

## **CHAPTER 326**

### **THE TRADE AND SERVICE MARKS ACT [SUBSIDIARY LEGISLATION] INDEX TO SUBSIDIARY LEGISLATION NOTICES**

The Appointment of Assistant Registrars of Trade Marks Notices

#### **REGULATIONS**

The Trade and Service Marks Regulations

#### **NOTICES**

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The following Notices are omitted–

G.N. No. 40 of 1978	Trade Marks (Appointment of Assistant Registers of Trade Marks) Notice.
G.N. No. 32 of 1982	Trade Marks (Appointment of Assistant Registrars of Trade Marks) Notice.
G.N. No. 159 of 1983	Trade Marks (Appointment of Assistant Registrar of Trade Marks) Notice.
G.N. No. 117 of 1984	Trade Marks (Appointment of Assistant Registrar of Trade Marks) Notice.
G.N. No. 10 of 1990	Trade Marks (Appointment of Assistant Registrar of Trade Marks) Notice.
G.N. No. 220 of 1990	Trade Marks (Appointment of Assistant Registrar of Trade Marks) Notice.

#### **REGULATIONS**

##### **THE TRADE AND SERVICE MARKS REGULATIONS**

*Regulation*

**Title**

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#### **THE TRADE AND SERVICE MARKS REGULATIONS**

(Section 60)

[3rd March, 2000]

G.N. No. 40 of 2000

#### **PRELIMINARY PROVISIONS (regs 1-25)**

##### **1. Citation**

These Regulations may be cited as the Trade and Service Marks Regulations.

##### **2. Interpretation**

In these Regulations, unless the context otherwise requires—  
"the Act" means the Trade and Service Marks Act <sup>1</sup>\*;

**"agent"** means an agent duly authorized to the satisfaction of the Registrar;  
**"mark"** means a Trade and Service Mark established under section 3 of the Act;  
**"specification"** means the designation of goods and service in respect of which a trade or service mark, or a registered user of a trade or service mark, is registered or proposed to be registered.

### **3. Fees**

The fees to be paid in relation to trade or service marks shall be those fees prescribed in the First Schedule of these Regulations.

### **4. Forms**

The forms referred to herein those prescribed in the Second Schedule of these Regulations and forms shall be used in all cases to which they are applicable and may be modified as directed by the Registrar to meet other cases.

### **5. Re-classification of goods or services**

Trade and service marks which have been registered before the commencement of this Act, under existing classifications shall be re-classified, upon applications for renewals under sections 29 and 63 of the Act into the International Classification system.

### **6. Size, etc., of documents**

Subject to any other directions that may be given by the Registrar, all applications, notices, counterstatements, papers having representations affixed, or other documents authorized or required by the Act or these Regulations to be made, left or sent, at or to the office, shall unless the Registrar otherwise directs, be written, type written, lithographed or printed in English or Kiswahili language upon document paper, in dark indelible ink, on one side only on foolscap paper of a size approximately 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than 1½ inches.

### **7. Signature of documents by partnerships, companies etc.**

(1) A document purporting to be signed for or on behalf of partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who appears to the Registrar to be duly qualified.

(4) All documents stated in subregulations (2) and (3) shall be sealed.

### **8. Service of Documents**

All applications, notices, statements, papers having representation affixed or other documents authorized or required by the Act or these Regulation to be made, left, sent, or delivered at or to the office, or with or to the Registrar or the Court or any other person may be sent through the post by a prepaid or official paid letter, any application or any document so sent shall be deemed to have been made, left, sent, or delivered at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such delivery or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

### **9. Address**

Where any person is by the Act or these Regulations, bound to furnish the Registrar with an address, the address given shall in all cases be as full as possible, for

the purpose of enabling any person easily to find the place of the person whose address is given, and shall include a postal address.

**10. Address of service**

(1) The Registrar may require an applicant, opponent, or a registered proprietor or registered user of a trade or service mark, who does not reside or carry on business within Tanzania to give an address for service within Tanzania and such address may be treated as the actual address of that person for all purposes connected with the matter in question.

(2) Any registered proprietor or registered user of a trade or service mark, or any person about to be registered as such, may, if he so desires, give upon Form TM/SM 27 an address for service in the register and such address may be treated as the actual address of that person for all purposes connected with the matter in question.

(3) All application on Form TM/SM 27 under this Regulation shall be signed by the applicant for registration or the registered proprietor or registered user, as the case may be, or by an agent expressly authorized for the purposes of such an application, unless in exceptional circumstances the Registrar otherwise allows.

(4) In any case in which no address for service is entered in the register, the Registrar may treat the trade or business address of registered proprietor or registered user as therein entered as his address for service for all purposes connected with the registration.

(5) Any written communication addressed to a party or person as aforesaid at an address given by him, or treated by the Registrar, as his address for service shall be deemed to be properly addressed.

(6) The Registrar, at any time that a doubt arises as to the continued availability of an address for service entered in the register, may request the person for whom it is entered, by letter addressed to his trade or business address in the register to confirm the address for service, and if within three months of making such a request the Registrar receives no confirmation of that address, he may strike it off the register.

**11. Agents**

(1) Except as otherwise required by these Regulations, any application, request or notice which is required or permitted under the Act or these Regulations to be made or given to the Registrar or the Court, and all other communications between an applicant or a person making such a request or giving such a notice and the Registrar, or the Court, and between the registered proprietor or a registered user of a mark shall be signed, made or given by or through an agent.

(2) Any such applicant, person making request or giving notice, proprietor, or registered user may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar or the Court under the Act and these Regulations by signing and sending to the Registrar or the Court as the case may be, an authority to that effect in the Form TM/SM 1 or in such other written form as the Registrar or the Court may deem sufficient. In case of such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all attendances upon the Registrar relating thereto may be made by or through such agent. In any particular case the Registrar may require the personal signature or presence of an applicant, opponent proprietor, registered user or other person.

(3) Any person—

- (a) being of Tanzania nationality;
- (b) having a domicile or place of business in Tanzania;

- (c) having obtained an advocate's license by the High Court; or
- (d) having a business, after the approval by the Registrar of Marks, on successful passing an examination conducted by the Registrar; or
- (e) being a member of the Chartered Institute of Trade and Service marks Agents.

(4) There shall be kept by the Registrar of Trade and Service Marks a register to be known as the Register of Trade and Service Marks Agents in which shall be entered the name of each person who is entitled to be registered under subregulation (3) together with his business address, the qualifications and such other particulars as the Registrar may deem fit to include.

(5) A Trade and Service Mark Agent may be removed from the register if–

- (a) he ceases to be a national of Tanzania;
- (b) he permanently emigrates from Tanzania;
- (c) he is removed from the Register of the Advocates of the High Court;
- (d) he has his business licence cancelled, withdrawn by the relevant authority or his licence has expired.

## **12. Registrable trade or service marks**

The Registrar may refuse to accept any application for the registration of a mark upon which any of the following appear–

- (a) the words "Patent", "Patented", "Registered Design", "Copyright", "Entered at Stationers", "Hall", "To counterfeit this is a forgery" or words to like effect;
- (b) representations of the President or any colourable imitations thereof;
- (c) the words "Red Cross", "Red Crescent" or "Geneva Cross", and representations of the Geneva and other crosses in red, or of the Swiss Federal cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours,

where it appears in a mark the registration of which is applied for a representation of a cross in any colour, not being one of those mentioned in the last foregoing subparagraph, the Registrar may require the applicant as a condition of acceptance to undertake not to use the cross device on red, or in white on a red ground or silver on a red ground, or in any similar colour or colours.

## **13. Armorial ensigns, national flag, etc.**

The following features may not appear on a mark the registration of which is applied for–

- (a) representations of the armorial bearings of Tanzania or devices so nearly resembling it as to be likely to be mistaken for it;
- (b) representations of the national flag of Tanzania;
- (c) any words such as "the President", "Republic" or "Tanzania" or any letters or devices if used in such manner as to be likely to lead to persons to think that the applicant either has or recently has had the patronage or authorization from the Government of the Republic of Tanzania, whether or not such may be the case.

## **14. Arms of cities etc.**

Where a representation of the armorial bearing, insignia, orders of honour, decorations or flags of any state, city, borough, town, place, society, body corporate, institution or person appears, the Registrar shall, if he so require, be furnished with a consent to the registration and use of such emblems from such official or other person as appears to the Registrar to be entitled to give consent, and in default of such consent he may refuse to register the mark.

## **15. Consent on use of personal names**



Where the name or representation of any person appears on a mark, the Registrar shall, if he so require, before proceeding to registrar the mark be furnished with consent from him or, in the case of a person recently dead, from his legal representatives, and in default of such consent he may refuse to register the mark.

#### **16. Descriptive marks**

(1) Where the name or description of any goods or services appears on a mark the Registrar may refuse to register such mark in respect of any goods or services other than the goods or services so named or described.

(2) Where the name or description of any goods or services appears on a mark, which name or description in use varies, the Registrar may permit the registration of the mark for those and other goods or services, and in that case the applicant shall state in his application that the name or description will be varied when the mark is used upon goods covered by the specification other than the named or described goods or services.

#### **17. Application for registration**

An application to the Registrar for the registration of a trade or service mark shall be signed by the applicant or his agent and the application shall be made on Form TM/SM 2 together with the prescribed fees. Each application shall be for registration in respect of goods or service in one or more classes of international classification.

#### **18. Priority under the convention**

(1) An applicant who claims priority for his application under the provisions of section 22 of the Act shall indicate in his application on form TM/SM 2:

- (i) that a priority claim is made under the convention;
- (ii) the date of the earlier application in the convention country; and
- (iii) the name of the convention country or, where the earlier application is a regional or international application, the office with which it was filed.

(2) The applicant shall furnish with his application or when requested to do so by the Registrar, a copy of the earlier application certified as corrected by the office with which it was filed.

(3) Where the earlier application is in a different language from that of the application, the Registrar may require the applicant to furnish him within three months with a translation of the earlier application into the language of the country unless such a translation had already been furnished for another application.

#### **19. Representation of a mark**

Every application for the registration of a mark shall contain a durable graphic representation of the mark in the space provided on the application form for that purpose.

#### **20. Additional representation**

There shall be sent with every application for registration of a mark six additional representations of such mark on Form TM/SM 3 exactly corresponding to that affixed to the application form and noted with all such particulars as may be required by the Registrar. Such particulars shall, if required, be signed by the applicant or his agent.

#### **21. Registration of same mark in different classes**

Application for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a mark is registered under the same official number for goods or services in more than one class, the registration in respect of the goods or services included in each separate class shall be deemed to be separate registration for all the purposes of the Act.

