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RIVE & CO IP DEPARTMENT | EDITION 01 | OCTOBER 2026

EAST AFRICA INTELLECTUAL PROPERTY NEWSLETTER 2026.

Tanzania · Kenya · Uganda · Rwanda · Burundi · DRC

The 2026 law changes, our wins and our enforcement work.

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FROM THE EDITOR.

Until September 2025 a brand owner in Tanzania could lean on an ARIPO certificate. Then the Court of Appeal said otherwise, the FCC closed its recordation door to foreign certificates and ARIPO suspended Tanzania. On 2 October 2026 a new Act answered.

Kenya is folding three regulators into one. Uganda has rewritten parts of its copyright law. Rwanda, Burundi and the DRC held steady. This first regional edition carries our own cases, our own raids and our reading of the law.

Sunday Ndamugoba
Partner in charge of the IP Department

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FIRM NEWS / PROSECUTION / HIGH COURT

VODACOM LIABLE.

RIVE & Co acted for a voice over artist and won on copyright and unjust enrichment. *Lisa Steven Semgalawe v Vodacom Tanzania PLC*, Civil Case No. 26033 of 2024, [2026] TZHC 5238, Mbagwa J, 4 September 2026.

TZS 100M
general damages

TZS 20M
punitive damages

7%
court interest until payment

What happened

In February 2016 the artist recorded 12 Kiswahili and 12 English prompts for Vodacom's network and M-Pesa and was paid TZS 1,800,000 for the session. No release was ever signed. Vodacom kept using the recordings until she sued in 2024.

What the Court held

She is the author and owner. Vodacom infringed her copyright under sections 5, 9 and 18 of the Copyright and Neighbouring Rights Act, Cap. 218 R.E. 2023, and was unjustly enriched. A supplier contract could not pass on rights the supplier never held.

What comes next

Vodacom lodged a notice of appeal on 2 October 2026. The judgment stands until the Court of Appeal decides, and an appeal does not by itself stay enforcement.

Our team: RIVE & Co represented the client. Sunday Ndamugoba, Margreth Somme and Moulin Ruhangisa acted in the matter.

TWO MORE WINS.

Our litigation team won both oppositions at the BRELA registry in September 2026.

MOM EASY · CLASS 10

Procter & Gamble's opposition dismissed

Application TZ/T/2022/001382. P&G relied on its HEART Device registrations and the PAMPERS reputation, alleging confusing similarity under section 20(1) and bad faith under section 19(a).

The Deputy Registrar compared the marks as a whole through the eyes of the average consumer. The lettering, colours and layout give a different overall impression. The bad faith claim failed for want of cogent evidence. Ruling of 4 September 2026, each side bears its own costs.

KEDA · CLASSES 35 AND 19

Both KEDA oppositions dismissed

Keda Industrial Group faced two oppositions from Wuhan Keda Marble Protective Material Co. Ltd against KEDA & Device, TZ/S/2022/1291 and TZ/T/2022/2847. Ruling of 17 September 2026.

Protection in Tanzania is territorial and comes by registration. Foreign reputation does not override an earlier Tanzanian filing, a company name is not a trade mark, and protection stops at the class. Our client filed first.

The lesson for foreign owners: file in Tanzania before you enter the market, in every class you trade in, watch the Journal, and treat the Mainland and Zanzibar as two registers.

RAIDS THAT WORK.

RIVE & Co successfully carried out both raids with the Fair Competition Commission.



BULBOND · PIDILITE INDUSTRIES

Counterfeit adhesive seized with the FCC

In 2025 we ran an anti counterfeit operation in Kariakoo with the Fair Competition Commission. Fake BULBOND stock was seized at two locations, the offenders were penalised, and a joint enforcement report with photographs and signed records closed the file. Condemned goods go to FCC destruction, with the owner invited to witness.



REDGOLD · DARSH INDUSTRIES

Refilled containers traced and raided

An unlicensed operator was emptying genuine REDGOLD containers, refilling them with an inferior product and moving them by courier. We built the complaint, coordinated the agencies, attended the raid and are carrying the post raid steps with the FCC.

THE CLIMATE **Nearly 1,000 counterfeit items worth about TZS 4 billion** were seized in a four month FCC operation, reported on 7 April 2026.

