
Recognition of Industrial Designs Registered under Regional or International Instruments: A New Direction in Tanzania's Intellectual Property Framework

Introduction

Tanzania is undertaking legislative reforms to strengthen its intellectual property regime through proposed amendments to the **Patents (Registration) Act, Cap. 217 R.E. 2023**. One of the notable developments in the proposed amendments is the introduction of provisions recognizing **industrial designs registered under regional or international instruments** where the United Republic of Tanzania is designated as a contracting state.

This reform represents an important step toward aligning Tanzania's intellectual property framework with regional protection systems while enhancing legal certainty in the protection and enforcement of industrial design rights. It is also a timely legislative intervention addressing practical and jurisprudential concerns that have emerged from judicial interpretation of the status of rights derived from regional intellectual property systems.

In particular, the reform appears to respond to the legal position set by the Court of Appeal in various judicial pronouncements, most notably the case of *JP Decaux Tanzania Ltd vs JCDecaux SA & Another (Civil Appeal No.254 of 2021 [2024] CA 838 and Lakairo Industries Group Co. Limited & Others v. Kenafric Industries Limited & Others (Court of Appeal, 26 September 2025)*, which reaffirmed the principle that intellectual property rights obtained through regional or international instruments are not automatically enforceable in Tanzania unless such instruments are expressly incorporated into domestic legislation. The Court emphasized that Tanzania's participation as a member or designated state in such instruments does not, by itself, confer enforceable rights within the country in the absence of domestication through statute.

The practical implication of this position has been that, notwithstanding regional registration, a right holder seeking protection in Tanzania would still be required to secure recognition through the domestic legal framework in order to establish enforceable proprietary rights. The proposed amendment therefore represents a necessary legislative response intended to bridge this gap by providing an explicit statutory basis for the recognition of industrial designs registered through regional or international systems.

Industrial Design Protection and its importance

Industrial designs protect the **aesthetic appearance of products**, including their shape, configuration, pattern, or ornamentation, or composition of lines or colours applied to a product. Unlike patents, which protect technical inventions, industrial design protection focuses on the **visual features that make a product distinctive and attractive to consumers**.

In modern commercial practice, product design is a critical component of market competitiveness. Industries such as consumer electronics, automotive manufacturing, packaging (such as beverages in Tanzania), textiles, fashion, and household products rely heavily on distinctive design features to differentiate their products in the marketplace.

The protection of industrial designs therefore plays a key role in encouraging **innovation, creativity, and investment in product development.**

The Existing Legal Context in Tanzania

The principal legislation governing patent matters in Tanzania is the **Patents (Registration) Act, Cap. 217 R.E. 2023**. Historically, the Act has focused primarily on the registration and recognition of patent rights and does not establish a substantive framework for the domestic registration of industrial designs comparable to those existing in many modern intellectual property regimes. In practical terms, Tanzania Mainland has lacked a clear statutory and administrative mechanism through which industrial designs may be independently registered and protected at the national level.

This position is further evidenced in practice by the **Online Registration System (ORS)** operated by the Business Registrations and Licensing Agency (BRELA), which currently does not provide a functional module for the filing or registration of industrial designs. The absence of both a clear legislative framework and an operational administrative pathway has therefore meant that, from a strictly procedural standpoint, there has been no direct national route for securing industrial design protection in Tanzania Mainland.

As a result, applicants seeking protection for industrial designs covering Tanzania have, as a matter of practice, relied on regional intellectual property systems, particularly the framework administered by the **African Regional Intellectual Property Organization (ARIPO)** under the **Harare Protocol on Patents and Industrial Designs**. Under this system, applicants may file a single industrial design application through ARIPO and designate member states, including Tanzania, in which protection is sought.

However, the legal comfort previously assumed under this practice was significantly called into question following the jurisprudential position adopted by the Court of Appeal of Tanzania in the *Lakairo Industries Group Co. Limited & Others v. Kenafri Industries Limited & Others* decision. The Court reaffirmed the principle that rights derived from regional instruments cannot be assumed to have automatic legal effect in Tanzania in the absence of express domestic legislative recognition. The practical consequence of this reasoning was to expose a regulatory vacuum: while regional registration mechanisms existed, the absence of explicit statutory recognition meant that industrial designs obtained through such systems faced uncertainty regarding their enforceability within Tanzania.

It is this regulatory and practical gap that the proposed amendments appear intended to address by providing a clear legislative basis for the recognition of industrial designs registered through regional or international instruments.

The Proposed Amendment

The proposed amendment introduces a clear statutory framework under the heading “**Designs Registered under Regional or International Instruments,**” marking a deliberate legislative effort to provide legal recognition to industrial designs obtained through regional and international filing systems.