#### **22. Representation to be satisfactory**

The Registrar, if dissatisfied with any representation of mark, may at any time require another representation satisfactory to him to be submitted before proceeding with the application.

### **23. Specimens in exceptional cases**

Where a drawing or other representation or specimen cannot be given in the manner aforesaid, a specimen or copy of the mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient.

### **24. Series of marks**

Where an application is made for the registration of a series of marks under subsection (2) of section 25 a representation of each mark or the series shall be included, all as aforesaid, in the application form, and in each of the accompanying Forms TM/SM 3.

### **25. Transliteration and translation**

(1) Where a mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be endorsed on the application form, and on each of the accompanying Forms TM/SM 3, a sufficient transliteration and every such endorsement shall state the language to which the word belongs and be signed by the applicant or his agent.

(2) Where a mark contains a word or words in a language other than English or Kiswahili, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and name, if he so requires, shall be endorsed and signed as aforesaid.

## **PROCEDURE ON RECEIPT OF APPLICATION FOR REGISTRATION OF A TRADE**

### **OR SERVICE MARK (regs 26-64)**

### **26. Examination**

Upon receipt of an application for the registration of a mark in respect of any goods or services the Registrar shall cause an examination to be made, amongst the registered marks and pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or services or description of goods or services any marks identical with the mark applied for, or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion, and the Registrar may cause the examination to be renewed at any time before the acceptance of the application, but shall not be bound to do so.

### **27. Acceptance**

After such an examination, and consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may or may be required to furnish, the Registrar may accept the application absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions, amendments, disclaimer, modifications or limitations as he may think right to impose.

### **28. Objections**

If the Registrar objects to the application, he shall inform the applicant of his objections in writing, and unless within one month the applicant applies for a hearing or makes a considered reply in writing to those objections he shall be deemed to have withdrawn his application.

### **29. The Registrar's conditional acceptance and hearing**

If the Registrar is willing to accept the application subject to any conditions, amendments, disclaimer, modifications or limitations, he shall communicate such



willingness to the applicant in writing, and, if the applicant objects to such conditions, amendments, disclaimer, modifications of limitation, he shall, within one month from the date of the communication, apply for a hearing or communicate his considered objections in writing, and if he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, amendments, disclaimer, modifications or limitations, he shall forthwith notify the Registrar in writing and alter his application accordingly.

**30. Decision of the Registrar**

(1) The decision of the Registrar at a hearing as in regulation 31 or regulation 32, or without a hearing if the applicant has duly communicated his considered objections or considered reply, in writing, and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant objects to such decision he may within one month by applying upon Form TM/SM 4 require the Registrar to state in writing the grounds of, and the materials used by him in arriving at his decision.

(2) Subject to subregulation (1) in a case where the Registrar makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Registrar issues such statement in writing. The date when such statement is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

**31. Disclaimer**

The Registrar may call upon the applicant to insert in his application such disclaimer as the Registrar may think fit, for the public to understand what are the applicant's rights, if his mark is registered.

**32. Advertisement of an application**

When the Registrar has accepted an application for the registration of a mark or of a series of marks absolutely or has accepted it subject to conditions or limitations to which the applicant does not object, he shall promptly, advertise it in the Trade and Service Marks Journal.

**33. Advertisements of corrections and rectifications**

The Registrar shall in like manner promptly advertise any rectifications and corrections of marks made under sections 36 and 39 of the Act.

**34. Opposition**

Any person may within sixty days from the date of any advertisement in the Trade and Service Marks Journal of an application for registration of a mark give notice on Form TM/SM 5 to the Registrar of opposition to the registration.

**35. Notice of opposition**

The notice shall include a statement of the grounds upon which the opponent objects to the registration. If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of such marks and the numbers of the Journals in which they have been advertised shall be set out. The notice shall be accompanied by a duplicate which the Registrar shall forthwith send to the applicant.

**36. Counter-statement**

Within sixty days from the receipt of such duplicate the applicant shall send to the Registrar a counter-statement on Form TM/SM 6 setting out the grounds on which he relies as supporting his application. The applicant shall also set out what facts if any, alleged in the notice of opposition he admits. The counter-statement shall be accompanied by a duplicate.

**37. Evidence in support of opposition**

Upon receipt of the counter-statement and duplicate the Registrar shall forthwith send the duplicate to the opponent and within sixty days from the receipt of the duplicate the opponent shall leave with the Registrar such evidence by way of statutory declaration, as he may desire to adduce in support of his opposition and shall deliver to the applicant copies thereof.

**38. Evidence in support of application**

If an opponent leaves no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition but, if he does leave evidence, then, within sixty days from the receipt of the copies of declarations, the applicant shall leave with the Registrar such evidence by way of statutory declaration as he desires to adduce in support of his application and shall deliver to the opponent copies.

**39. Evidence in reply by opponent**

Within two months from the receipt by the receipt by the opponent of the copies of the applicant's declarations the opponent may leave with the Registrar evidence by statutory declaration in reply, and shall deliver to the applicant copies. This evidence shall be confined to matters strictly in reply.

**40. Further evidence**

No further evidence shall be left on either side but, in any proceedings before the Registrar, he may at any time give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

**41. Exhibits**

Where there are exhibits to declarations filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the original shall be left with the Registrar in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

**42. Hearing**

(1) Upon completion of the evidence the Registrar shall give at least one month's notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least thirty days after the date of the notice, unless the parties consent to a shorter notice. Within fifteen days from the receipt of the notice any party who intends to appear shall so notify the Registrar on form TM/SM 7. A party who receives notice as aforesaid and who does not, within fifteen days from the receipt thereof, so notify the Registrar on Form TM/SM 7 may be treated as not desiring to be heard and the Registrar may act accordingly.

(2) If the Registrar fails to notify the parties of a date for hearing within three months of the completion of the evidence or fails to issue his decision within three months after the conclusion of the hearing, the opponent or the applicant may, after having given the Registrar one month's written notice, elect to refer the matter to the court for hearing and determination. The Registrar shall then transmit all relevant documents to the court.

**43. Extension of time**

Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, without giving the said party a hearing, grant any reasonable extension of time to any other party in which to take any subsequent step.

**44. Security for costs**

Where a party giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice neither resides nor carries on business in

Tanzania the Registrar may require him to give security, for the costs of the proceedings before the Registrar, for such amount as to the Registrar may deem fit.

**45. Costs in uncontested case**

In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged.

**46. Non-completion**

Where registration of a mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall on Form 01 give notice in writing to the applicant at his trade or business address of the non-completion, but if the applicant has authorized an agent for the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant. If after thirty days from the date when the notice was sent, or such further time as the Registrar may allow, the registration is not completed, the applicant shall be deemed to be abandoned.

**47. Entry in register**

As soon as may be after the expiration of sixty days from the date of the advertisement in the Trade and Service Marks Journal of any application for the registration of mark, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of section 28(1), and upon payment of the prescribed fee on Form TM/SM 8 enter the mark in the register. The entry of a mark in register shall give the date of registration, the goods or service in respect of which it is registered together with the particulars of the trade, business, profession, occupation or other description of the proprietor.

**48. Associated marks**

Where a mark is registered as associated with any other mark or marks the Registrar shall note in the register in connection with the first-mentioned mark the numbers of the marks with which it is associated and shall also note in the register in connection with each of the associated marks the number of the first-mentioned mark as being a mark associated therewith.

**49. Death of the applicant before registration**

In case of the death of any applicant for the registration of mark after the date of his application, and before the mark applied for has been entered in the register, the Registrar, after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant's death enter in the register, in place of the name of such deceased applicant the name, address, and description of the person owning the mark, on such ownership being proved to the satisfaction of the Registrar to be the successor.

**50. Certificate of registration**

Upon the registration of a mark the Registrar shall issue to the applicant a certificate in the Form 02, and shall affix thereto a copy of the mark, which may be a representation thereof supplied by the applicant under regulation 23.

**51. Renewal of registration**

At any time not more than three months before the expiration of the last registration of a mark any person may leave at the office a fee for the renewal of the registration of the mark upon Form TM/SM 9, and, if he is not the registered proprietor, shall sign a statement on the Form that he is directed by the registered proprietor to pay

the fee (if such be the case) and shall give his address; before taking any further step, the Registrar may either—

- (a) require the person leaving the fee to furnish within ten days an authority to pay the fee signed by the registered proprietor, and if he does not furnish such authority may return the fee and treat it as not received; or
- (b) communicate with the registered proprietor stating that the fee has been received and that the registration will in due course be renewed.

**52. Notice of renewal**

The Registrar shall notify the registered proprietor in writing of the approaching expiration of the term of registration and of the conditions as to payment of fees and other requirements necessary for obtaining renewal at least six months before the expiration date of the last renewal. Failure to send or receive the reminder, or any error in the reminder, shall not affect the expiration date.

**53. Second notice**

At a time not less than fourteen days and not more than one month before the expiration of the last registration of a mark the Registrar may, if no fee upon Form TM/SM 9 has been received, send a notice in writing to the registered proprietor at his trade or business address as well as at his address for services, if any.

**54. Removal and restoration of a mark from the Register**

Where, at the expiration of one month from the date of expiration of the mark the fees therein mentioned have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee upon Forms TM/SM 9 and TM/SM 10 together with a restoration fee upon Form TM/SM 11, restore the mark to the register if satisfied that it is just so to do, and upon such conditions as he may think fit to impose.

**55. Recordal of removal of a mark**

Where a mark has been removed from the register, the Registrar shall cause to be entered in the register a record of the removal and of the cause thereof and a notice to that effect shall be published in the Trade and Service Marks Journal.

**56. Notice and advertisement of renewal and restoration**

Upon the renewal or restoration and renewal of a registration, a notice to that effect shall be sent to the registered proprietor and the renewal or restoration and renewal shall be advertised in the Trade and Service Marks Journal.

**57. Joint application for entry of assignment or transmission**

Where a person becomes entitled by assignment or transmission to a registered mark he may, conjointly with the registered proprietor, make application to the Registrar on Form TM/SM 12 to register his title.

**58. Application for entry of assignment or transmission by subsequent proprietor**

Where a person becomes entitled to a registered mark in the manner referred to in the Register and no conjoint application as therein mentioned is made, he shall make the application to the Registrar on form TM/SM 13 to register his title.

**59. Particulars to be stated in application**

An application under regulation 57 or regulation 58 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims and such instrument shall be produced for inspection by the partners in a partnership shall be given in the application. The Registrar may in any case require and retain an attested copy of any

instrument produced for inspection in proof of title, but such copy shall not be open to public inspection.

