

**NATIONAL STUDY ON INTELLECTUAL PROPERTY AND SMALL AND MEDIUM SIZED ENTERPRISES IN
TANZANIA**

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**A NATIONAL STUDY ON INTELLECTUAL PROPERTY AND SMALL AND MEDIUM SIZED ENTERPRISES
IN TANZANIA**

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Abbreviations

ADAT	Artisans Development Agency of Tanzania
ARIPO	African Regional Intellectual Property Organization
BDS	Business Development Service Providers
BEST	Business Environment Strengthening for Tanzania
BITs	Bilateral Investment Treaties
BOT	The Bank of Tanzania (Central Bank)
BRELA	Business Registration and Licensing Agency
CARMATEC	Center for Agricultural Mechanization and Rural Technology
CBD	UN Convention on Bio-Diversity
CGS	SMEs Credit Guarantee Scheme
CoET	College of Engineering and Technology of the University of Dar es Salaam
COMESA	Common Market for Eastern and Southern Africa
COSOTA	Copyright Society of Tanzania
COSOZA	Copyright Society of Zanzibar
COSTECH	Tanzania Commission for Science and Technology
CTI	Confederation of Tanzania Industries
DANIDA	Danish International Development Agency
FCC	Fair Competition Commission
FCT	Fair Competition Tribunal
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GMP	Gender Mainstreaming Program
ICAESD	International Conference on African Entrepreneurship and Small Business Development.
ICT	Information and Communication Technology
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IPR	Intellectual Property Rights
LDCs	Least Developed Countries
MSME	Micro, Small, and Medium Sized Enterprises

MTIM	Ministry of Trade, Industry and Marketing
RMSMESP	Rural Micro, Small and Medium Enterprise Support Programme (Swahili acronym MUVI)
NEDF	National Entrepreneurship Development Fund
NSGRP	National Strategy for Growth and Reduction of Poverty (MKUKUTA)
PSCP	Private Sector Competitive Program
PSD	Private Sector Development
PTIAs	Preferential Trade and Investment Agreements
R&Ds	Research and Development Institutions
SADC	Southern Africa Development Cooperation
SCF	SMEs Competitive Facility
SIDO	Small Industrial Development Organization
SMEs	Small and Medium Sized Enterprises
TAFOPA	Tanzania Food Processors Association
TCCIA	Tanzania Chamber of Commerce, Industry and Agriculture
TEMDO	Tanzania Engineering and Manufacturing Design Organization
TFDA	Tanzania Food and Drugs Authority
TIPASC	Tanzania Intellectual Property Advisory and Service Center
TIRDO	Tanzania Industrial Research and Development Organization
TRIPs	Agreement on Trade-Related Aspects of Intellectual Property
UDBS	University of Dar es Salaam Business School
UDEC	University of Dar es Salaam Entrepreneurship Center
UNCTAD	United Nations Commission for Trade and Development
UNIDO	United Nations Industrial Development Organization
UPOV	Union for the Protection of New Plant Varieties
WIPO	World Intellectual Property Organization

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Executive Summary

This study delves at the analysis of the existing structures pertaining to intellectual property usage and relevance to SMEs in Tanzania. It presents the typology of SMEs in Tanzania with special focus on how SMEs are using or otherwise the intellectual property rights system.

The Methods and Methodology

The methodology adopted and used in this study was of two types: documentary review and field survey. The documentary research entailed review policy documents and briefs, and legislation which are relevant SMEs and intellectual property in Tanzania. The field survey entailed the use of questionnaires and planned interviews. We therefore, identified a total of 5 industries/SMEs as focal points in the field survey. We also visited 5 R&D Institutions in Tanzania with a view of assessing their interactions with SMEs. In order to gather data on performance and usage of intellectual property by SMEs, we visited a number of regulatory authorities in Tanzania; we thus visited: BRELA, COSOTA, FCC, COSOZA, The Office of Registrar –Zanzibar, and COSTECH.

Key Conclusions

The following are the key conclusions from the study:

- 1) The existing policy and legal framework governing SMEs in Tanzania does not have a clear cut intellectual property strategic intervention.
- 2) The cross-cutting nature of SMEs' business operations in Tanzania has resulted into multiplicity of policies and strategies for SMEs development with disharmony in the approaches and priorities.
- 3) There are insufficient intellectual property support structures for SMEs in Tanzania.
- 4) There are signs that suggest the awakening of SMEs to protect their intellectual property assets through protection of trademarks, in particular.
- 5) The use of the patents system by SMEs is comparatively lower when compared to the use of the trademark system.
- 6) The low level of awareness on issues of intellectual property, coupled with the little usage of the intellectual property rights system by SMEs and research and development institutions in Tanzania has given rise to a widening gap between R&D institutions and SMEs in Tanzania.

Key Recommendations

In view of the key findings/conclusions of the study, we undertake to make the following recommendations:

- 1.** The inefficient and mediocre use of the intellectual property system by SMEs in Tanzania requires an immediate policy intervention. This can be implemented through the review of the current Small and Medium Size Enterprise Development Policy, 2002 such that issues of intellectual property rights for SMEs may be given its requisite weight. In view of the nature and context of SMEs' functioning, there is a need of a tailor-made intellectual property policy approach that takes into account the context of SMEs in Tanzania.
- 2.** In addition to the policy intervention, there is a need of intellectual property legislative review so as to ease the technical requirements for SMEs use of the IPR system. This recommendation is feasible because under the WIPO Development Agenda, member states to WIPO are given a much wider terrain to structure their local intellectual property rights system to suit their particular context. The goal being to structure the regulatory framework for intellectual property in a manner that best suits the needs and expectations of SMEs in Tanzania. The ultimate objective being to make the IPR system serves broader national development goals.
- 3.** Establishment of the intellectual property support desks at BRELA, Registrar of Patents and Trademark in Zanzibar, COSOTA, COSOZA, and SIDO. The support desk should aim at providing IPR advisory and technical support to SMEs in Tanzania.
- 4.** There is a need of formulating a national intellectual property task force which include representatives from among others: R&D institutions, SMEs, regulatory authorities for IPR, enforcement agencies for IPR. Such a Task Force shall be responsible for strategy formulations, and recommendations to the appropriate government organs on the necessary interventions that are required at different levels so as to make SMEs in Tanzania develop capacity and interest in using the IP system in their business decision making process.

PART I

The Economic, Policy and Institutional Framework for the Strategic Use of IPR System as a Tool for Economic and Enterprise Development in Tanzania

1. An Overview of the National Economy, Development Goals and Strategy

1.1. Country Profile

Tanzania is located in Eastern Africa, it lies between longitude 29^o and 41^o East and latitude 1^o and 12^o south¹. The country has a tropical type of climate with the temperatures range between 10^oC and 20^oC in the highlands during cold and hot seasons, respectively. The temperature ranges from 25^oC - 31^oC (November - February) and between 15^oC - 20^oC (May – August) during the hottest and coldest season, respectively. Tanzania has an estimated land area of about 945,000 km², with a population of about 35 million people (National Census, 2002), and the population is growing at the rate of 2.9% per annum². The current official per capita income is estimated at TShs 319,754 (USD 290) in 2005³, ranking Tanzania among the world's 20-odd Least Developed Countries (LDCs). These countries share typical features such as low levels of development reflected in dismal social and economic indicators such as: low levels and poor access to education opportunities; and almost negligible expenditures and investments in science and technology (S&T).

1.2. National Economy

Tanzania obtained her independence in 1961; thereafter for the two decades the country pursued the policy of socialism and self-reliance. It was not until the mid 1980s when the country abandoned the policies based on socialism in favor of free market oriented policies. The shift was implemented through economic reforms, which were introduced to deregulate the domestic economy and encourage domestic and foreign investments; initial steps were also taken to introduce trade liberalization. These reforms involved putting in place new policies and repealing some of the legislations including those dealing with the intellectual property and science and technology.

¹. Tanzania, United Republic of (2006), "Country Profile"
<http://www.tanzania.go.tz/ministriesandinstitutions.html>

². Ibid.

³. Ibid.

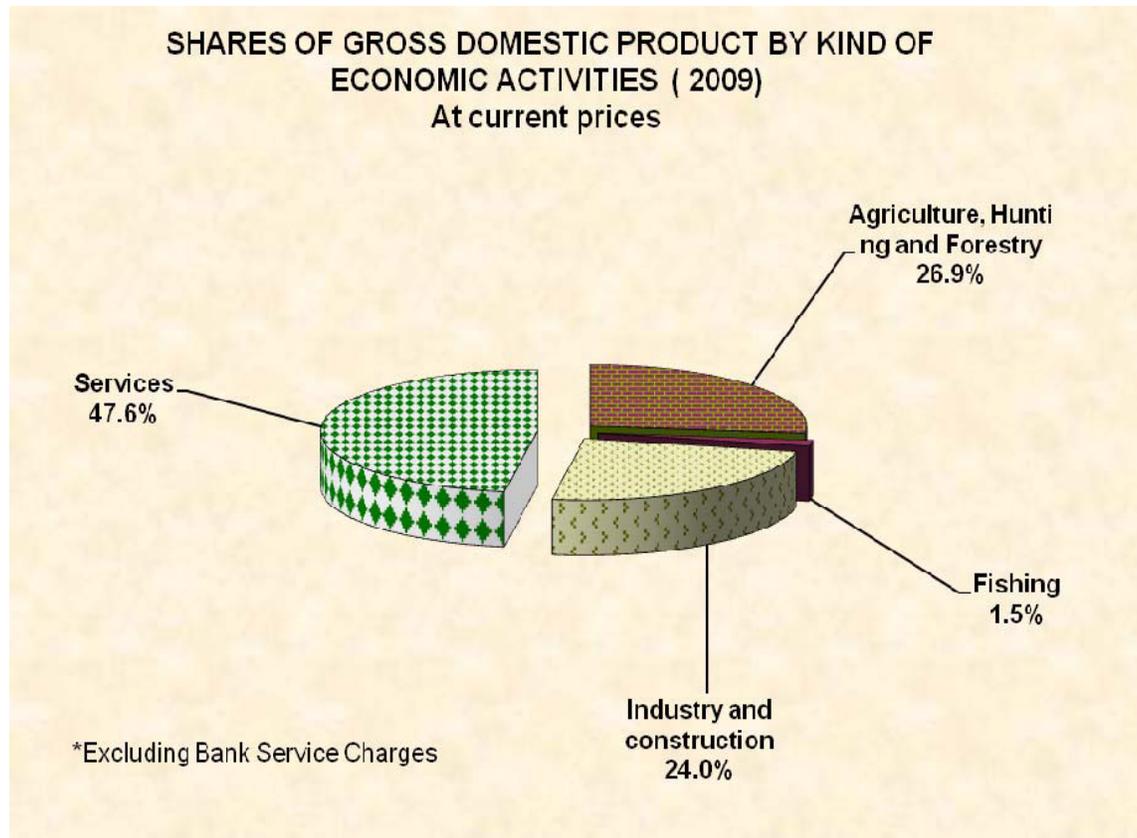
Though Tanzania's economy is predominantly agricultural, the manufacturing sector is of significant importance in the Tanzania's economy. It is the sector that provides opportunities for inventiveness, innovation and nurturing modern technologies for production and service provision. It is the most relevant sector in the context of technology transfer in Tanzania.

Tanzania's economy is predominantly agricultural based which in 2009 contributed 26.9% of Gross Domestic Product (GDP) compared to 46.4% in 2004. Service Sector contributed 47.6 of the GDP, industry and construction sector 24%, whereas fishing industry accounted for 1.5% of the GDP⁴.

More than 95% of businesses in Tanzania are small enterprises. Together, they contribute about 35% of the country's Gross Domestic Product (GDP). There are currently in excess of a million entrepreneurs in Tanzania, running small, medium or micro enterprises (SME's) responsible for generating up to 40% of total employment⁵.

⁴. The Economic Survey of 2009 - The General Economic Review-Domestic Economy.

⁵. See the TCCIA's SMEs Tool Kit. Web page: <http://www.tccia.com/tcciaweb/SMEtoolkit/introduction.htm>



Source: National Bureau of Statistics (NBS).

In a bid to reignite a struggling economy, from mid 1980s Tanzania embarked into a major policy shift embracing a “free market economy” in favour of a state controlled economy.

The consequence of the adoption of the free market economy has been to take away government control on the major means of production. The government is by and large playing a regulatory function. This is why at the present time; the main player in the economy in Tanzania is the private sector. The national development goals and strategy have been structured to reflect the dictates of the day which is free market. The *Tanzania Development Vision 2025* envisages, among other things, to develop a strong, diversified, resilient, and competitive economy which can effectively cope with the challenges of development and changing markets and technological conditions in the regional and global markets⁶.

⁶ . See Paragraph 1.2.5. of the Tanzania Development Vision 2025 at Pg. 5.

