

Key Intellectual Property Law Developments Across Select Jurisdictions in Africa

OALP Intellectual Property Practice Newsletter

As of 2025, intellectual property laws across Africa continue to evolve, driven by significant regulatory reforms and policy initiatives that are reshaping the frameworks for trademark and copyright protection across the continent. This issue highlights three important updates: **Tanzania's new mandatory trademark recordation system to combat counterfeit goods and protect proprietors**; **Uganda's streamlined copyright registration process enhancing efficiency and dispute resolution**; and a pivotal **Tanzanian Appeal court ruling clarifying that ARIPO trademark registrations do not automatically grant enforceable rights in Tanzania**. The essence of this publication is to inform readers of local legislative shifts and regional IP mechanisms to facilitate the effective safeguarding of intellectual property in Africa.

LAUNCH OF MARK RECORDATION BY THE FAIR COMPETITION COMMISSION IN TANZANIA (MAINLAND)

Introduction

Proprietors of trademarks for goods distributed in Tanzania should be aware of new recordation requirements coming into effect on 1 December 2025. The enactment of the Finance Act, 2025, has led to the introduction of the Merchandise Marks (Recordation) Regulations. These Regulations are designed to help trademark owners protect their rights, prevent the importation and distribution of counterfeit goods, and safeguard consumers. Under the new rules, all products imported into Tanzania must have their trademarks recorded, regardless of the country where the mark was originally

registered. This initiative aims to establish a comprehensive database of trademarks and proprietors, facilitating the identification and seizure of counterfeit goods.

Timeline

Statutory examination period:

21 days from the date of submission of the recordation application.

Change of ownership (by assignment or license):

The Commission must be notified of a change of ownership within 30 days of such change, unless the new owner does not wish to maintain the recordation. Failure to notify will result in cancellation of the recordation.

Change of name without change of ownership:

The Commission must be notified of a change in name within 7 days of the change by submitting the certificate of change of name and any other relevant documents.

Effective date and duration:

Recordation becomes effective upon approval by the Chief Inspector (not the filing date) and remains valid for one year from the date of approval.

Implications for Trademark Proprietors

We advise all trademark proprietors who intend to, or currently do, import goods into Tanzania to take note of these new requirements, including the associated costs and timelines.



Failure to properly record trademarks may result in goods being seized by customs at the border, leading to potential economic loss. It is also important to ensure that any representatives acting on behalf of the proprietor before the Fair Competition Commission are duly authorized.

THE UGANDAN COPYRIGHT AND NEIGHBORING RIGHTS (AMENDMENT) REGULATIONS, S.I. NO. 71 OF 2025 – AMENDMENT OF THE COPYRIGHT PROCESS

The Ugandan Copyright and Neighboring Rights (Amendment) Regulations (the “**Regulations**”), which took effect on 26th September 2025, introduced a new regime for copyright notification in Uganda. The Regulations substituted Regulation 5 of the Copyright and Neighboring Rights Regulations, 2010. The substitution states that where the Registrar is satisfied by the information provided by an applicant, he shall enter the name of the applicant in the Register of Copyright and Neighboring Rights. Upon registration, an applicant will be issued a certificate of registration, which is proof of registration. There had previously been a 60-day gazette period during which oppositions to the copyright application could be made.

Under the Regulations, a party aggrieved by the registration of a mark may object by an ordinary letter setting out the reasons for the objection lodged with the Registrar. The Registrar may on receipt of the letter convene a meeting between both parties. Thereafter, where the registrar is satisfied with the reasons for the objection, he may cancel or amend the registration certificate.

Implication:

The procedure for copyright application in Uganda is now expeditious with a seamless registration process occasioned by the exclusion of the gazette advertisement requirement, a

60-day opposition period for aggrieved parties to lodge an opposition before the Registrar, as the Registrar had been previously required by law to advertise any copyright application before issuance. While copyright imbues in a piece of work on creation and fixation, intellectual property rights are generally territorial in nature with some exceptions defined by national law and international treaties.

As a one-stop shop for intellectual property matters across Africa, we remain available to act on our clients’ behalf in Uganda.

TRADEMARKS IN TANZANIA (MAINLAND): ARIPO MARKS DESIGNATING TANZANIA (MAINLAND) DO NOT CONFER LEGALLY ENFORCEABLE RIGHTS.

The Court of Appeal in Tanzania has recently held that ARIPO Trademarks are not recognized in Tanzania in the case of *Lakairo Industries Group Co. Ltd & Others v. Kenafrica Industries Ltd & Others, Civil Appeal No. 593 of 2022 (26 September 2025)*. It had previously been widely accepted that as the Banjul Protocol on Marks authorizes ARIPO to register Trademarks on behalf of Contracting States, which includes Tanzania, a mark registered in ARIPO designating Tanzania for Protection would be duly protected. Tanzania, as a member state of the Banjul Protocol on Marks, has acceded to the Protocol since September 1, 1999 but has not implemented it as a national law.

The Appeal Court held that as the Banjul Protocol had not been ratified or domesticated in Tanzania and thus ARIPO marks would not benefit from protection. This ruling calls to question Article 27 of the Vienna Convention of the Laws of Treaties, 1969 which states that contracting parties under a treaty or convention cannot evade their international obligations under that treaty by reason of national or state law.

Implication:

For legal protection of marks in Tanzania, we advise clients with ARIPO marks or an intention to file in ARIPO to undertake Tanzanian registrations at the Tanzania (Mainland) Business Registration and Licensing Agency (BRELA) for their marks. We further advise that clients with ARIPO regional marks undertake an IP audit to determine the stance of their marks and engage proactively with such registrations.

We will continue to monitor developments in this case and remain available to assist our clients with regard to appropriate protection for their marks.

CONCLUSION

The 2025 regulatory developments bring critical shifts in IP protection frameworks across Africa, emphasizing the need for rights holders to actively monitor local laws and compliance requirements. The new Tanzanian recordation system, Uganda's improved copyright regulation, and clarifications on ARIPO trademark enforceability, collectively signal a more sophisticated and demanding IP landscape. Staying ahead of these changes will help businesses and legal practitioners navigate challenges, enforce IP rights securely, and foster innovation and market confidence throughout the continent.

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