrial property and Copyright.
- Industrial Property is principally related to commerce and industry.
- Copyright is related to Information, Education, Art and Entertainment.
- Industrial Property is further divided into Patents, Trademarks, Industrial Designs, Geographical Indications, Un disclosed

## 4. LEGISLATIVE FRAMEWORK GOVERNING INDUSTRIAL PROPERTY IN TANZANIA.

- First the IP in Tanzania is a non Union Matter
- At the moment each component has its own legal framework.
- In Patents the Patents Act Cap 217 (R.E 2000) includes utility models.
- Trade and Service Marks Act Cap No 326(RE 2000)
- Industrial Designs is still governed by the old Designs Act of UK.
- However the legislative Industrial Property Regime is under review.

## 5.EFFECT OF LEGISLATION&ENFORCEMENT

- In Tanzania most of Industrial Property related legislation provide for Civil rights and no criminal sanctions.
- Plaintiffs would only be entitled to Injunction, damages, compensations etc.
- In the copyrights legislation, over and above the foregoing rights, copyright pirates could also be prosecuted just like common criminals and be subjected to serve jail terms and pay fines or be subjected to both,



# 6. INSTITUTIONS FOR THE ADMINISTRATION OF INDUSTRIAL PROPERTY

- In Tanzania Industrial Property is generally administered by BRELA.
- Brela maintains both the Patents and the Trade and Service Mark Registries.
- The UK Registered Designs could extend their protection to Tanzania by mere registration in the country.



# 7. CHALLENGES.

- Intellectual property is a crosscutting issue.
- There is a tendency of the administrative institutions to overlap and sometime collide.
- Public awareness has remained to be a major challenge to owners and users IPRs.
- Capacity of enforcement agents is another challenge.
- Absence of clear IP National Polices yet another challenge.



# CHALLENGES CONT..

- Legislative frameworks are not constantly reviewed to cope with changing environment.
- Copyright Administration is administered by the same institution that is responsible for Collective Management.
- Opportunities for capacity building and technical assistance not effectively utilised.



# 8. RECOMMENDATION

- A high powered National Intellectual Property Committee needs to be formed to take charge of the National Policies and coordinate IP Nationally.
- Massive awareness campaigns need to be intensified showcasing the practical results of IP achieved projects.
- Through the recommended National Committee, formulate a National IP Policy.
- Enforcement agents be coordinated and work as team.
- Build institutional as well as human capacities using available technical assistance opportunities.



## 9. RECOMMENDATION *cont.*

- Industrial Property Legislative review needs to be expedited to address the fragmented IP pieces of legislation.
- Delink Copyright Administration from Collective Management and align the Copyright Administration with Industrial Property Administration.
- Intensify Regional as well as International cooperation.



# 10.CONCLUSION

Developing countries especially the least developed have a big stake in Intellectual property, if correct strategies are put in place to take advantage of the many opportunities that are available. Clear examples are abound where IP has been strategically used to fuel the social, cultural and economic development. If success stories are available, what is needed is to know what others have done, so we too could do. YES WE CAN.



THANK YOU FOR YOUR  
ATTENTION