1.3. An Overview of SMEs in Tanzania

There is no universally agreed definition of SMEs. Countries use different criteria for in determining whether a particular enterprise is small, medium or large. The definition of SMEs in Tanzania is provided under the Small and Medium Sized Enterprises Development Policy of 2002. As indicated below, the Policy sets criteria which are based on number of employees and the size of investment capital.

Table No. 1: SMEs in Tanzania

Categories	Number of Employees	Capital Investment (000,000 Tshs)
Micro Enterprise	1 – 4	5
Small Enterprise	5 – 49	5-200
Medium Enterprise	50 – 99	200- 800
Large Enterprise	100+	800 +

a) SME Policy in Tanzania

Tanzania adopted a SME Development Policy (SMEDP) in 2002. The Policy Mission is:

“To stimulate development and growth of SME activities through improved infrastructure; enhanced service provision and creation of conducive legal and institutional framework so as to achieve competitiveness”.

From the Policy Mission, it is clear that the areas of policy focus in the efforts to make SMEs competitive are improvement of infrastructure, enhancement of service provision and creation of a conducive legal and institutional framework.

The SME Development Policy was designed to address the constraints that SMEs face and tap into the full potential of the SME sector. This policy serves as a guideline for all stakeholders to stimulate the establishment of new SMEs and to build the competitiveness of existing ones. The expected outcome is that SMEs will make a significantly increased contribution to economic development in Tanzania. The success of this policy depends mostly on the cooperation of all stakeholders.

b) **The Size of the SME Sector and its Role in the Economy**

From the Haki Kazi Study (2005) it is revealed that the SME sector in Tanzania presently accounts for about a third of Gross Domestic Product (GDP)⁷. There are about 1.7 million SME businesses employing about 20% of the workforce. The sector has a huge potential for creating employment, generating income, contributing to foreign exchange earnings and overall economic development and poverty alleviation.

SMEs in Tanzania are particularly attractive as engines of development in that (a) they are relatively easy to set up, even in rural areas; (b) the low level of investment for every job created makes them potentially attractive to financiers; and (c) they act as a training ground for entrepreneurs and thus set the foundations on which future industrial growth can be built.

Tanzania recognizes the role of SMEs in the economy and can play a significant role in reaching the goals of Tanzania's Development Vision 2025, through employment creation and income generation. It is in this context that policy and regulatory interventions are necessary in order to make the contribution of SMEs meaningful.

Tanzania Vision 2025 which partly reads:

“By the year 2025 Tanzania should have created a strong, diversified, resilient and competitive economy that can effectively cope with the challenges of development and that can also easily and confidently adapt to the changing market and technological conditions in the regional and global economy”.

Interventions should focus on supporting activities that are focused on diversification from traditional to non-traditional products and diversification to more lucrative markets. In this context, a well developed private sector is a pre-requisite for strong, dynamic, vibrant and competitive SMEs.

⁷. See Enterprise and Trade: **A Plain Language Guide to Tanzania National Trade Policy and SMEs Development Policy**, Haki Kazi Catalyst, May 2005, Pg. 8.

SMEs do not require as much capital, technology, management, or utilities as larger enterprises. They are therefore relatively easier to set up. Thus SMEs can play an important role in bringing about a more equitable distribution of income, which can contribute to poverty reduction. They can also serve as a training ground for future entrepreneurs. The latter can happen through apprenticeship and field practical attachments for students and beginning entrepreneurs which in turn call for an active involvement of research and development institutions in Tanzania.

1.4. National Development Goals and Strategies

In order to achieve the stated objectives of *Tanzania Development Vision 2025*, the government has put in place a number of national goals and strategies. The goals seek to define the roles of various players in the economy and pinpoint to the specific action points with a view of achieving the national development objectives. The following are some of the national development goals and strategies:

a) National Strategy for Growth and Reduction of Poverty (NSGRP)

The strategy is a multi-faceted approach geared at alleviating poverty through the harmonization of diverse national policy and institutional frameworks. The strategy categorically seeks to stimulate domestic saving and private investment response, infrastructure development, human resource development, increased investments in quality education, science and technology and use of Information and Communication Technologies (ICTs), a competitive knowledge-based economy and an efficient government.

b) Establishment of Small and Industries Development Organization (SIDO)

SIDO was established in October 1973 as a parastatal organization under the now Ministry of Trade, Industry and Marketing (MTIM). Its objective was to develop the small industry sector in Tanzania. It was expected to fulfill a very wide range of functions, from policy formulation to direct support to industries, to hands-on involvement in the establishment of SMEs in both rural and urban areas. SIDO has so far initiated and is implementing a number of initiatives to support SMEs in Tanzania.

Below are some of the SMEs initiatives in place:

(i) Business and Technology Incubation

The (MTIM) has the role of promoting SMEs access to technology through business incubation. Business incubators look after young firms, helping them to survive and grow during the start-up period when they are most vulnerable. Incubators provide hands-on management assistance, access to financing and orchestrated exposure to critical business or technical support services. Institutions which have established incubator centers in Tanzania include; CARMATEC, TEMDO, TIRDO, SIDO and University of Dar es salaam. For specific information visit their websites⁸.

**(ii) Rural Micro, Small and Medium Enterprises Support Programme (RMSMESP)
Muunganisho Ujasiriamali Vijijini (MUVI)**

This is a program under the Ministry of Industry, Trade and Marketing. It is funded by the International Fund for Agriculture Development (IFAD). It is designed to support Rural Micro, Small and Medium Enterprises through creation of value chain. The program was launched in April 2007 and is implemented by SIDO in six pilot regions namely; Coast, Mwanza, Manyara, Iringa, Ruvuma and Tanga.

(iii) ACCESS Program

This program was established in November 2005. It is implemented by SIDO. The programme is targeting African Business Women to access into International Trade. The programme is engaged itself into training SMEs on the importance of creativity, property rights, marketing, quality assurance and e-commerce⁹.

(iv) SME Competitiveness facility (SCF)

This is a matching grant meant to support product quality improvement and market access for SMEs, especially those producing for the export market. The SCF focuses on “supporting” a general market development, so as to nurse the market for BDS

⁸. See the following websites: www.temdo.or.tz, www.tirdo.org, www.tanzania.go.tz/carmatec.htm, www.sido.go.tz, www.udsm.ac.tz.

⁹. For more details visit:

http://www.unido.org/fileadmin/user_media/Publications/Pub_free/Tanzanian_women_entrepreneurs.pdf

providers. Such providers could either be other SMEs, consultants, business organizations, traders, or others with appropriate capabilities and link to the small enterprises.

(v) **MSME Baseline Survey Project**

This is one of the interventions under the Private Sector Competitiveness Programme (PSCP) being implemented by Business Environment Strengthening for Tanzania (BEST). It is intended to improve the business climate in the country, creating more opportunities for SMEs to play a greater role in the country's economic growth. This project will enable MITM to establish and maintain a reliable up-to-date database of MSMEs for purposes of better planning and policy making.

(vi) **SME Credit Guarantee Scheme**

SMEs credit guarantee Scheme (SME - CGS) is geared towards promoting and supporting SMEs by creating enabling environment for expansion and facilitating access to financial resources. The scheme is managed by the Bank of Tanzania. Through this facility SMEs can access the guarantee facility through Participating Financial Institutions (PFIs) with which the Bank of Tanzania has made an arrangement¹⁰.

This scheme was established by the Government and it is implemented by BOT in collaboration with Financial Institutions. The scheme is operational since 2005. Its overall objective is to encourage financial institutions lending to SMEs. So far the Government has allocated Tanzanian Shillings (TShs) 2 billions (approximately USD 1,340,000) for this scheme.

(vii) **Financial Services (Loans) provided by SIDO**

- *The National Entrepreneurship Development Fund (NEDF)*: This fund was established by the Government in 1994 with the objective of enhancing micro enterprises access to finance. So far, the Government has allocated Tshs 1.8 billions for this scheme.
- *Regional Revolving Fund*: This loan had been established through SIDO where by the maximum loan is Tshs 6.5. million.

¹⁰ . Currently there are 21 participating financial institutions. For details visit: <http://www.bot-tz.org/FinancialMarkets/SME-CGS-english.htm> .

- *East Africa Development Bank Fund*: This Fund scheme is operated in collaboration with SIDO and the East African Development Bank, where by the micro-enterprises can get a loan of up to 30 millions.

c) **Market Access Opportunities:**

SMEs Competitiveness Facilitation Facility (SCF) was established in 2005 under DANIDA. SCF supports product quality improvement, and market and trade development, for export-oriented SMEs in Tanzania through a funding facility. Applicants are obliged to contribute 50% of the costs as a matching grant.

Gender Mainstreaming Aspects

International Labour Organization (ILO) is supporting a Gender Mainstreaming Project (GMP) under MITM. The objective of the project to support women entrepreneurs including disabled women entrepreneurs.

d) **Rural Industrialization**

This initiative is designed for promoting rural enterprises in six regions, namely; Coast, Tanga, Manyara, Mwanza, Iringa and Ruvuma. It is supported by the International Fund for Agricultural Development (IFAD) through a loan of USD 20 millions.

e) **Private Sector Competitiveness Programme (PSCP)**

This is a World Bank supported initiative with three components, namely, (1) business environment, (2) enterprise development and (3) enhancing access to finance.

f) **Other Government Strategies**

- **MKUKUTA**: Through its broad strategy of MKUKUTA, Government Institutions are supporting SMEs through technology development and business development.

- **The Business Environment Strengthening Programme for Tanzania (BEST)** supports components with a bearing on simplification of business registration, entrepreneurship development and empowering private sector advocacy.

1.5. An Overview of the National Intellectual Property Laws and Institutional Framework

a) A General Overview

The legislative framework for intellectual property in Tanzania has its roots to the colonial times. At independence, Tanzania inherited most of the colonial laws, including those on intellectual property rights, which by and large were a reflection of British system. In order to respond to the dictates of the day, most of these laws were repealed and new pieces of legislation were enacted to cater for the new realities and operating frameworks. As it stands, with the exception of the Industrial Designs Ordinance, which is still British, other laws on intellectual property are post-independence. The most recent of all are the Copyright and Neighboring Rights Act, of 1999 and the New Plant Varieties (Plant Breeders' Rights) Act, 2002- which became operational on 1st February 2004. At the present, a review process is underway to enact a law that will accommodate and combine all industrial property laws to be known as the Industrial Property Act. Until then, the legislative framework in Tanzania for intellectual property as described below is divided into two main branches.

b) Industrial Property Laws

The industrial property laws are those laws that cater for protection of intellectual property through: trade and service marks, patents, industrial designs, trade secrets, and geographical indications.

(i) Trade and Service Marks

In Tanzania Mainland matters pertaining to trade and service marks are governed by the Trade and Service Marks Act, Cap 326 [R.E. 2002]. This is an Act to provide for the registration, and protection of trade and service marks and for related matters. It set out general guidelines on the administration of the trade and service marks.

The Act establishes the office of registrar of trade and service marks who shall have all the powers conferred under the Act¹¹. The registrar of trade and service marks is also vested with the mandate to administer the Act. For an elaborate understanding, the Act must be read together with the Trade and Service Mark Regulations, 2000 promulgated under the G.N. No. 40 of 2000.

¹¹ . See section 3 of the Act.

The core ideal of the Act is to protect owners of marks from unscrupulous competitors who would prefer to take advantage of established business reputation of marks of other competitors.

For SMEs the protection afforded through Trade and Service Marks Act is particularly important because their business success and market penetration depends largely on their ability to distinguish their products/services from the rest.

In the case of Zanzibar, matters of trade and service marks are governed by the Trademarks Decree. The Decree provides parallel frameworks with the Tanzania Mainland through which trade and service marks are applied and upon meeting the statutory requirements registration is granted by the Registrar. The Office of Registrar is under the Attorney General's Office.

It must be noted that registration in Tanzania mainland does not extend to Tanzania –Zanzibar. In other words, Zanzibar enjoys a complete autonomy in matters of administration and protection of trademarks.

(ii) The Patents Legal Regime

As we have pointed out in the preceding part, we have two parallel systems on matters of intellectual property in Tanzania. In Tanzania mainland, the governing law on matters of patents is the Patents Act, Cap 217 [R.E. 2002]. The Act establishes the office of the Registrar of Patents and provides for the patents registration procedures. The thrust of the Act is to promote inventivity, innovation and facilitation of technology acquisition through the grant and regulation of patents, utility certificates and innovation certificates.

The Act provides a framework through which inventors are allowed to claim exclusive rights over their inventions, hence forbidding others from using the inventions without their prior permission. The duration of protection is 20 years. As an exchange for the exclusive rights granted by the government, the inventor is under the obligation to make a full disclosure of his/her invention such that upon reading it, others in the same field of practice may grasp the sense and applicability of the invention.