**60. Case accompanying application**

Where in the case of an application on Form TM/SM 12 or Form TM/SM 13 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full-particulars of the facts on which his claim to be the proprietor of the mark is based, and showing that the mark has been assigned or transmitted to him. If the Registrar so require, the case shall be verified by a statutory declaration on Form TM/SM 14.

**61. Proof of title**

The Registrar may call on any person who applies to be registered as proprietor of a registered mark for such proof or additional proof of title as he may require for his satisfaction.

**62. Application for entry of assignment without goodwill**

An application under regulation 57 or regulation 58 relating to an assignment of a mark in respect of any goods or services shall state—

- (a) whether the mark was, at the time of the assignment, used in business in any of those goods; and
- (b) whether the assignment was made otherwise than in connection with goodwill of that business.

**63. Entry in register**

When the Registrar is satisfied as to the title of the person claiming to be registered, he shall cause him to be registered as proprietor of the marks in respect of the relevant goods or services, and shall enter in the register his name, trade or business address and description and particulars of the assignment or transmission and these shall be published in the Trade and Service Marks Journal.

**64. Separate registration**

Where pursuant to an application under regulation 57 or 58, and as the result of a division and separation of the goods of a registration or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of marks, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all purposes of the Act.

**ALTERATION OF ADDRESS (regs 65-75)**

**65. Alteration of address in register**

(1) A registered proprietor or user of a mark whose trade or business address is changed so that the entry in the register is rendered incorrect shall forthwith request the Registrar on Form TM/SM 15 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(2) A registered proprietor or registered user of a mark whose address for service in Tanzania entered in the register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall forthwith request the Registrar on Form TM/SM 15 to make the appropriate alteration of the address in the register accordingly if he is satisfied in the matter.

(3) A registered proprietor or registered user of mark whose registered trade mark or business address or address for service is altered by a public authority, so that



the changed address designates the same premises as before may make the aforesaid request to the Registrar but in such case no fee shall be payable, and payable and if he does so he shall leave therewith a certificate of the alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the register accordingly.

(4) In case of the alteration of the address of a person entered in the register as the address for service of more than one registered proprietor or registered user of marks, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person on a Form TM/SM 15 amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the Form, and may alter the entries accordingly.

(5) All applications under this regulation on Form TM/SM 15 shall be signed by the registered proprietor or the registered user, as the case may be, or by an agent, expressly authorized by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

**66. Application to rectify or remove mark from the register**

(1) An application to the Registrar under either sections 35 or 36 for the making, expunging or varying of any entry in the register shall be made on Form TM/SM 23 and shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks.

(2) Where the application is made by a person who is not the registered proprietor of the mark in question it shall be accompanied by a copy of the application and a copy of the statement, and these copies will be transmitted forthwith by the Registrar to the registered proprietor.

**67. Further procedure**

Upon such application being made, and copy thereof transmitted to the registered proprietor, if necessary, the provisions of Regulations 34 to 45 shall apply *mutatis mutandis* to the further proceedings thereon; but the Registrar shall not rectify the register or remove the mark from the register merely because the registered proprietor has not filed a counter-statement. In any case of doubt any party may apply to the Registrar for directions.

**68. Intervention by third parties**

(1) Any person other than the registered proprietor alleging interest in a registered mark in respect of which an application is made on Form TM/SM 23 may apply to the Registrar on Form TM/SM 24 for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant such leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he may deem fit.

(2) Subject to subsection (1) before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party.

**69. Application under section 39(1)**

An application to the Registrar under section 39(1) for the alteration of the register by correction, change, cancellation, or striking out goods, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the mark or by such person as may satisfy the Registrar that he is entitled to act in the name of the registered proprietor. Such applications shall be made on Form TM/SM 16, TM/SM 17, TM/SM 18, TM/SM 19, TM/SM 20, TM/SM 21 or TM/SM 22, as may be appropriate; but, an application on Form TM/SM 21 or TM/SM 20, or TM/SM 27 shall be signed by



the registered proprietor or other person entitled under this rule unless in exceptional circumstances the Registrar otherwise allows, or, in the case of Form TM/SM 27 only, it is signed by an agent expressly authorized for the purpose of such an application.

**70. Evidence**

In the case of an application made under regulation 69, the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

**71. Advertisements of certain application**

Where application is made on Form TM/SM 21 to enter a disclaimer of memorandum relating to a mark, the Registrar, before deciding upon such application, shall advertise the application in the Trade and Service Marks Journal in order to enable any person desiring so to do to state, within two months of the advertisement any reasons in writing against the making of the entry of the disclaimer or memorandum.

**72. Certificate of validity**

Where the Court has certified as provided under section 51 with regard to the validity of a registered mark, the registered proprietor thereof may request the Registrar on Form TM/SM 29 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, which shall be named in the Form. An office copy of the certificate shall be sent with the request, and the Registrar shall so note the register and publish the note in the Trade and Service Marks Journal.

**73. Alteration of registered mark**

Where a person desires to apply under section 51 that his registered mark may be added to or altered, he shall make his application in writing on Form TM/SM 30, and shall furnish the Registrar with four copies of the mark as it will appear when so added to or altered.

**74. Advertisement before decision**

(1) The Registrar shall consider the application made under regulation 69 and shall, if it appears to him expedient, advertise the application in the Trade and Service Marks Journal before deciding it.

(2) Subject to subregulation (1) any person may give notice of opposition to the application within two months from the date of such advertisement on Form TM/SM 28 accompanied by a duplicate of the notice, and may also send therewith a further statement of objections in duplicate of any further statement of objections, to the applicant, and the provisions of Regulations 34 to 45 shall apply *mutatis mutandis* to the further proceedings thereon. In any case of doubt any party may apply to the Registrar for direction.

**75. Decision, advertisement and notification**

If the Registrar decides to allow the application made under regulation 69 he shall add to or alter the mark in the register, and if the mark so added to or altered has not been advertised under the last foregoing regulation, he shall advertise it in the Journal and in any case shall insert in the Journal a notification that the mark has been altered.

**REGISTERED USERS (regs 76-99)**

**76. Application for entry of registered user**

An application to the Registrar for the registration under section 42 of a person as a registered user of a registered mark shall be made by that person and the registered proprietor on Form TM/SM 31.

**77. Entry and notification**

The entry of a registered user in the register shall state the date on which it was made, in addition to the trade or business address of the registered user it may include an address for service, if application by him on Form TM/SM 31 therefor has been approved. A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the mark, to the registered user, and to every other registered user whose name is entered in relation to the same registration of a mark, and shall be inserted in the Trade and Service Marks Journal.

**78. Variation of entry in the Register**

An application by the registered proprietor of a mark for the variation of the registration of a registered user of that mark under paragraph (a) of section 46 shall be made on Form TM/SM 32, and shall be accompanied by a statement of the grounds on which it is made and, where the registered user in question consents, by the written consent of that registered user.

**79. Cancellation of entry by registered user**

An application by the registered proprietor or any registered user of a mark for the cancellation of the registration of a registered user of a trade or service mark under paragraph (b) of section 46 shall be made on Form TM/SM 33, and shall be accompanied by a statement of the grounds on which it is made.

**80. Cancellation of entry of any person**

An application by any person for the cancellation of the registration of a registered user under paragraph (c) of section 46 shall be made on Form TM/SM 34, and shall be accompanied by a statement of the grounds on which it is made.

**81. Notification and hearing**

(1) The Registrar shall notify in writing applications under Regulations 78, 79 and 80 to the registered proprietor and each registered user (not being the applicant) under the registration of the trade or service mark. Any person so notified who intends to intervene in the proceedings shall within thirty days of the receipt of such notification give notice to the Registrar on Form TM/SM 35 to that effect and shall send therewith a statement of the grounds of his intervention. The Registrar shall thereupon send copies of such notice and statement to the other parties, so that the intervention be known to the applicant, the registered proprietor, the registered user who intervenes.

(2) Subject to subregulation (1) any such party may, within such time or times as the Registrar may appoint, leave evidence in support of his case, and the Registrar after giving the parties an opportunity of being heard may accept or refuse the application or accept it subject to any conditions, amendments, modification or limitations he may think right to impose.

**82. Omitted**

[Omitted.]

**83. Extension of time**

If in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceeding under these Regulations not being a time expressly provided in the Act he may extend the time upon such notice to other parties and proceedings thereon, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceedings.

**84. Hearing**

Before exercising adversely to any person any discretionary power given to the Registrar by the Act, or these Regulations, the Registrar shall, if so required, hear such person thereon.

**85. Application for hearing**

An application for a hearing shall be made within one month from the date of notification by the Registrar of any objection to an application or the date of any other indication that he proposes to exercise a discretionary power.

**86. Notice of hearing**

Upon receiving such application the Registrar shall give the person applying thirty days notice of a time when he may be heard.

**87. Notification of decision**

The decision of the Registrar in the exercise of any such discretionary power shall be notified to the person affected.

**88. Dispensing with evidence**

Where under these Regulations any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to the office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or to make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, signature, declaration, document or evidence.

**89. Amendment of documents**

Any document or drawing or other representation of a mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be excused without detriment to the interests of any person may be corrected, if the Registrar thinks fit, and on such terms as he may direct.

**90. Certificates by Registrar**

The Registrar may give a certificate, other than a certificate under section 28 as to any entry, matter or thing which is authorized or required to by the Act or these Regulations to make or do, upon receipt of a request on Form TM/SM 30 from any person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to his satisfaction. Except in a case falling under regulation 91 the Registrar shall not be obliged to include in the certificate a copy of any mark, unless he is furnished by the applicant with a copy thereof suitable for the purpose.

**91. Marks registered without limitation of colour**

Where a mark is registered without limitation of colour it shall be lawful for the Registrar to grant a certificate of its registration for the purpose of obtaining registration abroad either in the colour in which it appears upon the register or in any other colour or colours.

**92. Certificates for use in obtaining registration abroad**

(1) Where a certificate of registration of mark is issued for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose, and if the applicant fails to do so may refuse to issue the certificate.

(2) The Registrar may state in the certificate such particulars concerning the registration of the mark as to him seem fit and may omit reference to any disclaimers appearing in the register; but in the last-mentioned case the certificate shall be marked: "For use in obtaining registration abroad only".

**93. Statutory declarations**

The statutory declaration required by the Act and these Regulations, or used in any proceedings shall be made and subscribed as follows—

- (a) in Tanzania before any Resident Magistrate, Judge, Justice of the Peace or any person authorized by law to administer an oath for the purpose of a legal proceeding;
- (b) in any other country by the Commissioner for Oaths, or Tanzania Ambassador.