VISITS AND SESSIONS.



From Kenya

Peter Keya of Kibungei & Co visited our Dar es Salaam office in October. Our two firms refer IP work to each other across the border, and the visit was about keeping that traffic moving.



From China

Maisy Ling and Lin He of EAST IP, a Chinese law firm, visited in October. We act regularly for Chinese clients and bring in our translator whenever a file needs Chinese.



With SMEs

Our IP team sits down one on one with small business owners. This session worked through intellectual property management strategies for fashion industry SMEs.



COURTESY CALL DODOMA.

Sunday Ndamugoba called on the Registrar of Plant Breeders' Rights at the Ministry of Agriculture in Dodoma to strengthen our working relationship with the office.

The law. The Plant Breeders' Rights Act, 2012 (Act No. 9 of 2012) set up the Plant Breeders' Rights Office inside the Ministry responsible for agriculture. The Registrar grants breeders' rights and keeps the register.

The test. A variety qualifies if it is new, distinct, uniform and stable (sections 13 to 17). Timing of the first sale of reproductive material therefore matters.

Zanzibar. It has its own Plant Breeders' Rights Act, adopted by the House of Representatives on 22 January 2014.

A YEAR THAT MOVED.

Each step reacted to the one before it. The sequence explains where Tanzanian trade mark law stands today.

26 SEP 2025
Court of Appeal: ARIPO and foreign registrations give no enforceable rights (*Lakairo v Kenafrica*)

1 DEC 2025
Mandatory FCC recordation starts for imported goods

JAN 2026
FCC takes only BRELA registrations for recordation

15 JAN 2026
Written Laws (Miscellaneous Amendments) Bill published

1 MAR 2026
ARIPO Banjul Protocol amendments take effect

15 APR 2026
FCC guidance accepts ARIPO and foreign certificates for recordation

28 JUL 2026
FCC letter confirms foreign certificates, and that recordation creates no rights

21 SEP 2026
BRELA journal opens a 60 day opposition window

2 OCT 2026
Act No. 6 of 2026 comes into force

SIX CHANGES TO THE ACT.

s.2

Marks without the visible sign test

Any sign that can distinguish goods or services now qualifies, including three dimensional shapes, colours, numerals, get ups and holograms.

s.16A

Collective marks

Associations can register a mark that sets their members' goods and services apart, in the association's name.

s.16B

Certification marks

A certifier that does not trade in the certified goods can register a mark vouching for origin, material, method, quality or accuracy.

s.19A

Well known marks

Protected without business or goodwill in Tanzania. The owner can seek an injunction against identical or similar use likely to confuse.

s.26(2)

Early advertisement

In exceptional circumstances the Registrar may advertise an application before accepting it. The Act does not define the term.

s.28A

ARIPO marks deemed registered

ARIPO marks designating Tanzania, registered from 1 September 1999, count as registered unless the Registrar notified a refusal.

Open question: the Act is silent on how historic ARIPO registrations sit beside national rights that accrued before 2 October 2026. ARIPO has not lifted its suspension of Tanzania. File nationally for any mark that matters.



TANZANIA / PATENTS ACT, CAP. 217 AND FCC RECORDATION

PATENTS AND THE BORDER.

20 YRS
patent term from filing (s.39)

10 YRS
utility models, up from seven (s.74)

10 YRS
longest ministerial exclusion from patentability (s.13)

Designs registered under regional or international instruments that designate Tanzania take local effect unless the Registrar refuses (s.76). Sections 77 and 78, the innocent infringer defence and the Court's design powers, are repealed. No express transitional rules cover patents granted earlier.

TZS 200,000
FCC recordation, per class

TZS 50,000
annual renewal

21 DAYS
for the Chief Inspector to decide

One year, Mainland imports only. A change of ownership costs TZS 150,000 and a name change TZS 100,000. Report an assignment within 30 days or it lapses. The FCC accepts Tanzanian or foreign certificates and says recordation creates no substantive rights.

IN THE GAZETTE.

