

A black and white photograph showing a low-angle view of several modern skyscrapers reaching towards a cloudy sky. The buildings are made of glass and steel, with their lines converging towards the top of the frame. The image is framed by a blue border on the top and sides.

RECORDATION OF MERCHANDISE MARKS UNDER THE FAIR COMPETITION COMMISSION IN TANZANIA

**Legal Updates by Ardean Law Chambers
in association with
Ascbens & Associates**

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INTRODUCTION

The regulation of trademarks in Tanzania has recently been reinforced through the promulgation of the **Merchandise Marks (Recordation) Regulations, 2025**, made pursuant to section 25(2)(f) of the **Merchandise Marks Act, Cap. 85 R.E. 2023**. These regulations represent a major shift in the governance of **counterfeit goods, consumer protection, and trademark enforcement**. By establishing a system of **mandatory recordation of trademarks** relating to goods imported into Mainland Tanzania, the Regulations introduce an additional layer of administrative oversight aimed at enhancing the traceability of goods, enabling proactive interception of counterfeits at points of entry, and reinforcing the role of the **Fair Competition Commission (FCC)** in safeguarding both trademark proprietors and consumers. In this way, the regime marks a transition from a purely registration-based approach to a **dual system of registration and recordation**, thereby strengthening the enforceability of trademark rights and the integrity of trade in the Tanzanian market.

HOW THE RECORDATION SYSTEM WORKS

Who Must Record:

It is a statutory requirement under **Regulation 3(1) of the Merchandise Marks (Recordation) Regulations, 2025** that any **trademark owner, licensee, or authorised agent** whose goods are imported into Mainland Tanzania must apply for recordation of such trademarks with the **Chief Inspector of Merchandise Marks** at the Fair Competition Commission (FCC). This obligation applies **irrespective of the place of registration of the trademark**, thereby extending to both locally and foreign-registered marks.

Application Process:

The application for recordation must be filed with the **Chief Inspector of Merchandise Marks** using **Form FCC 1** prescribed in the First Schedule to the Regulations. The applicant must provide the following:

- (i) Certified copy of trademark registration certificate.
- (ii) Applicant's particulars (name, address, nationality).
- (iii) Place of manufacturing of the goods
- (iv) Sample or photographic representation of goods.
- (v) List of licensees/affiliated companies abroad.
- (vi) Pay respective prescribed fee for each class of trademark registration

Approval & Validity

In accordance with **Regulation 4**, FCC is required to review any application for recordation within **twenty-one (21) days** of filing and to issue a determination within **five (5) days** thereafter. Upon approval, the recordation takes effect immediately and remains valid for a period of **one (1) year** from the date of approval. For continuity, the registrant is obliged under **Regulation 8(1)** to file a renewal application not later than **thirty (30) days prior to the expiry** of the recordation, accompanied by the prescribed renewal fee.

Changes & Updates

Under Regulation 6(1) of the Merchandise Marks (Recordation) Regulations, 2025, where there is an assignment or transmission of ownership of a recorded trademark, the new proprietor is required to notify the Chief Inspector of Merchandise Marks at the FCC within thirty (30) days, using Form FCC 2 prescribed in the First Schedule. Similarly, pursuant to Regulation 7, any change in the name of a registrant must be notified to the Chief Inspector within seven (7) days, supported by a certified copy of the change of name and other relevant particulars. All such updates must be made strictly through the prescribed forms and within the statutory timelines; otherwise, the recorded trademark may be deemed cancelled.

Enforcement

Pursuant to the **Public Notice issued by the Fair Competition Commission (FCC)** on the implementation of the **Merchandise Marks (Recordation) Regulations, 2025**, with effect from **1**

December 2025 only recorded trademarks shall be accorded **proactive protection** by the FCC and customs authorities against the importation of counterfeit goods. Further, in accordance with the Notice, **no trademark representative shall be eligible to perform any functions with the FCC unless he or she has been duly admitted and registered by the respective trademark owner**

Sanctions for Non-Compliance

In terms of Regulation 11 of the Merchandise Marks (Recordation) Regulations, 2025, any person who deceives, misleads, or furnishes false information in relation to an application for recordation, or who without authority alters any entry in the register of recorded trademarks, commits an offence. Upon conviction, such person is liable to a fine not exceeding TZS 10,000,000, or to imprisonment for a term not exceeding twelve (12) months, or to both.

Our Advise: Take Action Now before is too late:

Compliance Checklist for Clients

- Audit your trademark portfolio
- Confirm registrations are up-to-date and in the correct name.
- Collect documents (registration certificates, POAs, samples).
- Appoint Your Attorney/Agent
- File recordation applications with FCC (Form FCC 1 + fees) through your appointed agent
- Ensure all imports into Tanzania are covered by recorded marks.
- Train customs and logistics partners to present FCC recordation proof.
- Renew records yearly (30 days before expiry).
- Notify FCC of assignments within 30 days and name changes within 7 days.

Our Support

Ardean Law Chambers & ASCEBENS & Associates is assisting clients with:

- Trademark audits and gap analysis.
- Recordation filings at FCC.
- Renewal and maintenance.
- Agent registration and compliance training.

CONCLUDING REMARKS

The Merchandise Marks (Recordation) Regulations, 2025 introduce a transformative compliance regime for trademark owners, licensees, and agents whose goods are imported into Tanzania. By making recordation mandatory, the Regulations empower the Fair Competition Commission (FCC) and customs to proactively intercept counterfeit goods, thereby strengthening both consumer protection and the enforceability of trademark rights.

At Ardean Law Chambers & ASCEBENS & Associates, we are already assisting clients to navigate these requirements, from portfolio audits and documentation review to filing recordation applications and ensuring timely renewals so as to guarantee full compliance.

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