**94. Authenticity declaration**

Any documents purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person authorized by regulation 93, to take a declaration in testimony that the declaration was made and subscribed before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

**95. Searches**

Any person may request the Registrar, on Form TM/SM 25 to cause a search to be made in respect of any marks matters to ascertain whether any mark is on record at the date of the search which resembles the marks. The Registrar shall cause such a search to be made and the person making the request to be informed of the result thereof.

**96. Appeal to Court**

When any person intends to appeal to the Court, such appeal shall be made by memorandum in the usual way, and no such appeal shall be entertained unless a memorandum of appeal be delivered within sixty days from the date of the decision appealed against of within such time as the Registrar shall allow.

**97. Applications to Court**

Every application to the Court under the Act shall be served on the Registrar.

**98. Order of Court**

Where an order has been made by the Court in any case under the Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the office an office copy of such order, together with Form TM/SM 29 if required. The register may, be rectified or altered by the Registrar.

**99. Publication of Court Order**

Whenever an order is made by the Court under the Act, the Registrar may, if he thinks that such order should be made public, publish it in the Trade and Service Marks Journal.

**SCHEDULES**

**FIRST SCHEDULE**

**FEES**

The following fees shall be paid in respect of applications, registrations and other matters under the Act. Such fees must, in all cases, be paid before or at the time of doing the matter in respect of which they are to be paid.

<i>FORM</i>	<i>AMOUNT</i>	<i>MATTER</i>
TM/SM 2	50,000/=	On application to register a mark for a specification of
		goods included in one class.
TM/SM 4	50,000/=	On request to the Registrar to state grounds of decision

		relating to an application to register a mark and materials used.
TM/SM 5 27	60,000/=	On notice of opposition to the Registrar under section
		for each application opposed by opponent.
TM/SM 6 of	50,000/=	On lodging a counter statement in answer to a Notice
		opposition under section 27, for each application opposed, by the applicant or in answer to a notice of opposition under any of the sections 29, 30, 35, and 36 by the proprietor in respect of each mark.
TM/SM 7 and	70,000/=	On the hearing of each opposition, by the applicant,
		by the opponent respectively or on the hearing of an application under sections 29, 30, 35 and 36 by the applicant and by the proprietor respectively.
TM/SM 8 of	60,000/=	For one registration of a mark for a specification
		goods included in one class.
TM/SM 8	60,000/=	For registration of a series of marks under section 24(2)
		for a specification of goods and services included in one
		class. For the first mark.
	30,000/=	For each subsequent mark.
TM/SM 9 expiration of	30,000/=	For renewal of registration of a mark at the
		last registration.
TM/SM 9	30,000/=	For renewal of registration of a series of marks under
		section 24(2) at the expiration of the last registration.
		For
		the first mark.
	10,000/=	For every other mark of the series.
TM/SM 10	30,000/=	Additional fee under regulation 54.
TM/SM 11	30,000/=	Restoration fees under regulation 54.
TM/SM 12 a	50,000/=	On application to register a subsequent proprietor in
		case of assignment or transmission of a single mark.
TM/SM 13	50,000/=	For altering one or more entries of the trade or
business address of a registered proprietor or a registered user of		

TM/SM 15	10,000/=	
	20,000/=	5,000/=
TM/SM 16	50,000/=	
TM/SM 17	15,000/=	
TM/SM 18	20,000/=	
TM/SM 18	20,000/=	
TM/SM 19	10,000/=	
	30,000/=	
TM/SM 20	20,000/=	
TM/SM 21	10,000/=	
TM/SM 22	15,000/=	
TM/SM 22	15,000/=	
TM/SM 23	10,000/=	
	30,000/=	
TM/SM 24	30,000/=	
TM/SM 25	10,000/=	
TM/SM 26	30,000/=	
TM/SM 26	30,000/=	
TM/SM 27	10,000/=	



a mark where the address in each case is the same and is altered in the same way. For the first entry.

For every other entry.

Request for alteration of trade or business address in Register of Marks.

On application to dissolve the association between registered marks.

On request, not otherwise changed, for correction of clerical error or for permission to amend application. An application to change the name or description of a proprietor or a registered user of a single mark where there has been no change in the proprietorship or in the identity of the owner.

On application to change the name or description of a proprietor or a registered user of more than one mark, standing in the same name, where there has been no change in the proprietorship or in the identity of the user the change being the same in each case. For the first mark.

For each subsequent mark.

For cancellation of an entry or part of an entry of a mark in the register on the application of the application of the registered proprietor of a mark.

On application by the registered proprietor to strike out goods from those which the mark is registered.

On request by the registered proprietor of a mark for entry of disclaimer or memorandum in the register.

On application to the Registrar for leave to add to or alter a single registered mark.

On application to the Registrar for leave to add to or alter more than one registered mark of the same proprietor, being identical

marks the addition to be made in each case, being the same. For the first mark. For every other mark.

On application under any of the sections 29, 30, 35 and 36 for rectification of the register or removal of a mark from the register.

On application for leave to intervene proceedings under any of sections 29, 30, 35 and 36 for rectification of the Register or removal of a mark from the register. For each search under regulation 95.

For certificate of the Registrar (other than certificate under section 22(2) of the registration of a mark. For certificate of the Registrar (other than certificate under 22(2) of registration of series of marks under section 24(2).

For cancelling or making one or more entries of an address for service of registered proprietor or a registered proprietor or a registered user of a mark (except where the change is by order of a local authority, without change of premises) where the address in each case is the same on application made after the registration in each case. For the first entry. For every other entry.

TM/SM 28 add to	30,000/=	On notice of opposition to application for leave to or alter registered marks, for each application opposed.
TM/SM 29 or	30,000/=	For every entry in the register of rectification thereof alteration therein not otherwise changed.
TM/SM 30	30,000/=	On request to enter in the register and advertise a certificate of validity under section 51 and regulation 73. For the first registration certified.
	10,000/=	For every other registration certified in the same certificate.
TM/SM 31	60,000/=	On application to register the same registered user of more than one registered mark of the same registered proprietor in respect of goods and services within the respective specifications thereon and subject to the same conditions and restrictions in each case. For the first mark.
	20,000/=	For every other mark of the proprietor included in the application and statement of case.
TM/SM 32 mark,	30,000/=	On application by the proprietor of more than one under paragraph (a) section 46(q) to vary the entry of a registered user thereof. For the first mark.
	5,000/=	For every other mark of the proprietor for which the same user is registered, included in the application.
TM/SM 33	6,000/=	On application by the proprietor of a mark or by a registered user for the cancellation of entry of a registered user.
TM/SM 34 user	6,000/=	On application for cancellation of entry of registered of mark under section 46(c) and regulation 80.
TM/SM 35	12,000/=	On notice under section 46 and regulation 81 of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of marks.
	5,000/=	For inspection of the register.
	5,000/=	For permission to search amongst the classified representations of marks, for every class.
	5,000/=	For uncertified copies of documents for every page or part of a page.
	5,000/=	For certifying documents or extracts.
	10,000/=	For duplicate copy of Certificate of Registration.
	15,000/=	For advertisement in the <i>Gazette</i> of any application.
	5,000/=	Maintenance fees of files.

**SECOND  
FORMS  
FORM**

**TM/SM**

**SCHEDULE**

**1**

**FORM OF AUTHORIZATION OF AGENT IN A MATTER OR PROCEEDING  
UNDER**

**THE ACT**

**TANZANIA**

**THE TRADE AND SERVICE MARKS ACT (CAP. 326)**

**(Regulation 11)**

\_\_\_\_\_  
STAMP  
DUTY  
\_\_\_\_\_

I (or We) ii1

|

.....  
.....

have appointed iii2.....  
 of .....

to act as my (or our) agent for iv3..

..... No. ....  
 and request that all notices, requisitions and communications relating thereto may be sent  
 to

such ..... agent ..... at ..... the ..... above ..... address.  
 I (or We) hereby revoke all previous authorizations, if any, in respect of the same  
 vis matter ..... or  
 proceeding.

I (or We) hereby declare that I am (or we are) a v4.....  
 Dated this ..... day of ..... 20.....

Address vii6 .....

(To be struck out if the person appointing the Agent desires his own address to be treated  
 as  
 the address for service after registration.)

I (or We) also authorize the said viii7 .....  
 to complete Form TM/SM 28 requesting the entry of an address for service as part of any  
 registration obtained under the above authorisation.

Dated this ..... day of ..... 20.....

ix8 .....  
 Address x9.....

To: The Registrar of Trade/Service Marks,  
 Dar es Salaam,  
 Tanzania.

**FORM TM/SM 2**  
**APPLICATION FOR REGISTRATION MARK IN THE REGISTER**  
**TANZANIA**

THE TRADE AND SERVICE MARKS ACT (CAP. 326) (Section 21 and Regulation 17)	FEE SHS. 50,000/=xi
1	
xii	

xiii2

.....  
 .....  
 Application is hereby made for Registration in the Register of the accompanying Mark  
 in Class ..... in respect of xiv3

in the name of xv4  
 whose trade or business address is xvi5

tradingas xvii6 by whom it is  
 proposed to be used<sup>xviii</sup> and who claim(s) to be the proprietor(s) thereof.  
 XIX8

Dated this ..... day of ..... 20.....  
 XX9

To: The Registrar of Trade/Service Marks,  
 Dar es Salaam,  
 Tanzania.

**FORM TM/SM 3**  
**ADDITIONAL REPRESENTATION OF A MARK, TO ACCOMPANY**  
**APPLICATION FOR REGISTRATION**

TANZANIA THE TRADE AND SERVICE MARKS ACT (CAP. 326) (Section 21(2) and Regulation 20) xxi <sub>1</sub>    xxii <sub>2</sub>
--

Six of these Additional Representations of the Mark must accompany this Form of Application.

To: The Registrar of Trade Marks,  
 Dar es Salaam,  
 Tanzania

**FORM TM/SM 4**  
**REQUEST FOR STATEMENT OF GROUNDS OF DECISION**  
**TANZANIA**

THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Section 26(5) and Regulation 30)



FEE SHS. 50,000/=
----------------------

IN THE MATTER OF xxiii1 .....  
the Registrar is hereby requested to state in writing the grounds of his decision,  
dated the  
..... day of .....20 ..... and the materials used by him in arriving at  
the  
decision.

Dated this ..... day of .....20 .....

xxiv2 .....