Three Acts of 2 October 2026

1. **Act No. 5.** Secured Transactions (Movable Property) Act. IP can now be offered as security (page 12).
2. **Act No. 6.** Written Laws (Miscellaneous Amendments) Act. It amends the Trade and Service Marks Act and the Patents Act, among others.
3. **Act No. 7.** Written Laws (Miscellaneous Amendments) (No. 2) Act. It amends the Land Use Planning, Local Government (District and Urban Authorities), National Security Council, Natural Wealth and Resources, Valuation and Valuers' Registration and Wildlife Conservation Acts.

What we would do this quarter

1. List every ARIPO designation of Tanzania and file a national BRELA application for each core mark.
2. Record imported brands with the FCC and diarise renewal.
3. Famous brands: start collecting evidence for section 19A.
4. Associations: look at collective and certification marks.
5. Reset patent and utility model calendars to 20 and ten years.
6. Review IP as loan security once the collateral law starts.
7. File in Zanzibar separately.
8. Read the BRELA journal monthly. Oppose within 60 days.

IP AS COLLATERAL.

Act No. 5 of 2026 lets lenders take security over tangible and intangible movable property. Assented to on 19 September 2026 and published on 2 October 2026. It starts on a date the Minister appoints by Gazette notice and applies to Mainland Tanzania.

INTANGIBLES QUALIFY

Section 10 allows security over tangible or intangible movable property. Intellectual property is referred to in sections 29, 30 and 41(3). The Governor of the Bank of Tanzania, with the Minister, designates eligible assets by Gazette notice (s.10(2)).

ONE COLLATERAL REGISTRY

The Bank of Tanzania keeps the registry (s.4). A registered interest binds third parties, priority generally follows the time of registration, and anyone may search for a fee.

ENFORCEMENT RULES

A lender registers a notice of intention to enforce and gives 30 days' notice before disposal, with exceptions for perishable goods. The borrower may redeem. Sale is at market value.

COMPANIES ACT CHANGE

Section 99 is rewritten. A company's charge is void against a liquidator, administrator or creditor unless the requirements are met, and particulars go to the Registrar of Companies within 42 days.

FOR IP OWNERS **Keep every registration in the company's own name and the register current.** The Act does not name trade marks or patents, so watch for the Bank's designation notice before you rely on IP as security.

A SEPARATE REGISTER.

NO UPDATE IN 2026

The Zanzibar Industrial Property Act, No. 4 of 2008 still governs. There is no 2026 amendment to report.

FEES UP 50% TO 300%

Official fees rose from 11 August 2025 (Government Gazette Vol. CXXXIV No. 7369 of 18 July 2025), with new charges for association requests and opposition hearings. They reach pending applications with fees unpaid.

MONTHLY JOURNAL

BPRA publishes the Zanzibar Industrial Property Journal each month. Anyone with grounds has two months from publication to file a notice of opposition.

MAINLAND DOES NOT TRAVEL

None of the October 2026 amendments apply in Zanzibar, and FCC recordation covers Mainland imports only. Zanzibar already recognises collective, certification and non traditional marks.

OUR ADVICE **Protect every brand twice.** A BRELA registration does not reach Zanzibar, so file with BPRA, diarise renewals and watch the journal.

ONE AUTHORITY, PROPOSED.

Intellectual Property Bill, 2026

Before the National Assembly. It repeals the Industrial Property Act, the Copyright Act and the Anti Counterfeit Act and creates the Kenya Intellectual Property Authority (KIPA).

1. A recordal system for imports and manufacture, and action on counterfeits.
2. One specialist IP Tribunal for disputes and appeals.
3. The Trade Marks Act (Cap. 506) and the Geographical Indications Bill, 2026 under the same roof.

High Court, 29 June 2026

Law Society of Kenya v Principal Secretary, State Department for Industry and Others. The Court set aside the ministry directive of 30 September 2025 that would have made KIPI Board approval a step in registering, renewing and revoking marks, patents, utility models and designs. Registry procedures at KIPI are unchanged.