N.B.: Given the limited infrastructural and expertise base in Tanzania, the Patent Office does not carry out substantive examination of the patents applications. It only examines the applications to satisfy itself that the application conforms to the formality required under the law.

In the case of Zanzibar, patents are regulated under the Patents Decree which provides for the similar functions and procedure for patents applications and protection.

TABLE 2: Patents Applications in the Past Five Years in Tanzania

Year	Number of Patents Granted	Ownership by Locals	Ownership by Foreigners
2010	29	20	9
2009		17	19
2008		15	35
2007		23	15
2006		6	24

Source: BRELA: Patent Register, Volume 25 and 26

c) The Copyrights Laws and Framework

The controlling legislation on matters of copyright in Tanzania mainland is the Copyright and Neighbouring Rights Act, Cap 218 [R.E. 2002].The Act was enacted to make better provisions for copyright and neighboring rights in literary, artistic works, folklore and for related matters. Similar to other IP legislation, the Act grants exclusive right to the authors of literary and artistic works which are original and possess a creative spark.

The duration of protection of copyrightable works is, in the case of natural person, life of the author plus fifty years. In the case of a legal person, or pseudonymous works, the duration of protection is fifty years from the date of publication.

One of the salient features of the Act is that it has introduced a collective management framework for matters of copyright administration. A duly established body known as Copyright Society of Tanzania (COSOTA) is established under the Act with the following mandates:

- To promote and protect the interests of the authors and other participating actors of copyrightable works;
- To collect and distribute royalties and other remunerations;
- To maintain registers of works, productions and associations of authors;
- To search for, publicize and give evidence as to the rights of authors in case there is a dispute;
- To print, publish and circulate materials that have information on copyright and related matters for the benefit of the public;
- To play an advisory role to the Minister on all matters under the Act.

In addition to the traditional acts of infringement, the Act has also expanded the spectrum of infringing practices by faulting those who imports or own instruments which are susceptible to be used to facilitate copyright infringement¹².

On the side of Zanzibar, the controlling legislation is the Zanzibar Copyright Act of 2003. The Act has established the Copyright Society of Zanzibar (COSOZA) with functions and mandates similar to those of COSOTA. The office of COSOZA is under the Registrar General which is under the Attorney General's Chamber of Zanzibar.

For SMEs, the field of copyright is extremely important. Many SMEs in Tanzania are dealing with creative industries in the fields of arts and cultural products, music and entertainments. The understanding of the copyright regime and how it can assist them in improving their business is critical for their continued success and thriving in the market.

d) Protection under the Industrial Designs Framework

Industrial designs are protected under the United Kingdom Designs (Protection) Ordinance Chapter 219. The on-going review seeks to merge the industrial designs provisions within the current Patent Act Cap 217 by adding four sections (i.e. Ss.76-79). It must be emphasized that, until such amendments to the Patents Act becomes enforceable and the UK Designs (Protection) Ordinance is repealed, the controlling legislation will continue to be the UK Designs Act.

¹² . See part VI of the Act, section 44 and 45.

It is a very unfortunate scenario for a country which has attained independence more than forty years ago to continue to be under the dominance of legislation of a foreign country. Perhaps, this underlies the minimum significance that is accorded to “designs rights” by policy and law makers.

e) Other Relevant Laws

In addition to the legislation discussed above, there other laws in Tanzania that have a direct bearing of issues of intellectual property. These laws were enacted to compliment the protection of IP as afforded by other specific laws; these laws include:

(i) The Protection of New Plant Varieties (Plant Breeders' Rights) Act, 2002

Under the Patents Act, *life forms (which include plants)* are excluded from the subject matter of patent protection¹³. However, under the framework of TRIPS Agreement, Member States are at allowed to devise suitable frameworks so as to protect some life forms which are of critical interest to their countries. Countries may thus devise a *sui generis* system to carter for such protection.

It is against this background and the further impetus that was provided by the Convention on Bio-Diversity (CBD) and the International Union for the Protection of New Varieties of Plants (UPOV) that Tanzania Mainland enacted the Protection of New Plant Varieties (Plant Breeders’ Rights) Act, 2002.

The Act establishes the office of the Registrar of Plant Breeders Rights under the Ministry of Agriculture, Cooperatives and Food Security. In addition, the Act provides for a framework through which new plant varieties can acquire protection and the rights resulting from acquisition of the protection under the Act¹⁴.

(ii) The Fair Competition Act, Cap 285, [R.E 2002]

¹³ . See Section 7 of the Act.

¹⁴ . See section 13 – 15, and 32 of the Act.

This is an Act to encourage competition in the economy by prohibiting restrictive trade practices, regulating monopolies, concentrations of economic power and prices, to protect the consumer and to provide for other related matters.

It establishes a Fair Competition Commission (FCC) and the Fair Competition Tribunal (FCT) to oversee, on among other things, unfair trade practices which include the curbing of importation and selling of counterfeit products in Tanzania. In its function, the FCC and FCT may invoke provisions of other laws including the Merchandize Act, Cap 85.

(iii) The Merchandise Marks Act Cap 85 [R.E. 2002],

This is an Act to control the use of marks and trade descriptions in relation to merchandise and other related marks. It is particularly designed to thwart the growing business of counterfeit products by empowering the Chief Inspector to carry out raids, impound and destroy suspected counterfeit goods and conduct summary proceedings against the alleged sellers or perpetrators of counterfeit business in Tanzania.

1.6. Administration Framework for of IPR in Tanzania

As we have highlighted above, there are a number of IP related legislation in Tanzania. These are being administered by different authorities, which are given mandates on a particular legislation¹⁵.

- Vice President's Office - deals with CBD;
- Ministry for Industry and Trade - deals with the TRIPS Agreement;
- Ministry of Agriculture and Food Security – deals with the Plant Breeders' Protection;
- Business Registration and Licensing Agency (BRELA) - deals with Industrial Property;
- Copyright Society of Tanzania (COSOTA) – deals with Copyright and Related Rights; and
- Office of the Registrar General, Zanzibar - deals with all IP legislation in Zanzibar.

¹⁵. Shemdoe, G., Kasonta, J., and Chuwa, P. (2005) **“Current National Policy Frameworks on Intellectual Property (IP) Management and IP Capacity Building in Tanzania”** Institutional Management of Intellectual Property in Biotechnology Research & Development in East Africa: Country Case Studies, BIO-EARN Programme Publication, October 2005.

a) **Industrial Property Administration**

Industrial property refers to that branch of intellectual property that deals trademarks, patents, and industrial designs. The mandate to administer industrial property is vested with the Business Registration and Licensing Agency (BRELA). BRELA is established as per the Government Executive Agencies Act No. 30 of 1997. The roles of BRELA among others include developing and administering the laws pertaining to industrial property¹⁶.

The following laws are administered by BRELA:

- The Trade and Service Marks Act of 1986 repealed the Trade Mark Ordinance Cap. 384 of 1957.
- The Patent Act No. 1 of 1987 repealed the Patent Registration Ordinance Cap. 217 of 1931.
- The United Kingdom Design Protection Ordinance Cap 219 of 1936 is still in force in Tanzania. Currently an Industrial Property law is being drafted, which will repeal this colonial law.

b) **Copyright and Related Rights**

The copyright and related rights are administered by the Copyright Society of Tanzania (COSOTA) which is a statutory organ established under the Copyright and Neighbouring Rights Act, 1999.

c) **Adjudication of Intellectual Property Rights Disputes**

A mechanism of enforcing IPR is in place where cases involving infringement of IPR are handled by the courts of law. In regards to cases involving industrial property, the court of first instance is the High Court of Tanzania (Commercial Division). With the introduction of the Commercial Division in the High Court matters are solved much quicker than what it used to be in the past.

On copyright matters, the court of original jurisdiction is the Resident Magistrates' Courts established under the Magistrates' Courts Act of 1984.

1.7. Recent Trends and Prospects

At the moment the process is underway to amalgamate the industrial property laws so as to have a single legislation to be known as the Industrial Property Act.

¹⁶. See more roles of BRELA in "Annual Report for the Financial Year 2002/2003" BRELA Report 2004.

In another frontier, Tanzania is among the six pilot countries which have been selected for WIPO is supported a project on national intellectual property strategy development program. The expected outcomes of the project include (1) a national IP Audit Report, (2) a national IP strategy, and (3) a national IP Policy.

1.8. International and Bilateral IP related Obligations

Tanzania is a member to a number of international agreements on intellectual property rights, trade and investments. The international obligations and compliance requirements as provided in the international legal instruments have to a larger extent shaped the local laws and regulations on intellectual property.

a) International Intellectual Property Related Obligations

Below is a list of international IP instruments and obligations there under to which Tanzania is a party to:

Table No. 3: International Conventions on IPR to which Tanzania has ratified.

S/No.	Name of the Instrument	Effective date/Entry into Force	Nature of the IP related obligations
1	The Berne Convention on Protection of Literary and Artistic Works , 1886	July 25, 1994	To develop a local legislative framework on copyright that is compliant to the virtues of the Berne Convention
2	The Paris Convention on Protection of Industrial Property, 1883	June 16, 1963	1) To develop a local legislative framework on patents that is compliant to the virtues of the Paris Convention 2) National Treatment and MFN Obligations.
3	Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks, 1957 as amended in 1979.	September 14, 1999	To develop a local trademark legislative framework on classification of trademarks as per the Nice Classification.
4	Marrakesh Agreement Establishing the World Trade Organization of 15 April 1994. (which includes annexes of the Agreement on Trade-Related Investment Measures; General Agreement on Trade in Services; and Agreement on Trade Related Aspects of Intellectual Property Rights).	1 st January 1995	To develop a local legislative framework on IPR that is compliant to the virtues of the TRIPs Agreement
5	The Patent Cooperation Treaty (PCT), 1970	September 14, 1999	1) To develop a local legislative and institutional framework on online patent application as per the PCT-framework. 2) Awareness on the operational aspects of the PCT system to R&Ds and SMEs. 3) Encouraged to protect petty inventions through utility certificates.

6	WIPO Convention, 1967	December 30,1983	To develop a local legislative and institutional framework on IPR that in line with the WIPO's mandate.
7	Convention on Biological Diversity (CBD), 1992	8 th March 1996	1) To develop frameworks for the protection of bio-diversity, environment, for human safety and development. 2) It set the platform for protection of traditional knowledge and setting up an equitable benefit sharing scheme.

b) International Bilateral Trade and Investments Obligations

In addition to the international instruments on intellectual property, Tanzania has also entered into a number of regional arrangements on trade and bilateral arrangements on investments. The obligations arising from these arrangements touch on a wide array of issues including intellectual property rights.

The table below shows the regional trade obligations and the bilateral investment treaties between Tanzania and other countries.

Table No.4: Relevant Provisions in the Bilateral Investment Agreement

S/No.	Parties	Effective Dates	IP related obligations	Implication(s)
1	United Republic of Tanzania and the Kingdom of Denmark	22 nd April 1996 to date	1) Under article 1(1)(iv) the term investment is defined to include intellectual property related assets 2) Article 3 provides for principles of national treatment and MFN. 3) Article 7 provides for unrestricted transfer into or out of Tanzania of the earnings from investment which includes royalties under Article 7(1)(e).	1) All IP and investment policy and regulatory advantages offered to SMEs in Tanzania would be equally accessible to foreign investors from Denmark. 2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to compete 3) Tanzania undertakes to protect investments in the form of IPR.
2	United Republic of Tanzania and the Republic of Finland	From 30 th October 2002 (Duration is 10years)	1) Under article 1(1)(iv) the term investment is defined to include intellectual property related assets 2) Article 3 provides for principles of national treatment and MFN. 3) Article 7 provides for unrestricted transfer into or out of Tanzania of the earnings from investment which includes royalties under	1) All IP and investment policy and regulatory advantages offered to SMEs in Tanzania would be equally accessible to foreign investors from Finland. 2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to

			Article 7(1)(e).	<p>compete.</p> <p>3) Tanzania undertakes to protect investments in the form of IPR.</p>
3	United Republic of Tanzania and Netherlands	27 th September 2002	<ol style="list-style-type: none"> 1) Under article 1(a)(iv) the term “investment” is defined to include intellectual property related assets. 2) Article 3 provides for principles of national treatment and MFN. 	<ol style="list-style-type: none"> 1) All IP and investment policy and regulatory advantages offered to SMEs in Tanzania would be equally accessible to foreign investors from Netherlands. 2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to compete. 3) Tanzania undertakes to protect foreign investments in the form of IPR.
3	United Republic of Tanzania and Germany	30 th January 1965.	<ol style="list-style-type: none"> 1) Article 8 provides a broader definition of investment to include intellectual property related assets. 2) Article 2(2) envisages national treatment and MFN principles 	<ol style="list-style-type: none"> 1) All IP and investment policy and regulatory advantages offered to SMEs in Tanzania would be equally accessible to foreign investors from Germany. 2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to compete. 3) Tanzania undertakes to protect investments in the form of IPR.
4	United Republic of Tanzania and Italy	21 st August 2001	<ol style="list-style-type: none"> 1) Under article 1(d) the term “investment” is defined to include intellectual property related assets. 2) Article 3 provides for principles of national treatment and MFN. 3) Article 5 provides for unrestricted transfer into or out of Tanzania of the earnings from investment which includes royalties under Article 7(1)(e). 	<ol style="list-style-type: none"> 1) All IP and investment policy and regulatory advantages offered to SMEs in Tanzania would be equally accessible to foreign investors from Italy. 2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to compete. 3) Tanzania undertakes to protect investments in the form of IPR.
5	United Republic of Tanzania and the Republic of South Korea	18 th December 1998	<ol style="list-style-type: none"> 1) Under article 1(1)(d) the term “investment” is defined to include 	<ol style="list-style-type: none"> 1) All IP and investment policy and regulatory advantages offered