To: The Registrar of Trade and Service Marks,  
Dar es Salaam,  
Tanzania.

If the Registrar has made any requirement to which the Applicant does not object, the  
Applicant shall comply therewith before the Registrar issues the ground of his decision  
(regulation 31).

#### **FORM TM/SM 5**

##### **NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION OF A MARK**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 27 and Regulation 34)

FEE  
SHS. 60,000/=

(To be submitted in duplicate)

IN THE MATTER OF an Application No. ....

by.....

of.....

xxvi1 I (or We).....

hereby give notice of my (or our) intention to oppose the Registration of the mark  
advertised

under the above number for Class ..... in the Journal of the

..... day of .....20 ....., No. ....page .....

xxvi2 The grounds of opposition are as follows: .....

Dated this ..... day of .....20.....  
xxvii3

To: The Registrar of Trade/Service Marks,  
Dar es Salaam,  
Tanzania.

#### **FORM TM/SM 6**

##### **FORM OF COUNTER STATEMENT**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Regulation 36)

FEE  
SHS. 50,000/=

(To be submitted in duplicate)

IN THE MATTER OF an Opposition No. ....  
 To Application No. ....  
 I , ( o r W e )  
 The applicant(s) for registration of the above mark, hereby give notice that the following  
 are the  
 grounds on which I (or We) rely as supporting my (our) application.  
 I (or We) admit the following allegations in the notice of opposition:  
 .....

Address for service in Tanzania in these proceedings: .....

Dated this ..... day of ..... 20.....

<sup>xxviii</sup> I .....  
 To: The Registrar of Trade/Service Marks,

Dar es  
 Salaam,  
 Tanzania.

**FORM TM/SM 7**  
**NOTICE TO THE REGISTRAR OF ATTENDANCE AT HEARING**  
**TANZANIA**  
**THE TRADE AND SERVICE MARKS ACT (CAP. 326)**  
**(Regulation 42(1))**

FEE  
 SHS. 70,000/=

I (or We) <sup>xxix</sup>1 .....  
 of .....  
 hereby give notice that the hearing of the arguments in the case of:  
<sup>xxx2</sup> (1) Opposition No. .... to application for registration of a  
 Mark No. ....

(2) Application that the entry in the Register in respect of a Mark No.  
 may be removed.

(3) May be amended by  
 alteration of or  
 addition to the  
 Mark or by a  
 conversion of the  
 specification of  
 goods/services.

(4) .....

(5) May be amended otherwise  
 than by any change  
 in the mark or of the  
 specification on the  
 conversion.

Which, by the Registrar's Notice to me (or us) dated the ..... day of .....  
 20..... is fixed for ..... a.m. or p.m. at the Registrar's Office on the .....  
 day of ..... 20....., will be attended by me (or by some person on my (or  
 our)  
 behalf.

Dated this ..... day of ..... 20.....

xxx13 .....

xxxii4 .....

.....  
.....

To: The Registrar of Trade/Service Marks,  
Dar es Salaam,  
Tanzania.

**FORM TM/SM 8**  
**FEE FOR REGISTRATION OF A MARK**  
TANZANIA  
THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Section 28(1) and Regulation 47)

FEE  
SHS. 60,000/=

The prescribed fee for the registration of the mark No. .... in Class  
..... is hereby transmitted.

Dated this ..... day of ..... 20 .....

*Signature* .....

To: The Registrar of Trade/Service Marks,  
Dar es Salaam,  
Tanzania.

**FORM** **01**  
**NOTICE OF NON-COMPLETION OF REGISTRATION**  
TANZANIA  
THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Regulation 46)  
No. ....

The Registrar, as required by section 28(3) of the Trade and Service Marks Act <sup>xxxiii\*</sup> and regulation 46 (copies of which are printed on the back hereof), has to point out that the registration of the mark, in respect of which your application numbered as above was made on

the ..... day of ..... 20 ..... has not been completed by reason of your default. Unless it is completed within thirty days from this date the application will be treated as abandoned.

Dated this ..... day of ..... 20 .....

To: .....

To: The Registrar of Trade/Service Marks,  
Dar es Salaam,  
Tanzania.

(P.T.O.)

(Reverse)

Section 28(3)

Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion as abandoned unless it is completed within the time specified in that behalf in the notice.

Regulation 46

Where registration of a mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall on Form

01 give notice in writing to the applicant at his trade or business address of the non-completion.

But if  
the applicant has authorized an agent for the purpose of the application he shall instead  
send  
the notice to the agent and shall send a duplicate thereof to the applicant. If after thirty  
days  
from the date when the notice was sent, or such further time as the Registrar may allow,  
the  
registration is not completed, the application shall be deemed to be abandoned.





*Note:* Upon any change of ownership of this mark, or change in address, application should

.....

at once be made to the Registrar to register the change.

**FORM TM/SM 10**

**ADDITIONAL FEE TO ACCOMPANY RENEWAL FEE**

**(FORM TM/SM 9), WITHIN ONE MONTH AFTER ADVERTISEMENT OF NON-**

**PAYMENT OF RENEWAL FEE**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(To accompany form TM/SM 9)

(Regulation 54)

FEE  
SHS. 30,000/=

In pursuance of the notices issued by the Registrar, I (or we) hereby transmit the additional fee of Shs. 30,000/= (along with Form TM/SM 9) for the renewal of the Registration of the mark.

No. .... in Class .....

Dated this ..... day of ..... 20 .....

To: T

*Note:* This Form must be signed by the person(s) signing the TM/SM 9 which accompanies it.

**FORM TM/SM 11**

**RESTORATION OF A MARK REMOVED FROM REGISTER FOR NON-PAYMENT OF**

**FEE**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(To accompany form TM/SM 9)

(Regulation 54)

.....  
 F  
 E  
 E  
 S  
 H  
 S  
 .  
 xlv1 .  
 xlv2 .  
 To:

30,000/=

In pursuance of the notice issued by the Registrar, I (or we) hereby transmit the additional fee of Shs. 30,000/= (along with Form TM/SM 9) for the restoration to the Register of the Mark

No. .... in Class .....

Dated this ..... day of ..... 20 .....

**FORM** **TM/SM** **12**  
**JOINT REQUEST TO THE REGISTRAR BY REGISTERED PROPRIETOR**  
**AND**  
**TRANSFEE TO REGISTER THE TRANSFEE AS SUBSEQUENT**  
**PROPRIETOR**  
**OF MARKS UPON THE SAME DEVOLUTION OF TITLE**  
**TANZANIA**  
**THE TRADE AND SERVICE MARKS ACT (CAP. 326)**  
**(Section 40 and Regulation 57)**

FEE SHS. 50,000/=
----------------------

I/We of <sup>xlvi</sup>1 .....  
 and <sup>xlvi</sup>2 .....

hereby request, under regulation 57, that the name of <sup>lix</sup>3 .....

Carrying on business as <sup>li</sup>4 .....  
 at <sup>li</sup>5 .....  
 may be entered in the Register of Marks as proprietor of the Mark(s) No. ....  
 in Class <sup>lii</sup>6 ..... as from the <sup>liii</sup>7 ..... by  
 virtue of <sup>liv</sup>8 .....

The Mark at the time of the assignment was/was not <sup>lv</sup>9 used in a business in the goods or services in question, and the assignment took/did not take <sup>lvi</sup>10 place on or after the appointed day other than in connection with the good will of a business in the goods, <sup>lvii</sup>11 and there is sent herewith a copy of the Registrar's direction to advertise statement of the dates of issue of any publication containing them.  
 Dated this ..... day of ..... 20 .....

<sup>lviii</sup>12 ..  
 .....

<sup>lix</sup>13 ....  
 To:

*Note:* The instrument under which the Transferee claims should preferably accompany this

**FORM TM/SM 13**  
**REQUEST TO THE REGISTRAR TO REGISTER SUBSEQUENT PROPRIETOR**  
**OF A**  
**MARK UPON THE SAME DEVOLUTION OF TITLE**  
**TANZANIA**  
**THE TRADE AND SERVICE MARKS ACT (CAP. 326)**  
**(Section 40(3) and Regulation 58)**

FEE SHS. 50,000/=
----------------------

I (or We) lx1 .....

hereby request that my (or our) name may be entered in the Register of Marks as proprietor

..... of Mark(s) No. lx2  
 in Class ..... as from the lxii3 .....

I am (or We are) entitled to the Mark(s) by virtue of lxiii4 .....

The Mark at the time of the assignment was/was not lxiv5 used in a business in the goods/services in question, and the assignment took/did not take lxv6 place on or after the appointed day otherwise than in connection with the goodwill of a business in the goods lxvi7 and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them.

Dated this ..... day of ..... 20 .....

lxvii8  
 ..... To:

**FORM TM/SM 14**  
**DECLARATION (ONLY TO BE FURNISHED WHEN REQUESTED BY THE REGISTRAR) IN SUPPORT OF STATEMENT OF CASE ACCOMPANYING FORM**

**TM/SM 12 OR TM/SM 13**

**TANZANIA**

**THE TRADE AND SERVICE MARKS ACT (CAP. 326)**  
**(Section 43 and Regulation 60)**

I, .....  
 of.....  
 do solemnly and sincerely declare as follows:

The particulars set out in the Statement of Case, exhibit marked .....  
 ..... and left by me in connection with my request to be registered as subsequent proprietor of the Mark No. .... in Class .....  
 are true and comprise every material fact and document affecting the present proprietorship of the Mark.

~~I make this declaration conscientiously believing the same to be true and by virtue of the Judicial Proceedings and Statutory Declarations Act, 1966.~~

lxviii1 .....  
 Declaration at .....

This ..... day of ..... 20 .....

Before me lxix2 .....

To: The Registrar of Trade / Service Marks,  
 Dar es Salaam,  
 Tanzania.

**FORM TM/SM 15**

**REQUEST FOR ALTERATION OF TRADE OF BUSINESS ADDRESS IN  
REGISTER  
OF MARKS**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Regulations 65 and 82)

FEE

SHS. 20,000/=

IN THE MATTER OF the Mark(s) No.

<sup>lxx</sup>1 registered in Class

I (or We) .....  
of.....

the Registered Proprietor(s) } <sup>lxxi</sup>2 of the Mark(s) numbered as above,

User(s) }  
request that my (or our) <sup>lxxii</sup>2 trade address in the Register of Mark(s) be altered to  
.....

Dated this..... day of..... 20..... *Note:*

A registered proprietor or registered user whose address has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement below in ord To:

(For use only in case of an address changed by a  
~~public authority~~ without change of premises.)  
The change of address, for the entry of which  
application is made above, was ordered by

on the .....

