

20 Jan
2020

Counterfeit hotspots in Tanzania that brand owners must be aware of

In the latest installment in our regular series on marketplaces around the world that are reportedly notorious for being counterfeit havens, we head to the African nation of Tanzania.

With interminable shores along the Indian Ocean and a total area of 947,303 square kilometers, Tanzania is the largest country in East Africa. Primarily due to its vast natural resources, Tanzania has achieved high growth rates in recent years and is currently experiencing stable economic development. Despite this positive growth, the trade of counterfeit goods is a rising problem in Tanzania.

According to [a detailed report](#) on fake goods in East Africa from 2017, Tanzania is noted as experiencing “a large and growing challenge” when it comes to fighting counterfeits. The research further found that “a majority of consumers” in Tanzania purchase fake goods “due to ignorance and when they are short of money”, with the Tanzanian government blamed for lax monitoring of its borders, vested interests and corruption.

For that reason, we reached out to [Zeina Salameh](#), shareholder at [Saba Intellectual Property](#), who explains how brand owners can tackle counterfeit goods in Tanzania and – crucially – identifies some of the hotspots that rights holders should have on their enforcement radars.

In a nutshell, what should a rights holder know about enforcing against counterfeit goods in Tanzania?

The primary anti-counterfeiting legislation in Tanzania is set out in the Merchandise Marks Act (Cap 85), containing criminal sanctions for trademark infringement. Under this legislation, a person commits an offense if, in the course of trade or business, they apply a false trade description to goods, or supply or offer to supply any goods bearing such a false description. Although typical trade descriptions cases cover misperceptions as to quality, the application of a trademark to goods may be a false trade description as well.

The Merchandise Marks Act is enforced by trading standards officers employed by the local authorities (which are under a statutory duty to enforce the Act). The officers are part of the Fair Competition Commission (FCC) with the aim of promoting and protecting effective competition in trade and commerce, as well as protecting consumers from unfair and misleading market practices. The ultimate goal is to increase efficiency in the production, distribution and supply of goods and services

Following a complaint, officers are empowered to make test purchases, enter premises, and inspect and seize goods with the help of the police, customs or any other public authorities. It should be noted that a complaint is unlikely to succeed without the support of a trademark registration certificate. It should also be submitted along with an Indemnity Bond undertaking to compensate the FCC for the costs relating to the inspection, seizure and other claims in the event the goods are found to be genuine.

Offenses under the Merchandise Marks Act result in payment of fines and imprisonment. The punishment will depend largely on the gravity and the scale of the infringement and the persistence of the defendant. Officers of the FCC do not have *ex officio* powers.

Turning to border measures, the customs authorities also lack any legislative authority to exercise *ex officio* detention of *prima facie* counterfeit goods. Rights holders must investigate any potential import of counterfeit merchandise sufficiently in advance of the actual import. Complaints may also be filed before the Tanzania Food and Drug Administration FDA, responsible for protecting and promoting public health through the control and supervision of food safety, dietary supplements, prescription and over-the-counter pharmaceutical drugs (medications), vaccines,

medical devices, and cosmetics. The FDA will then ask the Customs authorities to take reasonable measures to detect and detain the subject goods.

Does landlord liability exist in Tanzania?

The owners of a marketplace are not liable for fakes being sold on their premises. Rights holders can only target specific stall/store owners.

Counterfeit hotspots you should know in Tanzania:

The main problematic areas are in the northern areas of Tanzania.

Kariakoo market

Location: A very busy and crowded area in Swahili Street in Dar es Salaam ([map link](#)).

Counterfeit risk factor: Very high

Fakes known to be sold there All products, including electronics, auto spare parts, and clothing.



Kariakoo market is located in the city of Dar es Salaam

Manzese market

Location: Another popular market in Dar es Salaam, found by the busy Morogoro Road ([map link](#)).

Counterfeit risk factor: High

Fakes known to be sold there All products, but mainly fake fashion branded clothing.



Dar es Salaam is a major city and commercial port on Tanzania's Indian Ocean coast

Arusha, Mwanza, Mara, and Kilimanjaro

Location: The northern part of mainland Tanzania (map link to [Arusha](#), [Mwanza](#), [Mara](#), and [Kilimanjaro](#)).

Counterfeit risk factor: Relatively high

Fakes known to be sold there All products.



Arusha is a city located at the base of volcanic Mount Meru

Read previous articles from this series:

- ***Africa and Middle East*** – [Ethiopia](#), [Kenya](#) and [Morocco](#)
- ***Americas*** – [Argentina](#), [Brazil \(part one\)](#) ([part two](#)), [Canada](#), [Chile](#), [Colombia](#), [Dominican Republic](#), [Ecuador](#), [Nicaragua](#), [Paraguay](#), [United States \(New York\)](#) and [Uruguay](#)
- ***Asia Pacific*** – [Australia & New Zealand](#), [Cambodia](#), [Indonesia](#), [Kazakhstan](#), [Myanmar](#), [Nepal](#), [Russia](#), [Taiwan](#), [Thailand](#) and [Vietnam](#)
- ***Europe*** – [Belarus](#), [Cyprus](#), [Czech Republic](#), [Greece](#), [Malta](#), [Poland](#), [Portugal](#), [Scotland](#), [Spain](#), [Turkey](#) and [Ukraine](#)