			<p>intellectual property related assets.</p> <p>2) Article 3 provides for principles of national treatment and MFN.</p>	<p>to SMEs in Tanzania would be equally accessible to foreign investors from South Korea.</p> <p>2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to compete</p> <p>3) Tanzania undertakes to protect investments in the form of IPR.</p>
6	United Republic of Tanzania and the Kingdom of Sweden	September 1, 1999	<p>1) Under article 1(d) the term "investment" is defined to include intellectual property related assets.</p> <p>2) Article 3 provides for principles of national treatment and MFN.</p>	<p>1) All IP and investment policy and regulatory advantages offered to SMEs in Tanzania would be equally accessible to foreign investors from Sweden.</p> <p>2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to compete.</p> <p>3) Tanzania undertakes to protect investments in the form of IPR.</p>
7	United Republic of Tanzania and the Kingdom of UK	7 th January 1994	<p>1) Under article 1(a)(iv) the term "investment" is defined to include intellectual property related assets.</p> <p>2) Article 3 provides for principles of national treatment and MFN.</p>	<p>1) All IP and investment policy and regulatory advantages offered to SMEs in Tanzania would be equally accessible to foreign investors from UK.</p> <p>2) In view of (1) above and the fact that SMEs in Tanzania is just an emerging sector, SMEs may find it difficult to compete</p> <p>3) Tanzania undertakes to protect investments in the form of IPR.</p>
8	United Republic of Tanzania and Switzerland	3 rd April 2004	Only French Copy is Available	
9	United Republic of Tanzania and Egypt	30 th April 1997	Could NOT be Accessed	
10	United Republic of Tanzania and Mauritius	30 th June 2003	Could NOT be Accessed	
11	United Republic of Tanzania and Republic of Malawi	30 th June 2003	Could NOT be Accessed	
12	United Republic of Tanzania and the Republic of Zimbabwe	3 rd July 2003	Could NOT be Accessed	

Table No. 5: Regional Economic Arrangements to which Tanzania has obligations:

S/No.	The Regional Arrangement	Effective Date	Nature of the Obligations	Implications
1	Treaty for the Establishment of the East African Community.	30 th November 1999.	<ul style="list-style-type: none"> - Common market - Custom union - Free labour movements 	<ul style="list-style-type: none"> - Increased competition for SMEs; - The need to harmonize intellectual property systems in EAC Member states
2	Partnership Agreement between the Members of The African, Caribbean and Pacific (ACP) Group of States, of the one part and the European Community and its member states.	23 rd June 2000.	Preferential trade treatments	
3	Southern Africa Development Community (SADC)	17 th August, 1992	Preferential trade treatments	
4	Charter on a Regime of Multinational Industrial Enterprises (MIEs) in the Preferential Trade Area for Eastern and Southern African States (PTA)	21 st November 1990. Became effective on August 1995	Preferential trade treatments	

1.9. An Overview of Policies and Initiatives Relevant for Effective use of IP

a) National Policy Framework on Intellectual Property

Tanzania does not have the national intellectual property policy. The existing national policy framework for intellectual property administration and enforcement is reflected in the various national policies. Policy statements concerning intellectual property can be found in various sectoral policies. The theme on intellectual property in those policies is placed in the peripheral against the main subject of the said policies. The IP policy statements can be traced from national policies on industrial development, science and technology, commerce, health, arts and culture¹⁷.

As a result, intellectual property policy statements are sometimes overlapping, contradictory and confusing. An obvious challenge is to co-ordinate these expertise and institutions on a national basis and between national and international organizations and agencies¹⁸. The various policies that touch on intellectual property rights are discussed in the clusters set below.

a) National Policy on Science and Technology

The National Science and Technology Policy of 1996 recognize and provide for the need to establish relative priorities of programmes for generating new knowledge and to determine strategies for the application of science and technology for development. The policy further points out that in order for Tanzania to achieve that it would require from the government to increase the overall capacity for transfer of technology, and research and development. In the same vein it is important that the government should create conducive environment for unleashing creative and innovative potential of the people of Tanzania¹⁹.

The national policy on science and technology stresses on the following:

¹⁷ . See for instance, Article 7 of the TRIPS Agreement, in defining the objective of that instrument, declares that: “*The protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology*”. While Article 8 refers to the “*measures necessary to protect public health and nutrition*”.

¹⁸ . See Michael Blakeney, **The Process of National IP Policy Making: Theory, Practice and Policy Lessons**, Stockholm Network, 2006 at Pg. 3.

¹⁹ . See the National Science and Technology Policy for Tanzania of 1996, at Pg. 6.

- The establishment of an appropriate legal framework for the development and transfer of technology including intellectual property rights, monitoring and controlling of the choice and transfer of technology, as well as bio-safety²⁰.
- The need to upgrade R&D capability by the creation of an environment conducive to scientific and technological creativity.
- Creating local capacities in development of technologies through facilitation of international transfer of technologies²¹.
- The policy is also geared at improving relevant scientific infrastructures together with the mechanism for technology transfer arrangements (from within and outside the country) with the view to strengthening domestic design and engineering capacity.
- The policy further seek to encourage judicious and informed use of patents and licenses for industrial products and processes with a view to encouraging and activating Tanzanians to be innovative and inventive²².
- The policy on science and technology points to the establishment of the legal framework through the enactment of the Tanzania Commission for Science and Technology Act 1986, Tanzania Investment Act, 1997²³. It is surprising that the Policy does not speak of any piece of legislation relating to intellectual property such as on patents, copyrights, and industrial designs.
- The policy further urges the universities in Tanzania to create active research and development base by intensifying and organizing research and development to serve the community and its developmental needs²⁴.
- The Policy has made it clear that one of the indicators of development of science and technology is the number of registered patents²⁵. Therefore, institutions dealing with research and development in science and technology are urged to take proactive role in protecting innovative ideas through patent system.

²⁰ . Ibid. at Pg.9.

²¹ . At page 44 para 77 of the Science and Technology Policy, there is specific paragraph that deals with transfer of technologies. The thrust of the said paragraph is on commercialization and effective utilization of the locally available technologies by giving emphasis to endogenous technologies as opposed to exogenous technologies.

²² . See **the National Science and Technology Policy 1996** at Pg. 9 and 18.

²³ . See page 43 of the Policy.

²⁴ . See page 53 para 102 and 103 of the National Science and Technology Policy.

²⁵ . Ibid., Pg 58 para 105.

b) National Policy on Investment, Trade and Industrial Development

According to the National Investment Promotion Policy of 1996, the overall long term goal of Tanzania's socio-economic development is to attain a society with sustainable human development. There are various components that are contemplated to be crucial in order to realize "a society with sustainable human development".

One of those components is the need to encourage the transfer of appropriate technologies and human resource development, including the enlargement and development of local scientific technological capacity²⁶. In the similar vein, the Tanzania Investment Act under section 3 provides a definition of "technology transfer agreement" as an agreement relating to an enterprise to which this Act applies; that involves: *the assignment, sale or use of a foreign patents, copyrights, trademarks or other industrial property rights*.

The inclusion of intellectual property related provisions in the Investment Act underlies the importance of IP in the commercial relations between parties and/or countries. As discussed in the previous section, the provisions relating to IP are often found in bilateral investment treaties (BITs) and preferential trade and investment agreements (PTIAs)²⁷. As such intellectual property is one of significant strategic assets for enterprises development in Tanzania.

The development of the local scientific technological capacity is critical in transforming rural based subsistence agriculture economy into a more diversified industrial economy. For that to happen, an appropriate system is required to facilitate transfer of research findings from R&Ds to the local entrepreneurs. More jobs will be created and per capita income will improve from the current rate. As the former Director of UNIDO's SME branch once emphasized:

"in economic and industrial development, a critically important role is played by micro, small

²⁶. See The National Investment Promotion Policy, 1996 at Pg 12 para 2(1)(e).

²⁷. PTIAs refer to a variety of different international arrangement, including free trade agreement, regional trade agreements, economic framework agreements, economic partnership agreement, and agreement for establishing free trade area. PTIAs, however, does not include BITs. For more details of specific examples of PTIAs and BITs you may refer to the UNCTAD **Report on Intellectual Property Provisions in International Investment Arrangements**, IIA MONITOR No. 1 (2007), Doc. No. UNCTAD/WEB/ITE/IIA/2007/1.

and medium enterprises which, on average, make up over 90% of enterprises and account for 50-60% of employment – in particular in the developing world”²⁸.

In short, the National Science and Technology Policy seek to emphasize the need for having a framework for technology development and transfer to cater for local industries. SMEs being more than 70% of the industrial base in Tanzania²⁹, they no doubt constitute one of the key stakeholders in the implementation of the policy.

c) **The National Trade Policy in Tanzania – Its Linkage with Intellectual Property**

The National Trade Policy was adopted in 2003 and it was drafted with a particular time frame for implementation. It was set to be implemented within five years commencing 2003. The policy succinctly states that it is adopted in the context of policy change in Tanzania which shifted from state controlled economy to market oriented economy. In the new economic landscape the main drivers of the policies are the forces of globalization and trade liberalization³⁰.

The key aspects of the National Trade Policy are the following:

- The policy associate the inability of Tanzania to derive substantive benefits from globalization and trade liberalization to, among other factors, low level of technology, inadequate physical and human capacity³¹.
- The policy raises a number of issues, including the need for specific measures for the development of the domestic market as a tool of inclusion and broad based participation in economic activity based on improved market infrastructure, technology diffusion, and access to market information. In this regards, SMEs are the critical players to the attainment of this policy goal.
- The other critical issue in the National Trade Policy is the need for transformation of production capacity in Tanzania³². Agriculture being regarded as the backbone of Tanzania

²⁸ . See Bekefi, Tamara. 2006. **Tanzania: Lessons in Building Linkages for Competitive and Responsible Entrepreneurship**, UNIDO and Kennedy School of Government, Harvard University, at Pg. 9.

²⁹ . This is according to the National Economic Statistics of 2009.

³⁰ . See Pg. 1 and 2 of the National Trade Policy 2003.

³¹ . Ibid, at Pg. 8.

³² . See Pg. 28 paragraph 4(4)(2) of the Policy.

economy with more than 80% of the population thriving on rural agriculture; the revival of agricultural sector becomes extremely important. However, the transformation of agriculture in Tanzania would require adoption of new techniques, technologies and strategies that will boost production, increase efficiency, and create markets for agri-products. Participation of SMEs will help achieve this goal from the both ends of the equation (improving agriculture productivity to creating of the market through agri-business).

- As a strategy to address the problem, the National Trade Policy prioritize measures geared at agricultural transformation. One priority areas is to ensure a net inflow of resources into the agricultural sector to facilitate transformation of production technologies through research and *dissemination of research results* and better extension services.

d) Tanzania Industrial Development Policy

The policy on industrial development in Tanzania was adopted against the background of the shift of government policy through which the private sector was given a dominant role to play in the national industrial development. The policy was developed with a clear understanding of the fact that the private sector in Tanzania is still at the infancy stage as can be evidenced from the fact that from mid 1980s through mid 1990s the private sector annual average contribution to the GDP has been around 8%, with an annual average growth rate of about 1%. On the other frontier, the percentage of basic requirements of Tanzania's market being met by locally manufactured goods has continued to decrease in recent years.

In the foreword to the policy on industrial development, there is a following note:

As we prepare for the advent of the 21st century, the dynamic source of efficiency will have to be engineered by enhancing the basic source of technology which is embodied in the industrialization³³.

The outcome of the policy initiative has been impressive. According to the Industrial Performance Report of 2007, the number of privately owned industries has drastically risen up and now constitutes 97.67% compared with the publicly owned industry constituting 2.35%. About 52.9% of

³³ . See the Foreword to the Policy on Sustainable Industrial Development, 1996-2020.

the privately owned industries were established in between 1996 to 2005³⁴. The broader economic reforms which also redefined the fundamental role of the private sector as the main actor in the production and commercial activities is one of the important factors responsible for this change in the industrial ownership pattern.