*Note:* If the above statement be made, and a certificate of the alteration given by the named authority be supplied the Registrar, if satisfied as to the facts of the case, will not require Form TM/SM 15 to be fee paid (see Reg. 65.)

**FORM TM/SM 16**

**APPLICATION TO THE REGISTRAR TO DISSOLVE THE ASSOCIATION  
BETWEEN**

**~~A REGISTERED MARK AND (AN) OTHER MARK(S)~~**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 41(5) and Regulation 48 and 69)

FEE

SHS. 50,000/=

(To be accompanied by a Statement of Case)

IN THE MATTER OF a Mark No. .... Registered in Class

I (or We) .....



the Registered Proprietor(s) of the above numbered Mark, hereby apply that the association of

this Mark with the following Mark(s) registered in my (our) name:

No. .... registered in Class .....

No. .... registered in Class .....

may be dissolved and the Register amended accordingly.

The grounds for this application are set forth in the accompanying Statement of Case.

Dated this..... day of..... 20 lxxvi

1

To: The

Dar

Tanza

**FORM TM/SM 17**

**REQUEST FOR CORRECTION OF CLERICAL ERROR OR PREMISSION TO AMEND**

**APPLICATION**

**TANZANIA**

**THE TRADE AND SERVICE MARKS ACT (CAP. 326)**

**(Section 39(1) and Regulation 69)**

FEE

SHS. 15,000/=

IN THE MATTER OF lxxviii1 .....

I (or We), being the .....

hereby request that .....

.....

.....

.....

.....

.....

Dated this ..... day of ..... 20.....

lxxix2 .....

To:

**FORM TM/SM 18**

**REQUEST TO ENTER CHANGE OF NAME OR DESCRIPTION OF  
REGISTERED  
PROPRIETOR (OR REGISTERED USER) OF A MARK UPON THE REGISTER  
TANZANIA**

THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Section 39(1) and Regulation 69 and 82)

FEE

..... SHS: 20,000/=

.....

I (or We), lxxxI .....

hereby request that lxxxi2 ..... name and description(s) may be entered in the

Register of Marks as lxxxii3 { ..... { proprietor(s)

lxxxiii4

of the Marks No. ....

{ registered user(s)

registered in Class

lxxxiv5 ..... entitled to { the said Mark lxxxv6

{ use the said Mark as registered user(s)

There has been no change in the ..... { actual proprietorship lxxxvi7

{ identity of the registered user(s)

of the said Mark, but lxxxvii8 .....

The entry at present standing in the Register given my (our) name(s) and description(s) all as follows:

lxxxviii<sub>9</sub>

To: The Registrar of Trade / Service Marks,  
Dar es Salaam,

.....  
.....  
Dated this ..... day of .....20.....

.....

Tanzania.

**FORM TM/SM 19**

**APPLICATION BY REGISTERED PROPRIETOR OF A MARK FOR THE CANCELLATION OF ENTRY THEREOF IN THE REGISTER**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 39(1)(c) and Regulation 69)

FEE  
SHS. 30,000/=

IN THE MATTER OF a Mark No. .... Class of Registered  
Proprietor .....

Trade or business address .....

Description .....

Application is hereby made by .....

of lxxxix 1.....

(or by

.....a member

of the Firm of .....

of xc2 .....

on behalf of my said Firm) .....

that the entry in the Register of Mark No. ....

in Class..... may be cancelled.

Dated this ..... day of ..... 20 ..... xci3 .....

To: The

Dar

Tanza

*Note:* Regulation 69 requires that an application of Form TM/SM 19 shall be signed by the Registere Proprietor of the Trade/Service Mark, or other person entitled under that regulation, unless in exceptional circumstances the F

**FORM TM/SM 20**

**APPLICATION BY REGISTERED PROPRIETOR OF A MARK TO THE REGISTRAR**

**TO STRIKE OUT GOODS FROM THOSE FOR WHICH THE MARK IS REGISTERED**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 39(1)(d) and Regulation 69)

FEE  
SHS. 20,000/=

IN THE MATTER OF a Mark No. ....  
Registered in Class.....

Name of Registered Proprietor .....

Trade of business address .....

Description .....

Application is hereby made by

.....

of xcii1 .....  
 or by ..... a member  
 of the Firm of ..... of xciii2 .....  
 on behalf of my said <sup>Firm</sup> .....  
 for the striking out of xciv3 .....  
 from the goods/services for which the Mark No. .... is registered in  
 Class .....  
 Dated this ..... day of ..... 20 .....

xcv4

To: The Registrar of Trade / Service Marks,  
 Dar es Salaam,  
 Tanzania.

*Note:* Regulation 69 requires that an application on Form TM/SM 20 shall be signed  
 by the  
 Registered Proprietor of the Mark, or other person entitled under that Regulation, unless  
 in  
 exceptional circumstances the Registrar otherwise allows.

#### FORM TM/SM 21

**REQUEST BY REGISTERED PROPRIETOR OF A MARK THAT A  
 DISCLAIMER OR  
 MEMORANDUM RELATING THERETO MAY BE REGISTERED**  
 TANZANIA  
 THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
 (Section 39(1)(e) and Regulation 69)

FEE  
 SHS. 10,000/=

~~Request is hereby made xcvi1~~ .....  
 ..... of .....  
 xcvi1 .....  
 for the addition to the entry in the Register in connection with a Mark No. ....  
 in Class ..... of the following .....  
 namely: .....

Dated this ..... day of ..... 20 .....

To: The Registrar of Trade / Service Marks,  
 Dar es Salaam,  
 Tanzania.

#### FORM TM/SM 22

**APPLICATION BY REGISTERED PROPRIETOR FOR AND ADDITION TO OR  
 ALTERATION OF A REGISTERED TRADE MARK**  
 TANZANIA  
 THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
 (Section 39(1) and Regulations 69 and 70)

FEE  
 SHS. 15,000/=



IN THE MATTER OF a Mark No. .... in Class

Application is hereby made by xcviil

.....

.....

being the Registered Proprietor(s) of the registered Mark numbered as above, that the Registrar shall add to it or alter in the following particulars, that is to say xcix2 .....

Six copies of the mark as it will appear when so altered are filed herewith.

Dated this ..... day of ..... 20 .....

To: The Registrar of Trade / Service Marks,  
Dar es Salaam,  
Tanzania.

**FORM** **TM/SM** **23**  
**APPLICATION TO THE REGISTRAR FOR THE RECTIFICATION OF THE REGISTER**  
**OR THE REMOVAL OF A MARK FROM THE REGISTER**  
**TANZANIA**

THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Section 35, 36 and Regulation 66)  
(To be accompanied by a copy and a Statement of Case in duplicate)

FEE SHS. 30,000/=
----------------------

IN THE MATTER OF the Mark No. ....

Registered in the name of .....  
in Class .....

I (or We) cil .....

hereby apply that the entry in the Register in respect of the above mentioned Mark may be .....  
removed/rectified <sup>cii2</sup> in the following manner .....

The grounds of my (our) application are as follows: .....

No section concerning the Mark in question is pending in the Court.

Address for Service in Tanzania to these proceedings: .....

Dated this ..... day of ..... 20 ..... <sup>ciii3</sup> .....

To: The  
Dar  
Tan

**FORM** **TM/SM** **24**  
**APPLICATION TO THE REGISTRAR FOR LEAVE TO INTERVENE IN PROCEEDINGS RELATING TO THE RECTIFICATION OF THE REGISTER**  
**OR THE REMOVAL OF A MARK FROM THE REGISTER**

TANZANIA  
THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Regulation 68)

FEE SHS. 30,000/=
----------------------

IN THE MATTER OF the Mark No. ....  
 Registered in the name of .....  
 in Class .....  
 I (or We) civil .....

hereby apply for leave to intervene in the proceedings relating to the rectification or  
 removal of the entry in the Register in respect of the above mentioned Mark:  
 My (our) interest in the Mark is .....

Address for Service in Tanzania to these proceedings: .....

Dated this ..... day of ..... 20 .....  
 cv2 ..

To:     The  
           Dar  
           Tanzania

**FORM TM/SM 25**  
**I - REQUEST FOR SEARCH**  
 TANZANIA  
 THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
 (Regulation 95)

FEE  
 SHS. 10,000/=

The Registrar is hereby requested under Reg. 95 to  
 search in Class <sup>cv1</sup>1 .....  
 In respect of <sup>cvii2</sup>2 ..... to ascertain whether any Marks are on record v  
 Dated this ..... day of ..... 20....

cix 4

**FORM TM/SM 26**  
**REQUEST FOR GENERAL CERTIFICATE OF THE REGISTRAR**  
**(INCLUDING**  
**CERTIFICATE OF REGISTRATION OF A MARK)**  
 TANZANIA  
 THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
 (Regulation 92)

FEE  
 SHS. 30,000/=

IN THE MATTER OF <sup>cx</sup>1 the Mark No. .... registered in  
Class ..... cxi2

I (or We) .....  
 of .....  
 Hereby request the Registrar to furnish me (us) with <sup>cxii3</sup> his Certificate  
 that .....  
 cxiii<sub>4</sub>

<sup>cxiv5</sup> a Certificate of registration of the Mark <sup>cxv6</sup> for in obtaining registration abroad.

Dated this ..... day of ..... 20.....

<sup>cxvi7</sup> .....

<sup>cxvii8</sup> .....

To: The

Dar

Tan

Reg ulation 92: Where a certificate of registration of a mark is issued for use in registration abroad, the Registrar shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose, and if the applicant fails to do so, may refuse to issue the certificate. The Registra may state in the certificate such particulars concerning the registration of the mark as to him seem fit, and may omit therefrom reference to any disclaimers appearing in the register; but in the last-mentioned case the certificate shall be marked; "For use in obtaining registration

#### FORM TM/SM 27

#### FORM OF REQUEST TO THE REGISTRAR BY A REGISTERED PROPRIETOR OF A REGISTERED USER OF A MARK, OR A PERSON ABOUT TO BE REGISTERED, TO ENTER, ALTER OR SUBSTITUTE AN ADDRESS FOR SERVICE AS PART OF HIS REGISTRATION

TANZANIA

~~THE TRADE AND SERVICE MARKS ACT (CAP. 326)~~ .....

~~(Regulations 10, 66 and 82)~~ .....

FEE

SHS

10,000/=

<sup>cxviii\*</sup>

Request is made by <sup>cxix1</sup> .....