3 TO 1
KIPI, KECOBO and the ACA become KIPA

29 JUNE
High Court quashes the Board approval directive

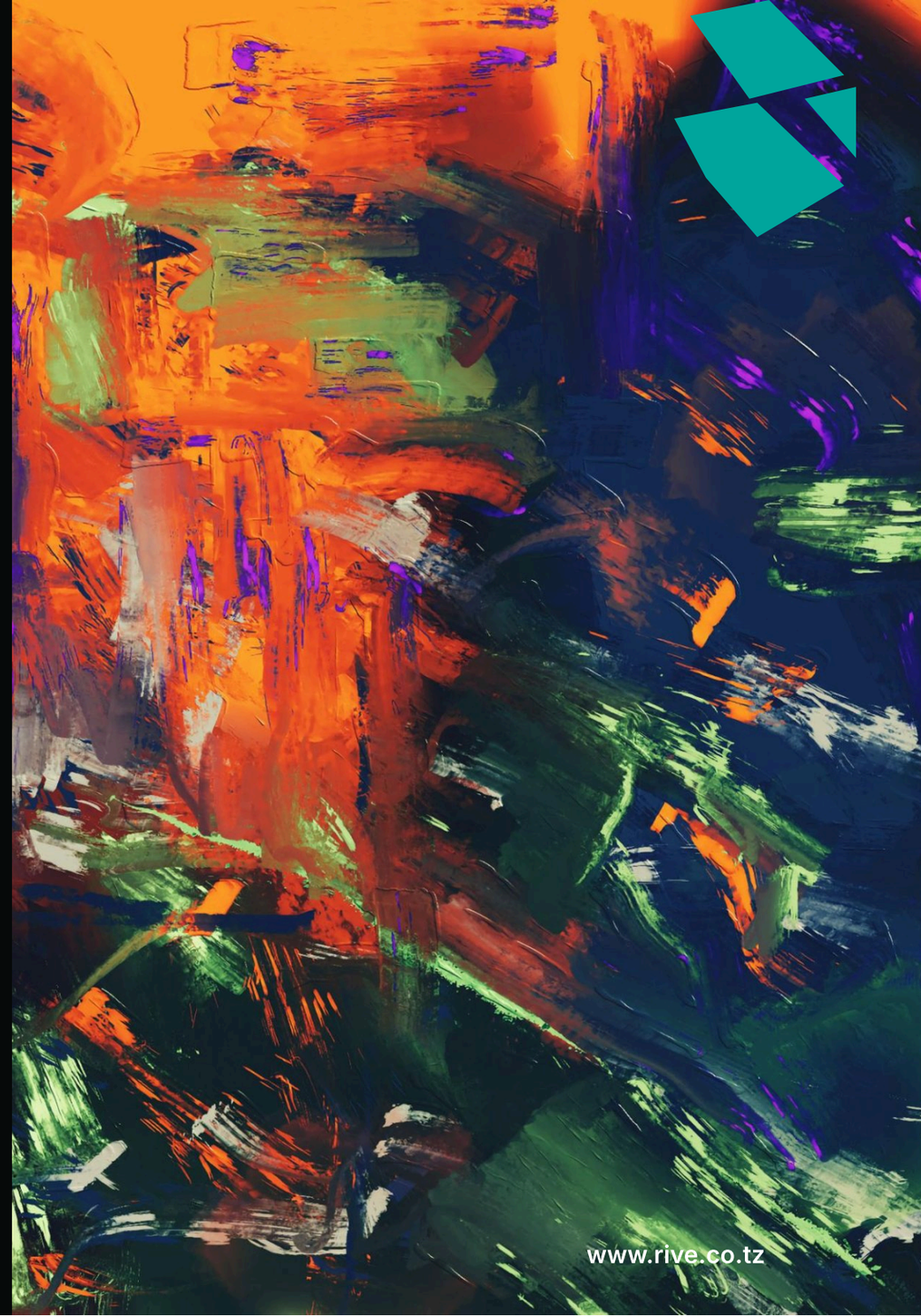
11 TO 13 NOV
All Africa IPR Summit, Nairobi

UGANDA / 2026

COPYRIGHT REWRITTEN.

Parliament passed the Copyright and Neighbouring Rights (Amendment) Bill, 2025 on 17 and 18 March 2026. The President assented on 29 April 2026.

1. Stiffer penalties: fines up to UGX 50 million, prison up to 10 years, or both.
2. The Registrar of Copyright or owners can order online platforms to remove infringing content.
3. New provisions on royalties, with URSB set to support collecting societies.
4. The Bill as introduced added accessible format provisions in line with the Marrakesh Treaty.



STEADY GROUND.

There is no new IP legislation in any of the three in 2026. This is where each stands.