In terms of the types of industries in Tanzania, the data indicates a remarkable shift from concentration in processing industries to manufacturing industries³⁵. The processing industries are a typical feature of the economy whose subsistence is mainly in agriculture. At the moment, the manufacturing industries take a leading role by constituting 52.94%, whereas 42.94% were processing industries, and the rest was assembling industries³⁶.

In line with the above the policy acknowledges that there are inadequate research activities being carried out within domestic industries. The success of the industrial sector will in the future depend largely upon the degree to which the country shall develop, consolidate and strengthen basic scientific research, technology and R&D activities. This will help to accelerate the speed of industrialization and vibrant SMEs because of the enhanced capability of applied scientific research and R&D to contribute solution to structural industrial problems within the country³⁷.

e) National Policy on Higher Education, Research and Training

The national policy on higher education was adopted in 1999 following a concern that was raised about lack national policy framework for higher education. The increasing demands of well trained experts to meet the demands of the market and the growing private sector necessitated the government to set up a policy that would provide for the general direction of higher education. The Policy came right at the time when there have been enormous institutional reforms for the higher

³⁴. See the **Report on Industrial Sector Performance in Tanzania, August 2007**, United Republic of Tanzania, Ministry of Industry, Trade and Marketing, at Pg. 10.

³⁵. The UNIDO Report of 2001 indicated that the Tanzania industrial sector development pattern was dominated by the processing industries reflecting the central role of agriculture in the Tanzania's economy. However, the 2007 findings of the growing industrial sector in Tanzania present a different direction.

³⁶. See **Report on Industrial Sector Performance in Tanzania, 2007**, at Pg. 9.

³⁷. *Ibid*, at para 3.4.13 at Pg. 29-30.

education in Tanzania so as to position the institutions at a better place to meet the challenges of globalization and market economy³⁸.

The policy emphasizes on, among other things, the following:

- Putting special emphasis on the need to make effective utilization of R&D research outputs.
- The Policy suggests a strategy that would entail the review of the structure, procedures and modalities of the Tanzania Commission for Science and Technology (COSTECH) with a view to improve its efficiency and effectiveness as a catalyst for effective utilization of research outputs from R&D institutions³⁹.
- The policy further states that the training curriculum and programs of universities and other training institutions should target those “income generating activities”⁴⁰.

In line with this, universities and other training institutions have established programs that are specifically tailored for SMEs and the growing private sector in Tanzania. A good example is the University of Dar es Salaam which has established programs for SMEs⁴¹.

f) National Policy and Strategy on Reduction of Poverty

National reduction of poverty is a cross-cutting issue which attracts the attention of almost all other national policies. That being the case, there is no single policy for reduction of poverty in Tanzania; rather there is a National Strategy for Growth and Reduction of Poverty (NSGRP). It is of interest to examine the link between SMEs, business growth, and intellectual property with poverty reduction.

Focus points of NSGRP:

- The need for the increase in factor productivity by focusing on technological change with particular attention to rural/ agricultural productivity and its associated linkages with industry⁴².

³⁸ . See **Tanzania Commission for Universities Strategic Plan for 2005/2006 – 2009/2010**, at Pg 2, Para 1.2.5.

³⁹ . See the **National Higher Education Policy, 1999**, Para 3.2.4 at Pg. 8 and 9.

⁴⁰ . See the National Higher Education Policy Pg. 19, para 6.2.5.

⁴¹ . A center has been established known as University of Dar es Salaam Entrepreneurship Center (UDEC). For more details on the various programs offered by UDEC visit: <http://udec.udsm.ac.tz> .

- The other focus point is the Private Sector Development (PSD). The PSD initiative set to support and encourage domestic firms, including SMEs to be innovative, pay attention to product development, quality and appropriate marketing strategies that make them competitive and capable of responding to global market conditions.
- One of the enabling factors for PSD is mentioned to be – ensuring access to resources, technological skills, facilitating linking up of the domestic producers with local and foreign R&D institutions⁴³.
- The strategy is also geared at fostering conditions that attract more FDI with a view to realizing that gains in form of technology transfer and increased productivity and diversification of the structure of the economy. Issues related to the choice of technology, strategic links with local firms (SMEs) and higher learning and R&D institutions, technical capabilities and readiness of local firms and labour-force to adapt technology are also given requisite attention by the NSGRP.

The NSGRP have itemized one of the strategy will be to promote and encourage R&D institutions and SMEs to pursue patent protection for proven technologies⁴⁴.

⁴² . See Para 4.3.1 of the NSGRP.

⁴³ . Ibid.

⁴⁴ . See Pg. 37 Para 5.3.1.2 of the NSGRP.

1.10. Policies and Support Initiatives for Private Sector/SMEs in Tanzania

In addition to the policies discussed above, in Tanzania we have a specific policy for SMEs. The policy is known as SMEs Development Policy of 2002.

The salient features of the SMEs Development Policy are the following:

- a) The policy sets the context and definition of SMEs in Tanzania by postulating the spectrum of SMEs, the government efforts to support SMEs and the basic constraints faced by SMEs in the existing settings in Tanzania;
- b) Against the stated context, the policy highlights the rationale for having a defined policy framework in support of SMEs in Tanzania.
- c) The policy further identifies specific policy statements and strategies for SMEs development in Tanzania. Some of the striking strategies are:
 - Removal of bureaucracies in the regulatory and compliance frameworks for SMEs in Tanzania; this will entail simplification of registration process, tax compliance procedures, procurement procedure to enable SMEs to participate, expeditiously handling of SMEs commercial disputes, and above all train and sensitize SMEs on intellectual property issues⁴⁵.
- d) Developing and nurturing entrepreneurship skills to SMEs through tailor-made training, seminars, and exposure to the businesses outside Tanzania. Furthermore, the government will improve access to information, financial and credit facilities⁴⁶.
- e) Critical to the survival and thriving of SMEs in Tanzania is the framework for the access to technologies. The Government intends to facilitate acquisition and adaptation of technologies as well as enhance networking between R&D Institutions and SMEs in a bid to upgrade technologies so as to raise the productivity and competitiveness of the sector.
- f) Facilitation of programmes that aims at facilitating market access by SMEs.

N.B.: The most interesting part of the SMEs Development Policy is that it has set specific timeframes for implementation of the various action points stipulated in the policy.

⁴⁵ . See Clause 42 of the SMEs Development Policy 2002.

⁴⁶ . Ibid., Clause 48 and 49.

1.11. Nature and Scope of IP Related Support and Capacity Building Programmes

In Tanzania, as is the case with many other countries in developing and least developed category, discussion and strategies on intellectual property rights is an emerging phenomenon. Given Tanzania's historical economic and political policy direction, there were very little emphasis on building of the entrepreneurship skills and culture to its people. Under the then policy framework all major means of production were controlled by the government. There were very little role of private enterprises in day to day economic activities.

The change came with the transformation of the economic and political policies in mid 1980s which was marked by the embracing of the liberalized policies. Since then, the government declared that it will gradually move away from driving the production process in the economy, instead it will play a regulatory function. This policy shift ushered to a new era characterizes by the mushrooming of private enterprises and industries. With exception of those enterprises with foreign affiliation, most of the local enterprises had very crude understanding of the "chemistry" of the free market economy, let alone the role of intellectual property in business decision making process.

At present, the situation is more or less the same; it thus calls for a robust capacity building program on business aspects of intellectual property rights system.

a) Training Programs in Intellectual Property

As it stands, there are no specialized programs of training in intellectual property in Tanzania. Intellectual property is taught at the law degrees programs at some of the universities⁴⁷. Currently, the School of Law (formerly the Faculty of Law) at the University of Dar es Salaam is at advanced stages of adopting a curriculum for Taught Masters of Laws Program in Intellectual Property (LL.M in Intellectual Property).

⁴⁷ . The School of Law (formerly Faculty of Law), University of Dar es Salaam, Faculties of Law at Open University of Tanzania and Tumaini University.

However, Tanzania is one of the beneficiaries of regional IP training programs offered through the African Regional Intellectual Property Organization (ARIPO) and the World Intellectual Property Organization (WIPO).

Table No. 6: Number of those trained in IP at various levels.

S/N	Name of the Program	Institution that Offer	Number of Tanzanian Students
1.	As a Course offered under the Bachelor of Laws (LLB)	School of Law, University of Dar es Salaam	From 2001 to 2009: 684 students
2	Masters of Intellectual Property (MIP)	Africa University, Mutare, Zimbabwe	From 2008 to 2010: 8 students
3	Introduction on Intellectual Property (DL 101) –WIPO Distance Learning Program	- WIPO Worldwide Academy, Geneva	Approximately above 450 students
4	Masters and PhDs in Intellectual Property	Various Institutions	11*

* This figure is based on Consultant’s own records.

b) National Seminars/Workshops in Intellectual Property

In the last five years, there have been a number of sectoral and public awareness seminars on intellectual property. At the frontier of this initiative are the following institutions:

- Business Registration and Licensing Agency (BRELA)
- Registrar General’s Office (Zanzibar)
- Copyright Society of Tanzania (COSOTA)
- Copyright Society of Zanzibar (COSOMA)
- Small Industrial Development Organization (SIDO)
- Confederation of Tanzania Industries (CTI)
- Tanzania Commission of Science and Technology (COSTECH), through the Tanzania Intellectual Property Advisory Services and Information Center (TIPASIC) – a WIPO Supported project.
- University of Dar es Salaam – through the University of Dar es Salaam Entrepreneurship Center (UDEC).
- Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA)
- Tanzania Intellectual Property Network (TIP – Net)

Table No. 7: Seminars on IPR conducted in Tanzania for the past five years:

S/N	Date	Venue	Nature of the Seminar
1	10 and 11 May 2005	Dar es Salaam	WIPO in Collaboration with TCCIA organized a national workshop on SMEs and Intellectual Property.

			Key Theme: IP Institutional Framework for SMEs support in Tanzania – The Role of BRELA in assisting the SMEs to use intellectual property for business. It identified key areas which BRELA could assist SMEs in Tanzania in using the IP system.
		Arusha and Dar es Salaam	A workshop in IPVC (Intellectual Property Value Capture) workshop organized Light Years IP, an International Non Governmental Organization. Key Theme: The workshop specifically aimed at strengthening the IP value to the SMEs in Africa. The targeted audience: the Maasai artisans, small farmers, and producers.
	December 2009	Dar es Salaam and Zanzibar	National Seminar for SMEs on the intellectual property and competitiveness in the agro-business, organized by the WIPO and The Government of the United Republic of Tanzania, Key Theme: The seminar was tailored to equip the participants on the role of patents on the agriculture products and agro-foods, intellectual property and technology transfer in agriculture and publicly funded researches, integration of the intellectual property policy and strategies on the National Development policy.
			SIDO has managed to have scheduled projects all over the country to educate and strengthening the SMEs awareness on IP use and development. Some of the achievement made by SIDO is unifications of TAFOPA registration of their products with IP rights.
			Assessment of the technologies and information contained in patent documents to enhance innovative research in Tanzania the project was initiated by Tanzania Commission for Science and Technology (COSTECH) in 2010. The project involved the assessment of the awareness of patent information, motivations of usage of IP use by researchers, formulation of institution IP policy and national IP policy. Also, IP should be taught in all level of education including to researchers and plant breeders.
			COSOTA had also been scheduling meetings to discuss the way forward with artists in Tanzania including establishment of a special marks to be used to show original works in Tanzania.
			TFDA conducted several inspection on counterfeit products in Tanzania the program in continuous and aiming on protecting the patent owners by not allowing the importation and production of counterfeit goods, they managed to burn down tones of counterfeit good in the last 12 months including the cosmetics, drugs and food products including the very famous S29 baby milk and TVs from China
	20 th December 2010	Arusha	Tanzania Intellectual Property Network (TIP –Net) in collaboration with SIDO-Arusha, organized a one day Symposium on Protecting IPR to Enhance Business Competitiveness of SMEs in Tanzania.
	May 2010	Zanzibar	The International Conference on African Entrepreneurship and Small Business Development (ICAESB). This is an annual event of the University of Dar es Salaam Business School (UDBS). Key Theme: The conference provides a unique international forum and an opportunity for researchers, policy makers and business managers to exchange views, share experiences, and disseminate research findings and practical lessons in the areas of small business and entrepreneurship development.

1.12. Other Support Systems for SMEs

a) Nature and Scope of Support and Capacity Programs

The support systems for SMEs in Tanzania can be grouped into the following categories:

(i) Managerial Support

The government of Tanzania, through the Ministry of Trade, Industry and Marketing and other international and private organizations has initiated a number of programs which aims to equipping SMEs with managerial knowledge.