No. <sup>cxxi3</sup> registered in Class ..... for the inclusion,



addition, alteration or substitution <sup>cxxii</sup><sub>4</sub> of an address for service in Tanzania in or to the entry *Who is about to be registered as (or who is the Registered)* <sup>cxx</sup><sub>2</sub> Proprietor (User) of Mark(s)

thereof so that the address for service may read:

<sup>cxxiii</sup><sub>5</sub>.....

Dated this.....day of .....20 ..... <sup>cxxiv</sup><sub>6</sub> ....

To: The

Dar

.....

Tanza

*Note:* A Registered Proprietor or Registered User whose address for service in Tanzania has been altered by a public authority so that the changed address designates the same premises as before, may make also the statement for which there is provision on the back of this form in

*Note:* Regulations 10 and 82 provide that an application on Form TM/SM 27 must be signed by Applicant for registration or the ~~registered proprietor or registered user, as the case may be, or by an agent expressly authorized by him for the purpose of such an application, unless in exceptional circumstances the F~~

[Reverse]

(For use only in case of address for service changed by a public authority, without change of premises.)

The change of address for the entry of which application is made on the other side of this form, was ordered by cxxv7 .....

on the ..... day of ..... 20 .....

Dated this ..... day of ..... 20 .....

cxxvi8

..... *Note:* If the above statement be made, and a certificate of the alteration given by the named authority be supplied, the Registrar, if satisfied as to the facts of the case, will not require a fee to be paid. (Regulation 65).

#### **FORM TM/SM 28**

#### **NOTICE OF OPPOSITION TO APPLICATION FOR ADDITION TO OR ALTERATION**

#### **OF A REGISTERED MARK**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 39(1) and Regulation 74)

FEE

SHS. 30,000/=

(to be accompanied by a duplicate)

..... IN THE MATTER OF the Mark No. .... registered in the name of .....  
in Class .....

I (or We) cxxvii1 .....

hereby give notice of my (or our) intention to propose the addition to or alteration of the Mark numbered and registered as above so that it shall be in the form shown in the application

advertised in the Journal of the ..... day of ..... 20 .....

Vol. .... Page .....

The grounds of opposition are as follows:

Address for service in Tanzania Territory in the proceedings: .....

Dated this ..... day of ..... 20

.....  
.....  
.....  
.....  
.....  
.....

cxxviii<sub>2</sub> .....  
To: The  
Dar  
Tanza

**FORM TM/SM 29**  
**NOTICE OF ORDER OF COURT FOR ALTERATION OR RECTIFICATION**  
**OF**  
**REGISTER OF MARKS**  
TANZANIA  
THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Section 51 and Regulations 72 and 98)

FEE  
SHS. 30,000/=

In the Matter of the Marks No. ....  
Registered in Class ..... in the name of .....

.....  
Notice is hereby given to the Registrar that, by an Order of the Court made on the  
..... day of ..... 20.....  
It was directed that.....

An office copy of the Order of the Court is enclosed herewith.  
Dated this ..... day of ..... 20.....

cxxix 1.....

To: The Registrar of Trade/Service Marks,  
Dar es Salaam,  
Tanzania.

**FORM TM/SM 30**  
**REQUEST TO THE REGISTRAR FOR ENTRY IN THE REGISTER AND**  
**ADVERTISEMENT OF A NOTE OF A CERTIFICATE OF VALIDITY BY THE**  
**COURT**  
**UNDER SECTION 51**  
TANZANIA  
THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
(Regulations 73 and 90)

FEE  
SHS. 30,000/=

.....  
In the Matter of Marks(s) No. (s).....  
Registered in Class ..... in the name of .....

I (or We) cxxx1 .....

hereby request the Registrar to add to the above numbered entry(ies) of a Mark in the

Register, and to advertise in the Journal a note that in cxxxi2 .....  
the Court certified that the validity of the said registration(s) came into question and was

.....

decided in favour of the proprietor of the Mark in  
 the terms of the accompanying office copy of the  
 certificate of validity.

Dated this.....day of.....20

cxiii3 .....  
 To: The

Dar  
 Tanza

**FORM TM/SM 31**  
**APPLICATION FOR REGISTRATION OF REGISTERED USER**  
 TANZANIA  
 THE TRADE AND SERVICE MARKS ACT (CAP. 326)  
 (Section 42(1) and Regulation 76)

FEE  
 SHS. 60,000/=

(To be accompanied by a Statement of Case giving particulars and stating as required by  
 section 43(1) verified by a Statutory Declaration made by the Proprietor, or by some  
 person

authorized to act on his behalf and approved by the Registrar)

Application is hereby made by cxiii1 .....

.....  
 who is (or are) the registered proprietor(s) of Mark(s) No.(s) ..... cxxiv2  
 registered in Class ..... in respect of ..... cxv3  
 that cxvi4 .....

of cxvii5 .....  
 ..... trading as cxviii6 .....  
 who hereby joins in the application, may be registered as a registered user of the  
 above

number of registered Mark(s) in respect of cxix7 .....

subject to the following conditions or restrictions: cxl8 .....

cxli9 The proposed permitted use is to end on the.....day of .....  
 20

cxlii10 The proposed permitted use is without limit of period.

cxliii11 .....

To: The Registrar of Trade/Service Marks,  
 Dar es Salaam, Tanzania. *Note:* A request for  
 the entry of an address for service of the  
 registered user may be made free on Form  
 TM/SM 27 if it accompanies this form.

**FORM** **TM/SM** **32**  
**APPLICATION BY THE REGISTERED PROPRIETOR OF A MARK FOR VARIATION**  
**OF THE REGISTRATION OF A REGISTERED USER THEREOF WITH REGARD TO**  
**THE GOODS/SERVICES OR THE CONDITIONS OR RESTRICTIONS**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 46(a) and Regulation 78)

FEE

SHS. 30,000/=

(To be accompanied by a Statement of the Grounds for the application and the Written

consent (if given) of the Registered User.)

Application is hereby made by cxliv1

the proprietor of Mark(s) No.(s) cxlv2 registered in

Class in respect of cxlv3

as a registered user of the above numbered Mark(s) in respect of cxlvii4

may be varied in the following manner: cxlviii5

Dated this day of 20

cx<sup>li</sup>x6

To: The Registrar of Trade/Service Marks,

Dar es

Salaam,

Tanzania.

**FORM TM/SM 33**

**APPLICATION BY THE REGISTERED PROPRIETOR OF A MARK OR BY ANY OF**

~~THE REGISTERED USERS OF THE MARK FOR THE CANCELLATION OF ENTRY~~

**OF A REGISTERED USER THEREOF**

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 46(b) and Regulation 79)

FEE

SHS. 6,000/=

(To be accompanied by a Statement of the Grounds for the application)

Application is hereby made by cli1

being cli2 the Registered Proprietor (a Registered User) of Mark(s) No.(s)

cli3 registered in Class

in respect of cliv4 .....

for the cancellation of the entry under the above mentioned registration(s) of  
 cliv5 .....

as a registered user of the Mark(s) in respect of clv6 .....

The grounds for this application are set forth in the accompanying statement.

Dated this ..... day of ..... 20.....  
 clvi7

To The Registrar of Trade/Service Marks,  
 Dar es Salaam,  
 Tanzania.

**FORM TM/SM 34**  
**APPLICATION FOR CANCELLATION OF ENTRY OF A REGISTERED USER**  
**OF A**  
**MARK**  
 TANZANIA.....

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 46(c) and Regulation 80)

..... FEE  
 ..... SHS. 6,000/=

(To be accompanied by a Statement of the Grounds for the application)

In the Matter of Marks(s) ..... clvii1  
 Registered in Class ..... in the name of clviii2 .....

Application is hereby made by clix3 .....

(whose address for service Tanzania in these proceedings is .....  
 for the cancellation of the entry under the above-mentioned registration(s) of clx4

as the registered user thereof in respect of clxi5 .....

The grounds of this application, particulars of which are given in the accompanying  
 statement

of case are clxii6 .....

..... Dated this ..... day of ..... 20.....  
 clxiii7

To The Registrar of Trade/Service Marks,  
 Dar es Salaam,  
 Tanzania.....



**NOTICE TO THE REGISTRAR OF INTENTION TO INTERVENE IN PROCEEDINGS**

**FOR THE VARIATION OR CANCELLATION OF AN ENTRY OF A REGISTERED USER OF A MARK**

TANZANIA

THE TRADE AND SERVICE MARKS ACT (CAP. 326)

(Section 46 and Regulation 81)

FEE  
SHS. 12,000/=

(To be accompanied by a Statement of the Grounds for Intervention)

..... In the Matter of a Mark No. .... registered in  
Class ..... in the name of clxiv<sup>1</sup> .....

and .....  
In the Matter of a registration of clxv<sup>2</sup> .....

thereunder as a Registered User of the Mark.

In reply to the Registrar's Notification, dated the ..... day of ..... ,  
20 ....., notice is hereby given of my intention to intervene in the proceedings in the  
above  
matter.

My address for service in Tanzania for the purpose of these proceedings is: .....

Dated this ..... day of ..... 20 .....  
clxvi<sup>3</sup> .....

To The Registrar of Trade/Service Marks,  
Dar es Salaam,  
Tanzania.

<sup>i</sup>Cap. 326

<sup>ii</sup>The full name of all partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.

<sup>iii</sup>Here state name and address of agent.

<sup>iv</sup>Here state the particular matter or proceeding for which the agent is appointed giving the reference number if known.

<sup>v</sup>Here state nationality.

<sup>vi</sup>To be signed by a person appointing the agent.

<sup>vii</sup>Here insert the full trade or business address of the person appointing the agent.

<sup>viii</sup>Here state name and address of agent.

<sup>ix</sup>To be signed by a person appointing the agent.

<sup>x</sup>Here insert the full trade or business address of the person appointing the agent. <sup>xi</sup>One representation to be fixed within this space and two Others to be sent on separate Forms TM 3.

<sup>xii</sup>One representation to be fixed within this space and two others to be sent on separate Form TM/SM 3.

<sup>xiii</sup>Representations of a large size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

<sup>xiv</sup>Here specify the goods or services only or goods and services included in one and the same.

<sup>xv</sup>Here insert legibly the full name, description and nationality of the individual, firm or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate the kind and country of incorporation should be stated.

<sup>xvi</sup>Here insert the full trade or business address of the applicant.

xvii Here insert the trading style (if any).

xviii If the Mark is already in use strike out the words; "proposed to be" and insert

"being".

<sup>xix</sup>For additional matter if required.

<sup>xx</sup>Signature

<sup>xxi</sup>On representation of the Trade/Service Mark to be affixed within this space. It must correspond

exactly in all respects with the representation affixed to the application form.