RWANDA

Law No. 055/2024, in force since 31 July 2024, governs. An international registration designating Rwanda has the same effect as a national one. Provisional patent applications are available. The Rwanda Development Board still manages IP until a standalone office is established, and publishes its journal about twice a month.

BURUNDI

The Law of 28 July 2009 governs, through the Burundi Industrial Property Office. Trade marks last ten years. The renewal window for pre 2009 marks was last set at 1 January 2025 with a late fee and six month grace. Burundi sits outside ARIPO and OAPI, so filing is national.

DRC

The Law of 7 January 1982 on Industrial Property governs. The DRC is outside ARIPO, OAPI, Madrid and the PCT. Foreign applicants need a local agent, there is no opposition phase, and challenges follow registration before a French language court. Do not confuse it with the Republic of the Congo, an OAPI member.

BANJUL PROTOCOL, REVISED.

Amended regulations, forms and fees took effect on 1 March 2026 for new, pending and existing applications.

OFFICIAL FEE	BEFORE	FROM 1 MARCH 2026
Application, paper	USD 100	**USD 200**
Application, electronic	USD 80	**USD 160**
Designation, each extra class	USD 10	**USD 20**
Registration, first class	USD 100	**USD 150**
Notice of opposition transmittal	None	**USD 100**
Appeal	None	**USD 500**

FOR TANZANIA **Section 28A recognises ARIPO marks, but ARIPO has kept Tanzania ineligible for new designations.** Use national filing for new work.

THE PEOPLE

YOUR IP TEAM.

We file, oppose, enforce and advise on IP across Tanzania and Zanzibar, and work with trusted partners across the region.



Sunday Ndamugoba

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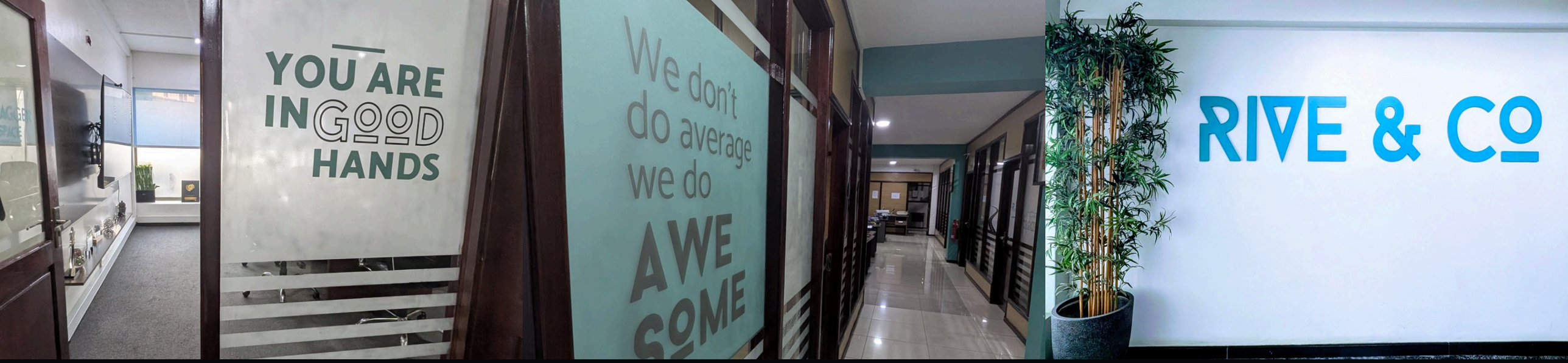


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This newsletter is general information and not legal advice. The law is stated as at 30 October 2026 and may change. Sources: the Written Laws (Miscellaneous Amendments) Act No. 6 of 2026; the Merchandise Marks Act, Cap. 85 R.E. 2023, and the Merchandise Marks (Recordation) Regulations, 2025 (GN No. 352F); FCC notices and its letter of 28 July 2026; ARIPO notices; the judgment in Civil Appeal No. 593 of 2022; our High Court and BRELA files; KIPI, URSB, RDB and BPRA publications; the Zanzibar Gazette; the Secured Transactions (Movable Property) Act, 2026 (Act No. 5 of 2026); the Daily Monitor and URSB on Uganda. Speak to a qualified advocate before acting.