The managerial support includes training on specific business management practices to SMEs. The objective is to equip SMEs with necessary managerial skill that will help them thrive in the current competitive markets.

One of the very interesting facilities is the SME Expert Clinic which is the online live support facility that allows online direct intervention with SMEs. One can ask/send specific question on a particular business issue (s) and a response will shortly follow.

(ii) Technical Support

Technical support to SMEs is facilitated through provision of technical infrastructures to SMEs. It is mainly facilitated through various agencies, such as SIDO, CARMATEC, TEMDO, and CoET-UDSM. The business incubation program at SIDO and UDSM are some of the successful initiatives at helping SMEs in Tanzania to start business and grow.

CARMATEC and CoET –UDSM on the other hand is a program that provides technical support in terms of access to technical tools and machines to SMEs. The incubation program has helped a number of SMEs who could not afford having the finances of buying equipments or machines for manufacturing purposes.

(iii) Institutional Support

By institutional support we are referring to the initiatives in place that enables SMEs to come together and share experiences. This has been done through the creation of a discussion and training forums or networks for SMEs to meet.

SMEs Exhibitions:

Currently there are the following annual exhibition events in Tanzania:

- **Pamoja Fair:** This is organized by the Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA). The event involves SMEs from five countries members to EAC (Burundi, Kenya, Rwanda, Tanzania, and Uganda).
- **Malawi-Tanzania SMEs Exhibition:** This is organized by Tanzania Handcraft Association (TANCRAFT) and National Association of Small and Medium Enterprises of Malawi (NASME)
- **EAC JUA KALI/NGUVU KAZI EXPO:** This is organized by East Africa Confederation of Informal Sector Organization (EAC CISO). Its primary aim is to open up new market frontiers for products and services of SMEs.

(iv) Financial Support

The financial support is geared at providing easy and affordable credit facilities to SMEs. During the financial year 2004/5 the Government of Tanzania decided to establish the Small and Medium Enterprise Credit Guarantee Scheme (SME – CGS). The scheme is geared towards promoting and supporting SMEs by creating an enabling environment for expansion and facilitating access to financial resources, thereby accelerating economic growth and job creation.

The Scheme is managed by the Bank of Tanzania (Central Bank) as an agent of the government. The SMEs can access the guarantee facility through the Participating Financial Institutions (PFIs) with which the Bank has made arrangements⁴⁸.

In addition to SME-CGS, there are other financial support schemes for SMEs in Tanzania which are based on sectoral needs.

(v) Other SMEs Support Programs

In addition to the support programs pointed above, there are other support systems for SMEs in Tanzania as indicated herein below:

⁴⁸. At the moment the following are the PFIs: African Banking Corporation, Akiba Commercial Bank Ltd, Azania Bank Ltd, Bank of Baroda, Barclays (T) Ltd, CRDB Bank Ltd, CF Union Bank (now I&M Bank), Dar Commercial Bank, Diamond Trust Bank, Eurafrikan Bank, FBME Bank Ltd, International Commercial Bank, National Bank of Commerce, National Microfinance Bank, Stanbic Bank (T) Ltd, Standard Chartered Bank, Tanzania Investment Bank, Tanzania Postal Bank, Twiga Bancorp, United Bank of Africa (now Commercial Bank of Africa Ltd).

A. SMEs Business Incubation

The Ministry has the role of promoting SMEs access to technology through business incubation. Business incubators look after young firms, helping them to survive and grow during the start-up period when they are most vulnerable. Incubators provide hands-on management assistance, access to financing and orchestrated exposure to critical business or technical support services. Institutions which have established incubator centers in Tanzania include; CARMATEC, TEMDO, TIRDO, SIDO and University of Dar es salaam. For specific information visit their websites.

B. Muunganisho Ujasiriamali Vijijini (MUVI)

This is a program under the Ministry and is funded by International Fund for Agriculture Development (IFAD). It is designed to support Rural Micro, Small and Medium Enterprises through value chain. The program was launched in April 2007 and is implemented by SIDO in six pilot regions namely; Coast, Mwanza, Manyara, Iringa, Ruvuma and Tanga.

C. SME Competitiveness facility (SCF)

This is a matching grant meant to support product quality improvement and market access for SMEs, especially those producing for the export market. The SCF focuses on “supporting” a general market development, so as to nurse the market for BDS providers. Such providers could either be other SMEs, consultants, business organizations, traders, or others with appropriate capabilities and link to the small enterprises.

D. MSME Baseline Survey Project

One of the interventions under the Private Sector Competitiveness Programme (PSSP) being implemented by Business Environment Strengthening for Tanzania (BEST) is intended to improve the business climate in the country, creating more opportunities for small and medium enterprises to play a greater role in the country’s economic growth. This project will enable MITM to establish and maintain a reliable up-to-date database of MSMEs for purposes of better planning and policy making.

E. Business/Technology Incubator Programme

This is the proposed National Business Incubator Programme funded by Tanzania Gatsby Trust (TGT) and the Carnegie Corporation from USA. The College of Engineering and Technology (CoET) implement this programme in collaboration with the University of Dar es Salaam Entrepreneurship Centre (UDEC) and the Ministry of Industry, Trade and Marketing (MITM). The overall goal of the incubator programme is to have a positive impact on economic development in Tanzania by improving SMEs' access to technology and business support so as to grow quantitatively and qualitatively under the umbrella of the nationwide Business Incubator Programme.

b) Analysis of SMEs Support Systems in Tanzania

The analysis of the SMEs support programmes has shown that most of them are not sustainable.

The main reasons for this can be summarized as follows:-

- (i) Low interest rates offered by government and donor programmes to small businesses created a distorted perception of the viability of the projects.
- (ii) In most cases SME programmes do not involve beneficiaries in the planning stage. The planners have very little knowledge of the environments in which SMEs are operation, hence it become very difficult to implement some of the programs.
- (iii) There was no continuous and steady supply of credit to SMEs. However, in 1994 the Government of Tanzania established the National Entrepreneurial Development Fund (NEDF) as a source of credit to the small business sector. The initial capital of the fund was TSh 500 millions (Equivalent to approximately USD 330,000). It is a revolving fund administered by the Ministry of Industries and Trade and implemented by SIDO. By July 1997, 3,991 projects were established which employed 11,288 people. The credit recovery rate stands at about 70% nation-wide.
- (iv) Programmes lack long-term viability. As an example, the Sister Industry Programme (SIP), implemented by SIDO, was established and supported by Swedish donor funds in 1977. The basic mission of SIP was technology transfer from industrialized countries to Tanzania in order to foster SME development. During the supporting period the programme was

shining and seemed to be successful. About 30 projects were established. However, after the withdrawal of SIDA support the programme collapsed.

PART II

IMPACT OF INTELLECTUAL PROPERTY ON SELECTED ENTERPRISES

2.1. Background and Rationale of Selected Industry

The selection of SMEs for the purposes of the study was based on the following factors:

- a) **The nature of business:** The aim is to have diverse samples that would provide a broader terrain of assessment of the relevance of intellectual property in various production/business set ups.
- b) **The geographical spread of the business:** This factor was essential in assessing the impact of intellectual property in the penetration to new markets and maintenance of market niche.
- c) **Duration of Existence:** We chose some of the newly established industry and others which have been in the business for a long period of time.

We have therefore chosen enterprises that are dealing with the following broad categories of business: arts and cultural industries, electrical appliances, soap industry, ICT/Software development, food products, travels and tours, and pharmaceuticals. The diverse lines of business in which the selected companies are dealing with present a very broad samples and relatively reliable conclusions that apply across many other enterprises.

a) **NM Tropical Power (T) Ltd**

(i) **Background of the Company**

NM Tropical Power (T) Ltd is a company specialized in the distribution of electrical appliances under the brand known as "Tropical". The company was established in 2005. Beyond the Tanzania market, the company distributes these electrical gadgets in Zambia, Kenya, Uganda, Malawi and Botswana.

Since its humble beginning, the company has grown and spear-headed "Tropical" as one of the most successful brand in electric appliances in the market in Tanzania at the moment.

(ii) Justification for Selection

The selection of NM Tropical Power (T) was based on the following factors:

- A. It is operating in a very competitive market environment where brand reputation is extremely important.
- B. The company has a very clear Trademark strategy. They have sought protection of their trademark in all the markets in which they are operating.
- C. The company has been so successful within a very short span of time. In this sense, an assessment of the role of intellectual property in their business success attracts a genuine interest.

b) G&B Soap Industry Ltd

(i) Background of the Company

G&B Soap Industries Ltd is a manufacturing Company involved in producing and distributing various categories of laundry and Toilet soaps. The main popular brand promoted by the company is the word “Family Soap”.

The Company owns the following trademarks:

- Family Soap (Laundry, Medicated, Luxury, Perfumed, Lather, and Baby Soaps)
- Anita Beauty Soap
- Emola Perfumed Soap

In addition to the trademarks, the company also owns confidential information in the form of trade secrets. This information is in the form of technologies for soap manufacturing, chemical formulations, and marketing approaches. The company’s website displays all the brands and clearly indicates that they are all registered trademarks with a symbol ™.

(ii) Justification for Selection

- A. G&B Soap Industry is one of the common domestic brands when it comes to soap industry in Tanzania. Hence, an assessment of the traces of intellectual property contribution to their success is very appropriate.

- B. In addition to trademarks, the company continually applies new technologies in their soap manufacturing process. This has necessitated an examination on how patents or technology transfer is core to their business success.
- C. B&G Soap Industry have expanded their market scope beyond Tanzanian borders. It is currently serving Democratic Republic of Congo, Rwanda, Burundi and Malawi. Evaluation of the intellectual property considerations in their market expansion decision to new markets is therefore crucial.

c) DataVision International (T) Ltd

(i) Background of the Company

DataVision International (T) Ltd, founded and registered under the companies' law of the United Republic of Tanzania in 1998, has its headquarters in Dar es Salaam – Tanzania. The company offers professional consulting services in Information and Communication Technology, Management Information Systems, Web and Mobile Applications, Statistics and Research.

DataVision is an outcome of the recognition that sustainable development can be accelerated by providing solutions that are requirement-driven, well researched, customized and professionally implemented using the enabling capabilities of modern technologies including Information, Communication & Mobile Technologies.

Since its establishment, the company has been fast growing in terms of delivery of services and customer base. The best part of the history of DataVision includes its ability to adapt to the fast changing demands of its clients, which is a function of several factors mainly competition, economical, political and social.

(ii) Justification of the Selection

- A. The company deals with ICT and other related activities. Thus, it provides a new dimension and assessment platform in our study on SMEs in the ICT industry.
- B. The company deals with websites designs and content management – there are a lot of copyright and patent issues that arise in the context of their day to day activities.

d) Shelly's Pharmaceuticals Company

(i) Background of the Company

Shelly's Pharmaceutical Company is one of the most successful pharmaceutical enterprises in Tanzania. It has built a very strong reputation in the manufacture and supply of drugs in the local and neighbouring markets. The company owns a wide array of intellectual property related assets. Some are in the form of trademarks, confidential information, and patents. The company owns among other trademarks; TRIPOVIR, DOXIN, K-ZOLE, ZITHROMAX, FLUCOZAL, FUNGIN, RELIF, and HYOSIN.

The company import some the technologies, as such it is involved in technology transfer and acquisitions. In addition, the company has established some links with local R&D institutions in Tanzania for collaborative research.

(ii) Justification for Selection

- A. The functions and operations of Shelly's Industries (T) Ltd is centered on intellectual property- their chemical formulations, the productions process, the marketing of their products – are all about IP.
- B. The company is keen on issues of IP. There are several trademarks and patents in their portfolio. Its inclusion will provide a very important measure on how IP can be factored in for the successful growth of the enterprises.

e) Winglink Travel Ltd

(i) Background of the Company

The company deals with travel and tour services in Tanzania. It is one of the leading travel and tour agencies in Tanzania. The company cover all the tickets, hotels, conferences, workshops, charters, car hire and tours requirements for the Northern Circuit and Zanzibar. One of the central tools in their business and market expansion is their well tailored advertisements through brochures, flyers, and website. Their brochures and websites are full of creative artistic expressive designs.

(ii) Justification for Selection

- A. Inclusion of Winglink Travel Ltd presents an expanded analytical terrain in terms of sectoral assessment of the impact of IP. The travel and tourism industry has for so many years sidelined from realm intellectual property.
- B. In an increasingly competitive market environment in tourism industry, it is pertinent to explore how intellectual property is part of Winglink's business agenda and strategy.

f) Artisan Development Agency of Tanzania(ADAT)

(i) Background of the Company

ADAT is a non-governmental organization which assists small scale female entrepreneurs involved in textiles products. ADAT was registered in September 1996. The main activities of ADAT includes provision of training in hand weaving, surface design and finish, pattern drafting, garment construction, quality control, embroidery, marketing, and business entrepreneurship. It has so far trained over 2000 women entrepreneurs.