<sup>xxii</sup>Any representation larger than the space provided may be folded but must then be mounted

upon linen or other suitable material and affixed hereto.

<sup>xxiii</sup>Here insert words and number identifying the matter or proceeding.

<sup>xxiv</sup>Signature.

<sup>xxv</sup>Here state full name and address.

<sup>xxvi</sup>If registration is opposed on the grounds that the mark resembles marks already on the Register, the numbers of those marks and of the Journal in which they have been advertised are to be set out.

<sup>xxvii</sup>Signature.

<sup>xxviii</sup>Signature.

<sup>xxix</sup>Here insert name and address.

<sup>xxx</sup>Strike out words here that are not applicable, so as to state ONE of the cases (1) to (5) only.

<sup>xxxi</sup>Signature.

<sup>xxxii</sup>Address.

<sup>xxxiii</sup>Cap. 326

**<sup>xxxiv</sup>This form will be returned if it is filed more than three months before the expiration of the last registration.**

**<sup>xxxv</sup>This form will be returned if it is filed the more than three months before the expiration of the last registration.**

<sup>xxxvi</sup>Insert here the name and address of the person leaving the fee.

<sup>xxxvii</sup>If the fee is left by the proprietor himself, this passage should be struck out.

<sup>xxxviii</sup>If the fee is not left by the proprietor himself, insert his name and address here.

<sup>xxxix</sup>Signature of the person leaving the fee.

<sup>xl</sup>Address of the person signing.

<sup>xli</sup>If the request is signed by the Registered Proprietor strike out here the words "The Registered Proprietor" and substitute the word "me".

<sup>xlii</sup>Signature.

<sup>xliiii</sup>Signature.

<sup>xliv</sup>Address.

<sup>xlvi</sup>Signature.

<sup>xlvi</sup>Address.

<sup>xlvi</sup><sup>i</sup>Name and address of registered proprietor or other assignor or transmitter.

<sup>xlvi</sup><sup>ii</sup>Full name, trade address and nationality of transferee.

<sup>xlix</sup>Name of transferee.

<sup>i</sup>Description of transferee.

<sup>li</sup>Trade or business address of transferee.

<sup>lii</sup>Additional numbers may be given in a signed schedule on the back of the form.

liiiDate of acquisition of proprietorship.

livFull particulars of the instrument of assignment or transmission, if any, or statement of case.

<sup>lv</sup>Strike out any words not applicable (see rule 76).

<sup>lvi</sup>Strike out any words not applicable (see rule 76).

<sup>lvii</sup>Strike out any words not applicable. (see rule 76).

<sup>lviii</sup>Signature of assignor or transmitter.

<sup>lix</sup>Signature of transferee.

<sup>lx</sup>Here insert full name, trade or business address, nationality and description.

<sup>lxi</sup>Additional numbers may be given in a signed schedule on the back of the form.

<sup>lxii</sup>Date of acquisition of proprietorship.

<sup>lxii</sup><sup>i</sup>Here insert full particulars of the instrument of assignment or transmission, if any, or statement of case.

<sup>lxiv</sup>Strike out any words not applicable.

<sup>lxv</sup>Strike out any words not applicable.

<sup>lxvi</sup>Strike out any words not applicable.

<sup>lxvii</sup>Signature.

<sup>lxviii</sup>To be signed by the person making the declaration.

<sup>lxix</sup>Signature and title of authority before whom declaration is made.

<sup>lxx</sup>Additional numbers may be given in a signed schedule on the back of the form

<sup>lxxi</sup>Strike out one of these words

<sup>lxxii</sup>Strike out one of these words

<sup>lxxiii</sup>Signature

<sup>lxxi</sup><sup>v</sup>Here insert the name of the public authority ordering the change, and the date thereof

<sup>lxxv</sup>Signature of the registered proprietor or user, as the case may be

<sup>lxxvi</sup>Signature.

<sup>lxxvii</sup>Signature.

<sup>lxxv</sup><sup>iii</sup>Here insert words and reference number identifying the entry or application.

<sup>lxxix</sup>Signature.

<sup>lxxx</sup>Here insert present name, address, and description of registered proprietor or registered user.

<sup>lxxx</sup><sup>i</sup>my or our

<sup>lxxxii</sup>Strike out the words not applicable.

<sup>lxxxiii</sup>Additional numbers may be given on a signed schedule on the back of the form.

<sup>lxxxiv</sup>I am or we are.

<sup>lxxxv</sup>Strike out the words not applicable.

<sup>lxxxvi</sup>Strike out the words not applicable.

<sup>lxxx</sup><sup>vii</sup>Here state the circumstances under which the change of name took place.

<sup>lxxxviii</sup>Signature.

<sup>lxxx</sup><sup>ix</sup>Here insert the trade or business address and description of the applicant(s) or his (their firm).

<sup>xc</sup>Here insert the trade or business address and description of the applicant(s) or his (their firm).

<sup>xc</sup><sup>i</sup>Signature.

xcii Here insert the trade or business address and description of the applicant(s) or his (their firm).

xcii<sup>i</sup> Here insert the trade or business address and description of the applicant(s) or his (their firm).

xciv<sup>i</sup> Here designate the goods/service to be struck out.

xcv<sup>i</sup> Signature.

xcvi<sup>i</sup> Here insert the name, trade or business address and description of the

registered proprietor.

xcvii<sup>i</sup> Signature.

xcviii<sup>i</sup> Here insert name, trade or business address and description.

xcix<sup>i</sup> Here fill in full particulars.

c<sup>c</sup> Signature.

ci<sup>i</sup> Here state full name and address.

cii<sup>i</sup> Strike out the word (or words) that is (are) not applicable.

ciii<sup>i</sup> Signature.

civ<sup>i</sup> Here state full name and address.

cv<sup>i</sup> Signature.

cvi<sup>i</sup> The Registrar's direction should be obtained if the class is not known.

cvi<sup>i</sup> Here specify the goods or services, in the class stated in respect of which the

search is to be made.

cvi<sup>i</sup> Signature.

cix<sup>i</sup> Address.

cx<sup>i</sup> These words may be varied to suit other cases.

cx<sup>i</sup> These words may be varied to suit other cases.

cxii<sup>i</sup> Strike out words that are not applicable.

cxii<sup>i</sup> Here set out the particulars which the Registrar is required to certify.

cxiv<sup>i</sup> Strike out words that are not applicable.

cxv<sup>i</sup> Strike out words that are not applicable.

cxvi<sup>i</sup> Signature.

cxvii<sup>i</sup> Address.

cxviii<sup>i</sup> No fee will be payable on a request on Form TM/SM 27 to enter an initial address for service as part of a registration if it accompanies one of the Forms TM/SM 8, TM/SM 12, TM/SM 13, TM/SM 31.

cxix<sup>i</sup> Here insert the full name and trade of business address of the person making the request.

cxix<sup>i</sup> Strike out from the words in italics those that are not applicable and strike out one of the words "Proprietor" or "User" as may be the case.

cxxi<sup>i</sup> Additional numbers may be given in a signed schedule on the back of the form.

cxix<sup>i</sup> Cancel words that are not applicable.

cxix<sup>i</sup> State here the precise entry or changed entry desired.

cxix<sup>i</sup> Signature.

cxix<sup>i</sup> Here insert the name of the public authority ordering the change and the date thereof.

cxix<sup>i</sup> Signature of the registered proprietor or registered user as the case may be.

cxix<sup>i</sup> Here state full name and address.

cxix<sup>i</sup> Signature.

cxix<sup>i</sup> To be signed by the person interested or his agent.



cxxxHere state the name and address of the registered proprietor.

cxxx<sup>i</sup> Here state the nature of the proceedings with the names of the parties to them, in which the certificate was given.

cxxxii<sup>ii</sup> Signature.

cxxx<sup>iii</sup> Here insert full name, trade of business address and description of the registered proprietors).

cxxxiv<sup>iv</sup> Additional numbers may be given in a signed schedule on the back of the form.

cxxx<sup>v</sup> Here insert the specification in the Register.

cxxx<sup>vi</sup> Here insert the full name, description and nationality of the individual, firm or body corporate proposed as registered user. The names of all partners in a firm must be given in full. In the case of a body corporate brief particulars of the kind and country of incorporation should be stated.

cxxx<sup>vii</sup> Here insert the full trade of business address of the proposed registered user.

cxxxviii<sup>viii</sup> Here insert trading style, if any.

cxxx<sup>ix</sup> Here insert designation of goods or services (which must be comprised within the specification).

cxl<sup>x</sup> Write "none" if there are no conditions or restrictions.

cxli<sup>xi</sup> Strike out the words that are not applicable.

cxlii<sup>xii</sup> Strike out the words that are not applicable.

cxliii<sup>xiii</sup> Signature.

cxli<sup>v</sup> Here insert the full name, description and trade or business address of the registered proprietor.

cxliv<sup>xiv</sup> Additional numbers maybe given in a signed schedule on the back or the form.

cxlv<sup>i</sup> Here insert the specifications in the Register.

cxlv<sup>ii</sup> Here insert the goods in respect of which the user is registered.

cxlv<sup>iii</sup> Here state in terms the manner in which it is requested that the entry should

be varied.

cxliv<sup>x</sup> Signature.

cl<sup>i</sup> Here insert the full name, description and trade or business address of the applicant(s).

cli<sup>i</sup> Strike out the words that are not applicable.

clii<sup>ii</sup> Additional numbers may be given in a signed schedule on the back of the form.

clii<sup>i</sup> Here insert the Specification in the Register.

cliv<sup>iv</sup> Here insert full name, description and trade or business address of the registered user whose entry is sought to be cancelled.

clv<sup>v</sup> Here insert goods in respect of which that registered user is entered.

clvi<sup>vi</sup> Signature.

clvii<sup>vii</sup> Additional numbers may be given in a signed schedule on the back of this form.

clvi<sup>ii</sup> Here insert the name, trade or business address and description of the registered proprietor as entered in the Register.

clix<sup>ix</sup> Here insert the name and address of the applicant for cancellation.

<sup>clx</sup>Here insert the name, trade or business address and description of the registered user as entered in the Register.

clxi Here insert the goods in respect of which the registered user is entered. clxi<sup>i</sup> Here insert one or more of the subparagraph(s) of section 31(8) numbered (i), (ii), (iii).

clxiii Signature.

clxiv Insert here the name of the registered proprietor.

<sup>clxv</sup>Insert here the name and trade or business address of the registered user.  
<sup>clxvi</sup>Signature.

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