The amended **section 76** provides that a design registered pursuant to a regional or international instrument, in respect of which the United Republic of Tanzania is a designated state, shall enjoy the **same legal status and effect as a design registered under Tanzanian law**. This provision is particularly significant because it creates the long-missing statutory bridge between regional registration mechanisms and domestic enforceability of industrial design rights.

The provision further clarifies that such recognition shall apply unless the Registrar communicates to the relevant regional or international office, in accordance with the applicable instrument, a decision that the design, if registered, shall not have effect in Tanzania. This qualification preserves the regulatory authority of the national office and ensures that recognition of regional registrations remains subject to compliance with domestic legal standards and the procedures established under the relevant protocols.

Importantly, the amendment also introduces a transitional safeguard by providing that industrial designs recognised under the relevant Protocol prior to the coming into operation of the amendment shall be deemed to have been recognised under the new provision. This deeming clause is legally significant as it protects the continuity and validity of existing rights and avoids potential disputes regarding the legal status of industrial designs previously registered through regional systems.

Taken together, these amendments establish a clearer legal foundation for the recognition and enforcement of industrial design rights derived from regional and international instruments and represent a necessary legislative response to the practical and jurisprudential uncertainties that have historically surrounded this area of intellectual property protection in Tanzania.

Legal and Practical Implications

The introduction of this provision carries important legal and commercial implications for the development of industrial design protection in Tanzania.

First, it clarifies the legal status of industrial designs registered through regional or international systems. By expressly providing that such designs shall have the same legal effect as designs registered under national law, the amendment removes the uncertainty that previously existed regarding their enforceability. This clarification is particularly important in light of the judicial position that rights derived from international or regional instruments require express legislative recognition before they can be enforced within Tanzania.

Second, the amendment promotes procedural efficiency in the protection of industrial designs. By recognising regional registrations, the law allows applicants to rely on regional filing systems rather than requiring parallel national processes. This reduces duplication of procedures, lowers transaction costs, and simplifies rights management for applicants seeking protection across multiple jurisdictions.

Third, the amendment strengthens Tanzania's integration into regional intellectual property protection systems, particularly those administered under the ARIPO framework. Such alignment is consistent with the broader objective of facilitating cross-border recognition of intellectual property rights and promoting regulatory coherence within the region.

From a legal practice perspective, the amendment also improves predictability in enforcement strategy. Practitioners will now have a clearer statutory basis when advising clients on the validity and enforceability of industrial design rights obtained through regional mechanisms, thereby reducing the litigation risks previously associated with reliance on such registrations.

Implications for Businesses and Investors

From a commercial standpoint, the amendment is likely to improve both the accessibility and reliability of industrial design protection in Tanzania. Businesses operating in sectors where product design constitutes a competitive advantage will benefit from a clearer and more secure legal environment for the protection of their proprietary designs.

Companies seeking protection across multiple African jurisdictions will particularly benefit from the ability to secure protection covering Tanzania through a single regional filing. This approach not only reduces administrative complexity but also improves cost efficiency in intellectual property portfolio management.

More broadly, the reform strengthens Tanzania's attractiveness as an investment destination by improving legal certainty in the protection of proprietary business assets. Investors typically consider the reliability of intellectual property protection as an indicator of regulatory maturity. By providing a clear statutory basis for the recognition of industrial design rights, the amendment contributes to strengthening investor confidence, particularly in manufacturing, consumer goods, industrial production, and technology-driven sectors where design protection forms part of the overall business value proposition.

Conclusion

The proposed amendment to the **Patents (Registration) Act** represents a significant and necessary development in the evolution of Tanzania's intellectual property framework, particularly in addressing the long-standing legislative gap relating to the recognition and enforceability of industrial design rights. By expressly providing for the recognition of industrial designs registered under regional or international instruments, the amendment establishes the statutory foundation that was previously absent and which had created uncertainty regarding the legal status of such rights within Tanzania.

The reform may also be viewed as a proactive legislative response aimed at strengthening the coherence between Tanzania's municipal intellectual property laws and its regional commitments. By doing so, it reinforces the principle that participation in regional intellectual property systems must be supported by clear domestic legal mechanisms to ensure the effective protection of proprietary rights.

As industrial design continues to assume greater commercial importance in product differentiation, manufacturing competitiveness, and technology-driven markets, the recognition of regional design registrations is likely to play an important role in promoting innovation, facilitating technology transfer, and strengthening investor confidence. Ultimately, this development signals a gradual but important progression toward a more predictable, investment-responsive, and internationally aligned intellectual property protection regime in Tanzania.

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