In addition, ADAT is a production center for textiles products, which it sells to hotels, restaurants and general public.

(ii) Justification for Selection

- A. ADAT is both a training agency and as well as a production entity. It presents a good mix of assessment on how IPR matters are captured in the training programs for SMEs in Tanzania; as well as how IPR issues are part of their business plans, being a production entity.

2.2. Methodology for Assessing the Impact of IP on Selected Industry

In order to gather information for the purposes of assessing the impact of intellectual property to the selected SMEs, we deployed both qualitative and quantitative research approaches. The aim was to obtain necessary information from the industry which not only presents objective views and perceptions, but also subjective data which base on individual interpretation of the state of the art.

a) Field Interviews

A total of twenty one interviews have been conducted to executives and employees of the selected industries and intellectual property regulatory bodies. The interview questions were both structured and unstructured. The line of interview questions was primarily tailored to unearth the following information:

- To what extent does the enterprise take into account intellectual property issues in planning their business?
- What valuable IP assets that the enterprise owns?
- Is the enterprise exporting its products and/or services?
- Has the enterprise sought protection of their IP in other countries other than domestic protection?
- What were the deciding factors in choosing countries to which IP protection should be sought?
- Is the enterprise use in-house support system for the protection of IP or out sourced support system?
- Apart from IP means, are there any other mechanisms that the enterprise is using in protecting their IP related asset?
- How valuable are the IP assets to the enterprise?
- In the absence of IP related initiative, how would the enterprise fare in the market?
- What government support system would enterprise require in order for them to effectively use the IP system?
- Have the enterprise been in dispute with other party for trademark or patent infringement case?
- How was the dispute resolved? (Out of court or through a Court intervention?)
- What is the level of awareness among staffs on IP related issues of the enterprise?

b) The Use of Questionnaires

Under this methodology, the structured questionnaire by WIPO was used. In order to best suit the needs and context of this study, these questionnaire were modified in other instances. The responses we got from the questionnaire were supplemented by the field interviews which made it possible to get the contextual details of the information gathered from the questionnaires.

The complementary nature of the two methods achieved the following:

- **Gap Analysis**

Through responses in the questionnaire and the interview we obtained pertinent information as to the existing gap in terms of awareness and value of IP issues and assets among the executives of enterprises in Tanzania.

The study approach also exposed a poor/non-existing linkage between business planning of enterprises and the role of intellectual property in setting up enterprises' strategic business approaches.

- **Impact Analysis**

Justification of the investment and budget on intellectual property rights to enterprises must be supported by net business returns that an enterprise will get from the IP assets or related measures. Weighing this justification required an assessment of the impact of the intellectual property in achieving the following:

- ✓ Promotion of business;
- ✓ Market creation and penetration;
- ✓ Raising Finance
- ✓ Product Development

c) Review of the Companies Documents/Manuals Gap Analysis

In very few instances some of the enterprises were willing to share their business practice manuals. An analysis of the companies' documents was done so as to identify relevant practices, if any; in the enterprises that has bearing on the use of IP.

2.3. Impact of Tanzania's IPR International Obligations to SMEs

a) General Observation

There is no direct evidence from the findings which suggest that Tanzania's international intellectual property obligations have had a negative impact or otherwise to the way the selected industries have been using the intellectual property.

However, the technicalities and costs involved in the regional and international patent protection systems such as ARIPO and Patent Cooperation Treaty (PCT) are to a greater extent limiting SMEs' attempts to invoke protection of the inventions and innovations beyond the borders.

During the field study, 87% of the respondents indicated that there is not allocated budget for intellectual property filings and given the costs involved in filing regional and international patents and trademark applications, the chances of SMEs to pursue such protection is very negligible.

b) National Policies Relevant to SMEs

As it has been already observed, the existing national policies on SMEs in Tanzania do not address issues on IPR. It was thus not possible to evaluate the extent to which Tanzania international obligations on IPR have affected the existing policy framework and therefore to have an impact on SMEs in Tanzania.

PART III

SMES AND THEIR USE OF IP IN THEIR COMPETITIVE STRATEGIES

3.1. Sectoral Overview of SMEs in Tanzania

The best approach to provide an overview of support system to SMEs in Tanzania is by splitting the SMEs into the following distinct sectoral categories; those base in industrial; agricultural; ICT; and creative industries.

a) SMEs in Industrial Sector

In comparison with other sectors, SMEs in industrial sector are much more exposed to issues of intellectual property. There are public and private initiatives to raise awareness on issues of intellectual property and to a lesser degree in place for protection and sale of IP related assets.

The Prime Minister's Office in Tanzania is spearheading the implementation of the National Public Private Partnership Policy of 2009. Under Article 3.1 the Policy call for a comprehensive review of policy, legal and institutional framework in Tanzania. One of the pertinent issues under the Policy is a need of facilitation of technology transfer. Among the stake holders in this endeavour are the R&Ds and SMEs.

SIDO on their part have organized a number of training to SMEs on wide range of issues including business planning, marketing, and general entrepreneurial skills. In addition, SIDO hosts a number of business incubation programs in their various centers across the country. However, the intellectual property bit is missing in their training curricula thus SMEs have failed to appreciate the context and relevance of IPR in their business.

TIRDO and COSTECH are other public institutions which have developed projects that are aiming at helping SMEs in Tanzania. Such projects are geared at training SMEs in manufacturing industries to use locally developed technologies, and technical advisory support when need arise.

b) ICT Sector

The ICT sector is one of the fastest growing sector in Tanzania at the moment. The National ICT Policy specifically provides for the need to focus on the use of ICT by SMEs in Tanzania. However, there is very little usage of intellectual property in the ICT sector. This is despite the fact that stakeholders in the ICT industry are very much aware that behind the huge success of the current giant ICT industry such as Microsoft and IBM; is the proper use of IPR.

COSTECH has indicated that in the ongoing project on Smart Village, SMEs will be given its requisites preference in terms of space and support systems. The interview with CEO of DataVision Tanzania Ltd indicated that in their business plans, consideration of issues of IPR is almost nil.

c) Tourism Sector

Relevance of tourism to the Tanzania economy is on the increase. The government through the Ministry of Tourism and Natural Resources has embarked into a huge tourism promotion campaign across the globe. The promotion of tourism is also done through tour and travel operators. They use various heritage, historical, and geographical sites of Tanzania in their brochures, flyers, websites, and other means. Business techniques and approaches differ from company to company and so is the level and quality of services offered. All these business aspects have intellectual property potentials. Yet, there is no single tour enterprise in Tanzania which has the intellectual property agenda in their business plans.

The responsible ministry and the regulatory body (Tourism Board) for tourism pay very little attention to issues of intellectual property.

d) Creative Industries Sector

Of late, the National Arts Council has established weekly dialogues in the form of open discussion forum known as “Jukwaa la Sanaa”. The Forum is intended at discussion on wide array of issues affecting the creative industry in Tanzania. Issues of copyright have been high on the agenda. Recently, there has been a deliberate move to push for the amendment of the existing legislation on copyright and neighbouring rights.

Other forums that have specifically targeted SMEs in the creative industry are the training program organized by the British Council Tanzania under a program known as *Skills for Creative Entrepreneurship*. Through this program SMEs in creative industry are exposed to a wide array of issues in business planning and implementation. There is a distinct module on intellectual property for creative industry.

3.2. The Use of IP by SMEs in Tanzania

a) A Brief Overview

The level and context of use of IP by SMEs in Tanzania differs from one enterprise to another. Depending on the business orientation, the data from the surveyed enterprises shows that there is a greater use of IP by industries in the manufacturing sector compared to those in other sectors such as creative industry, ICT, and tourism.

This observation does in no way suggest that SMEs in other sectors are not willing to use IP as a strategic tool in their decision making process, rather it is a manifestation of the lack of awareness and to a greater extent, the absence of judicial sanctions to violators of IP rights from copyright related infringement that can show case the relevance of the system.

b) Statistical View

Table No. 8: SMEs and their use of IPR

S/N	Enterprise	TM	Patents	Copyright	Industrial Design	IP Litigation
1	G & B Soap Industry Ltd	5	None, but they have several confidential information in the form of trade secrets	Several in their flyers and website	Exclusive soap designs and shapes, not formally protected.	Involved in dispute with competitor over a trademark, but was resolved outside the court.
2	NM Tropical Power Ltd	2	None	In the website and promotion	They have several	No formal dispute has

				materials	designs of appliances, but have not been formally protected	been reported.
3	DataVision International (T) Ltd	None	None	In publications, and software and websites	None	
4	Shellys Pharmaceutical Tanzania Ltd	12	2	None	None	None
5	Winglink Travel & Tours	None	None	In publications and website	None	None

3.3. IP Needs of SMEs

The survey and analysis of intellectual property usage by SMEs have revealed the following key needs of SMEs in Tanzania:

- a) Inclusion of intellectual property rights components in the training programs of SMEs. This initiative will open up and expose SMEs to various dimensions of intellectual property in the context and running of their businesses.
- b) The setting up of the Intellectual Property Support Desk at BRELA and SIDO. There is an acute need of intellectual property advisory services to SMEs in Tanzania. Most of SMEs regard intellectual property as a domain of large enterprises; hence there is a need of setting up a support system that demystifies intellectual property in a matter that may attract the attention and interests of SMEs.
- c) Publications on intellectual property: in response to the low level of awareness among SMEs it is pertinent that among many other approaches; the publications of various subjects of intellectual property in Swahili language be done. The translation into Swahili language is important since most of people who are running SMEs do not have good grasp of English language.

- d) Financial and technical assistance in filing international application for intellectual property protection. This is particularly the case with protection of trademarks, patents, and industrial designs.
- e) Technical support in negotiating technology transfer agreements.

3.4. Addressing the Low Level of IP Awareness in SMEs

- a) The existing support IPR support systems for SMEs in Tanzania are not systematic neither specific. At SIDO for instance, the entrepreneurial support for SMEs includes marketing techniques which entails branding and trade marking the products. It also includes capacity building on technology transfer – which may entail issues of patents and industrial designs.
- b) At COSTECH, under the activities of TIPASIC, there have been a number of training programs and seminars on intellectual property for SMEs. The projected Smart Village which is the ICT Park due to be launched in Dar es Salaam will house among other players SMEs by facilitating knowledge dissemination and technology transfer through linking ICT SMEs and multinational companies.
- c) BRELA, Registrar of Patents and Trademark of Zanzibar, COSOTA, and COSOZA have on several occasions had organized seminars on intellectual property for SMEs in Tanzania.
- d) BRELA in collaboration with COSTECH have made it possible to establish the Tanzania Intellectual Property Advisory Service and Information Center (TIPASIC). The center is at the disposal of all researchers and users which includes SMEs and offers a wide range of advisory services including the use of patent information and intellectual property contract negotiation.

3.5. Success Stories – Case Studies

Despite the low level of awareness and limiting regulatory framework in Tanzania, there interesting cases which demonstrate that strategic use of intellectual property in business decision making process may have positive impacts to the enterprises. Below are the two success stories:

a) G & B Soap Industries Ltd

From its humble beginning, G&B Soap Industries Ltd has emerged from small to medium size enterprise through unwitting deployment of trademark and branding techniques. Today in Tanzania if you mention G&B Soap Industry Ltd very few people will admit to know the company, but if you ask about the **Family Soap**, a sizeable section of population will respond positively. The company have registered a number of trademarks, but Family Soap has remains its core brand in the soap industry.

In view of expanding markets to Democratic Republic of Congo (DRC), Malawi, Rwanda, and Burundi, the company has also initiated trademark applications in those countries. The company is using modern technologies and formulation in soap manufacturing. The Director General of the company revealed that the company does not own any single patent; rather it has confidential consultancy agreement with individual researchers. It thus shows that the company is using trade secret as a mean of protecting their proprietary technological information. There is thus an informal link with R&D institutions though in strict IPR contexts there is a lot to be done. Yet, the efforts so far made are worth mentioning.

b) N&M Company Ltd

Since its establishment, the company has spearheaded **“Tropical”** as their brand for electrical appliances. The company has protected Tropical as their trademarks in Tanzania, Zambia and Botswana. It is currently in the process of lodging the international application through the Madrid System.

Through effective advertisement, **Tropical** has rapidly risen and become one of the reputable brands in the electrical appliances in Tanzania. Through effective use of their trademark and advertisement, the company has attracted markets in Neighbouring countries such as Malawi and Zambia.

c) Shelly’s Pharmaceutical Co. Ltd

The pharmaceutical industry in Tanzania is growing and faces a very stiff competition from imported pharmaceutical products. It is only through effective quality control, marketing, and brand protection that Shellys have been able to stand out as one of the reputable pharmaceutical company in Tanzania.

The Company owns several trademarks and patents. The company is making effective use of patent information in their laboratories, particularly those patents in the public domain. The pharmaceutical patents exemptions for LDCs under the framework of TRIPS agreement is frequently used by Shelly's and of late the company have been able to manufacture drugs using information obtained from existing patents documents.

Although intellectual property is not part of their business agenda, the ongoing production approaches indicates that sooner or later intellectual property will be an integral part of business planning of Shellys Pharmaceutical Company Ltd.

PART IV
CONCLUSION AND RECOMMENDATIONS

4.1. Conclusions

The following are the key conclusions from the study:

- a) The existing policy and legal framework governing SMEs in Tanzania does not have a clear cut intellectual property strategic intervention. Intellectual property rights issues are mentioned in some of the policy documents; however, there is no clear path of implementation framework that takes into account the obtaining circumstances in SMEs in Tanzania.
- b) The cross-cutting nature of SMEs' business operations in Tanzania has resulted into multiplicity of policies and strategies for SMEs with disharmony in the approaches and priorities.
- c) There are insufficient intellectual property support structures for SMEs in Tanzania. The lack of support structures has led to a very little usage of the intellectual property system by the SMEs in Tanzania.
- d) With increasing competition and interaction with businesses from outside Tanzania, there are signs that suggest the awakening of SMEs to protect their intellectual property assets through protection of trademarks, in particular.
- e) The use of the patents system by SMEs is comparatively lower when compared to the use of the trademark system. This is not because of non-existence of the inventive activities among SMEs but because of lack of necessary technical expertise to draft patents applications and the cost of patent prosecution from the patent attorneys.
- f) The low level of awareness on issues of intellectual property, coupled with the little usage of the intellectual property rights system by SMEs and research and development institutions in Tanzania has given rise to a widening gap between R&D institutions and SMEs in Tanzania.

4.2. Recommendations

In view of the key findings/conclusions of the study, we undertake to make the following recommendations:

- a) The inefficient and mediocre use of the intellectual property system by SMEs in Tanzania requires an immediate policy intervention. This can be implemented through the review of the current Small and Medium Size Enterprise Development Policy, 2002 such that issues of intellectual property rights for SMEs may be given its requisite weight. In view of the nature and context of SMEs' functioning, there is a need of a tailor-made intellectual property policy approach that takes into account the context of SMEs in Tanzania.
- b) In addition to the policy intervention, there is a need of intellectual property legislative review so as to ease the technical requirements for SMEs use of the IPR system. This recommendation is feasible because under the WIPO Development Agenda, member states to WIPO are given a much wider terrain to structure their local intellectual property rights system to suit their particular context. The goal being to structure the regulatory framework for intellectual property in a manner that best suits the needs and expectations of SMEs in Tanzania. The ultimate objective being to make the IPR system serves broader national development goals.
- c) Establishment of the intellectual property support desks at BRELA, Registrar of Patents and Trademark in Zanzibar, COSOTA, COSOZA, and SIDO. The support desk should aim at providing IPR advisory and technical support to SMEs in Tanzania.
- d) There is a need of formulating a national intellectual property task force which include representatives from among others: R&D institutions, SMEs, regulatory authorities for IPR, enforcement agencies for IPR. Such a Task Force shall be responsible for strategy formulations, and recommendations to the appropriate government organs on the necessary interventions that are required at different levels so as to make SMEs in Tanzania develop capacity and interest in using the IP system in their business decision making process.

4.3. Implementation Framework of the Recommendations

To achieve the intended goals of creating enabling environment for the efficient use of intellectual property by SMEs in Tanzania, there must be definitive national and institutional measures. The framework for implementation must follow the following stages:

- a) A starting point must be with the revision of the existing policies on SMEs. A deliberate inclusion of detailed provisions of intellectual property in the existing policy should be part of the policy review agenda of the SMEs Development Policy of 2002.
- b) The policy review should be followed by legislative review. As it has been shown, SMEs in Tanzania are operating in a very informal way. The level of investment in technical knowledge and research is very low. The link of the local research and development institutions with SMEs is very weak. This has resulted into ineffective use of the intellectual property system by SMEs. In this context, there is a need to review the existing laws on patents and trademarks in order to establish an enabling legal and regulatory environment responsive to the needs and contexts in which SMEs are operating. This approach is feasible in the light of the WIPO Development Agenda which among other things calls for countries to realign their IP systems to suit their local environment.
- c) The policy and legislative review should envisage introduction of the structures of the IP regulatory institutions that have in mind the needs and expectations of the SMEs. In this sense, a recommendation to establish the IP Support Desk at BRELA and SIDO should be institutionalized in the national policy as well as the governing legislation. This policy and legal approach is crucial as it will create permanence and sustainable system for IP support to SMEs.
- d) In order for the IP to yield its idealized goals and promote SMEs in Tanzania, there must be a formalized *quid pro quo* research and expertise exchange relationship between local R&Ds and the SMEs. Therefore, there must be the implementation framework through policy and legislative intervention that is specifically tailored to encourage partnership between R&Ds and SMEs in technology transfer and information sharing. The policy and legislation should provide certain statutory reliefs and recognition for research institutions which avail technologies, technical or any other useful information to SMEs.

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Annex 1: TERMS OF REFERENCE

SCOPE OF WORK

The study shall consist of the following parts:

Part I – The Economic, Policy and Institutional Framework for the Use of the IPR System as a Strategic Tool for Economic and Enterprise Development

This section should include the following elements:

- (i) A general overview of the state of the national economy and the national developmental goals and strategy of the country, including the key challenges, bottlenecks, and barriers;
- (ii) An overview of the national intellectual property laws and institutional framework, including an analysis of the IP titles owned by nationals of Tanzania in the last five years;
- (iii) International and bilateral IP related obligations (if any, e.g., free trade agreements and bilateral investment treaties);
- (iv) An overview of policies and initiatives which are relevant to the effective use of the IP system in the context of economic development, e.g., national systems for innovation, education, science and technology, industrial development, FDI, etc. Where relevant, information should also be provided on the prevailing situation in each area; in particular, the nature and scope of IP teaching for university students, including the availability, extent and quality of teaching/training of IP for students of laws, business, engineering and other academic disciplines; the availability and state of the various categories of IP professionals in the public and private sector
- (v) Current and proposed policies and initiatives of all types for supporting private sector development, especially with regard to entrepreneurship, microenterprise and SMEs in all sectors of the economy, including agribusiness, manufacturing and services. This will include policies, institutions and initiatives related to: use of the IP system by the creators, inventors, researchers and entrepreneurs/enterprises, strengthening the SME support institutions, training institutions for entrepreneurship, microenterprise and SMEs, business development services; improving access to finance (including microfinance, venture capital, etc); development of incubators, science/technology parks, technology transfer institutions/offices in the R & D base/Universities, etc;

- (vi) Nature and scope of IP related support or capacity building programs/projects in the last five years that were or are being implemented by international or regional organizations as well as bilateral/multilateral donor/assistance programs.
- (vii) Nature and scope of entrepreneurship, microenterprise and SME support or capacity programs/projects in the last five years that were or are being implemented by international or regional organizations as well as bilateral/multilateral donor/assistance programs.

Part II – Impact of intellectual property on selected industries/sectors

This section includes the following elements:

- (a) Background information on each of the selected industries/sectors and the reasons for their selection;
- (b) Methodology for assessing the impact of IP on the selected industries/sectors, including an elaboration of the quantitative and qualitative techniques employed;
- (c) Whether and to what extent Tanzania’s international obligations, its domestic policies and initiatives have had an influence on the impact of IP in these industries/sectors; and
- (d) Results and conclusions of the study.

Part III – SMEs (including microenterprises) and their use of IP in their competitiveness strategies

This section includes the following:

- (a) An overview of the SMEs (including microenterprises) sector in Tanzania, with emphasis on sectors included in Part II above, including the main institutions in the government, private sector and civil society that are providing varied types of financial and other types of assistance and support;
- (b) An assessment of the extent to which SMEs (including microenterprises) in Tanzania are aware of and/or are making effective use of the IP system either individually or collectively through reliance on, for example, collective marks, certification marks, geographical indications) for protecting and exploiting their IP assets, particularly in sectors included under Part II above. Include information on the extent of development of franchising in the country. This could draw on the results of the study in Part II;

- (c) Intellectual property needs of SMEs in sectors included in Part II, as perceived by the SMEs, their associations, and the government. Apart from systemic issues, this should also include problems encountered by SMEs in protecting their IP assets, including counterfeiting and piracy;
- (d) Whether and to what extent these needs are being addressed by publicly-funded awareness and/or capacity building programs on IP for SMEs and/or by private sector IP service providers, IP consultants/advisors and/or business consultants/advisors;
- (e) Level of awareness and ease of access, and uptake of existing publicly-funded awareness and/or capacity building programs on IP for SMEs, quality of such support and its effectiveness in achieving the desired outcomes).
- (f) Success stories (case studies) of SMEs making effective use of IP assets in their business strategies;
- (g) Conclusions.

Part IV – Conclusions and recommendations

This should include a summary of the main conclusions of the study and provide recommendations for improving and strengthening the use of IP for economic development in general and ways and means for using the tools of the IP system for improving the competitiveness of Tanzanian SMEs (including microenterprises) in particular.

Preparation of a National Study on Intellectual Property and Small and Medium Sized Enterprises under the WIPO Development Agenda Project

Terms of Reference for the National Expert

The national expert shall do the following:

1. Collection and analysis of information, data and materials and use their inputs to prepare the study report – approximately 50 single-spaced, font 12, A4 pages comprising, inter alia, all the elements of the attached TOR, supported by graphs and tables, where appropriate, appendices and bibliography.
2. Visit various relevant institutions in the government, private sector and civil society in the Tanzania and collect relevant information, data and materials;
3. Conduct face-to-face or telephone interviews of key SME and IP stakeholders in the country;
4. Assist in the development/adaptation of one or more questionnaires and undertake questionnaire-based surveys under the guidance of the international expert and the SMEs Division of WIPO.
5. Liaise with and seek guidance and assistance as appropriate from the international expert appointed by WIPO for this project;
6. Provide regular feedback to WIPO of the progress/status by submitting a monthly progress/status report by the 5th of each month by email (to marina.sauzet@wipo.int), indicating the key achievements, challenges and proposed solutions to overcome the challenges in a timely and cost-effective manner;
7. Undertake any other activities that may be requested by WIPO or the Government of Tanzania to ensure/improve the quality and relevance of the study report.

If it is not possible to hire an expert who has background in economics, intellectual property and business management, it is highly advisable to have a team of two or three national experts with background and experience in (a) economics of IP, (b) intellectual property law teaching/research, and (c) business management and intellectual capital management.

The outline of the study with names of key institutions and policies will be submitted by email to WIPO (to marina.sauzet@wipo.int) and the international expert appointed by WIPO for this project within one month of the Consultant's date of appointment. The first draft of the report shall be sent within three months of receiving the comments from WIPO. The second draft shall be sent within one month of receiving the comments from WIPO, and a third/final draft, if any, shall be submitted within 15 days of receiving the comments of WIPO on the second draft.

Annex 2: List of Offices Visited

S/N	Name	Location
1	Artisans Development Agency of Tanzania ADAT	Dar es Salaam
2	Bank of Tanzania (BOT)	Dar es Salaam
3	BRELA	Dar es Salaam
4	British Council Tanzania	Dar es Salaam
5	CARMATEC	Arusha
6	Chemi & Cotex Industries Ltd	Dar es Salaam
7	Confederation of Tanzania Industries (CTI)	Dar es Salaam
8	COSOTA	Dar es Salaam
9	COSOZA	Zanzibar
10	COSTECH	Dar es Salaam
11	DataVision Tanzania Ltd	Dar es Salaam
12	G&B Soap Industry	Dar es Salaam
13	Ministry of Industries and Trade – SMEs Section	Dar es Salaam
14	Mwenge Arts and Crafts Group	Dar es Salaam
15	N&M Company Ltd	Dar es Salaam
16	National Arts Council	Dar es Salaam
17	Patents and Trademark Registrar -Zanzibar	Zanzibar
18	Shellys Pharmaceutical Company Ltd	Dar es Salaam
19	SIDO	Dar es Salaam
20	TAFOPA	Morogoro
21	TEMDO	Dar es Salaam
22	TIRDO	Dar es Salaam
23	University of Dar es Salaam	Dar es Salaam

Annex 3: List of Tables

Table 1: Categorization of SMEs in Tanzania

Table 2: Statistics on Patents Applications in Tanzania (2006-2010)

Table 3: International Conventions on IPR to which Tanzania is a Party

Table 4: IPR Issues in Bilateral Investment Treaties which Tanzania has signed

Table 5: Regional Economic Arrangement to which Tanzania has Obligations

Table 6: Estimates of Trained Personnel in IP in Tanzania

Table 7: Conducted Seminars on IPR in Tanzania

Table 8: SMEs and their Use of IP system- Selected Enterprises