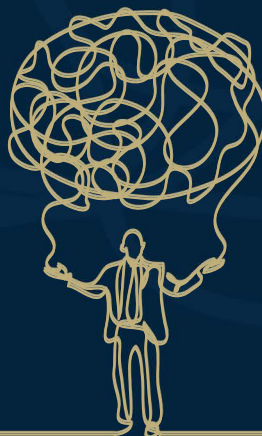


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**BULLETIN**

**April 2022**



**UAE**

A New Era for Copyrights

Busting Screens: Online  
Anti-Counterfeiting Measures

**AFRICA FOCUS**

Mainland Tanzania and  
Zanzibar: An Oasis Worth  
Considering

# Meet us at IACC

Annual Conference 2022  
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Rami Abdallah



Salah Samhouri

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## UAE | A NEW ERA FOR COPYRIGHTS

**The United Arab Emirates (UAE) launched the Emirates Reprographic Rights Management Association (ERRA). The founding of the ERRA, a first-of-its-kind association in the region, comes in light of the UAE's vision to promote creativity, protect the copyrights of content creators, and safeguard the rights of authors and publishers through appropriate laws and legislations.**

By way of background, reprographic or reproduction rights organizations manage copyright protection of content through voluntary private agreements or through legal licensing system created by local law.

In the UAE, the ERRA will be monitoring the re-use of print and digital works in educational institutes, copy and print centers, as well as public libraries.

The creation of such a reprographic rights organization as ERRA are indicative of the UAE's commitment to promoting, guiding, and executing legislation and laws that protect the intellectual property of publishers, author, and other creative workers.



## UAE | BUSTING SCREENS: ONLINE ANTI-COUNTERFEITING MEASURES



The United Arab Emirates (UAE) has garnered an illustrious reputation of having one of the most robust anti-counterfeiting regimes in the Middle East and North Africa (MENA) region. The UAE, which is hailed as a desert oasis of opportunities, offers a prime location for the launch and marketing of international brands and is an international center for transit trade in the region. However, the UAE is also inundated by counterfeit goods being sold in marketplaces, both in physical and virtual premises.

In spite of this, online infringers selling counterfeit goods are not able to seek refuge for long behind their screens. In practice, brand owners can rely on the solid foundation that has been implemented through the Court systems. Court actions are available as a remedy for online infringement if the brand owner is able to associate the infringer with a local entity or individual in the UAE (the owner of the webpage should have physical presence in the UAE). In some instances, and with sufficient evidence, such as pictures of the infringing or counterfeit products, being provided to the authorities concerned, this can result in a website being blocked until a decision is reached.



**UAE | BUSTING SCREENS: ONLINE ANTI-COUNTERFEITING MEASURES**

Take for example the Emirate of Dubai, one of the seven emirates that make up the UAE, where a specialized taskforce that is the Criminal Investigation Division (CID), operating under Anti-Economic Crimes Department has been established within the Police and is in charge of all electronic crimes. While other Emirates follow similar procedures; however, online services are only available in Dubai.

The definition of an electronic crime includes, but is not limited to, the sale of fake goods on the Internet. As such, the CID taskforce launches an investigation of an alleged electronic crime based on a complaint filed by the brand owner on online marketplaces, e-commerce websites, and even social media accounts and/or pages involved with the sale or promotion of counterfeits. It is worth noting that the above-mentioned taskforce has the legal jurisdiction and technical competence and proficiency to block websites that engage in selling or promoting counterfeit products from being accessed by unsuspecting online shoppers.

By way of background, the Dubai Economic Development Department (DEDD) has successfully shutdown tens of thousands of social media accounts peddling fake and counterfeit merchandise since its inception in 2016. However, it is worth noting that, the DEDD has hesitated to take any measures against online infringement unless the trader or owner of the webpage that is suspected of selling counterfeit products has a physical presence in the UAE and holds a valid trade license. The DEDD will, however, liaise with the Telecommunication Regulatory Authority (TRA) to take down a page or an .ae domain name unless the trader or owner of the webpage that is suspected of selling counterfeit products has a physical presence in the UAE and holds a valid trade license.

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## AFRICA FOCUS | MAINLAND TANZANIA AND ZANZIBAR: AN OASIS WORTH CONSIDERING

With interminable shores along the Indian Ocean and a total area of 947,303 square kilometers, Tanzania is the largest country in East Africa occupying an unrivaled regional role that is increasing in significance. Due to its vast natural resources, Tanzania has achieved high growth rates and is experiencing stable economic development.

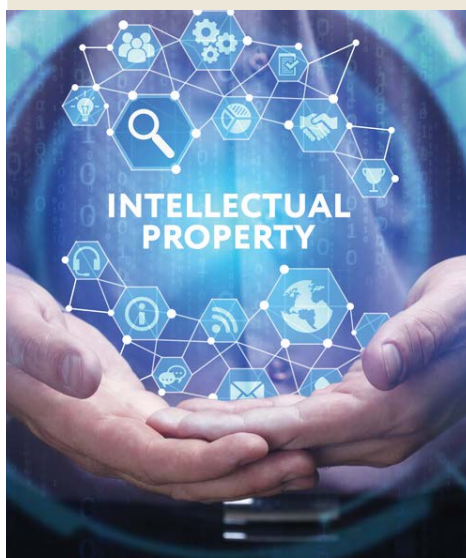
Tanzania encourages foreign investment, given that the financial sector has expanded in recent years and foreign-owned banks account for about 48 percent of the banking industry's total assets. The annual GDP growth averaged seven percent due to good performance in the services sector. The GDP is US\$150.3 billion, while the GDP per capita is US\$3,100. The GDP composition is 24.5 percent for agriculture, 27.6 percent for industry, and 47.3 percent for services.

Tanzania maintains legislations for the protection of trademarks, patents, designs, and copyright. In addition to being a signatory to the TRIPS Agreement, Tanzania observes the WIPO Convention, and the Paris Convention. Furthermore, Tanzania is also a party to the Agreement on the Creation of the African Regional Industrial Property Organization (ARIPO) and the Harare Protocol.

Two trademark offices operate in Tanzania, one is located in the mainland and the other is in Zanzibar, and registration in the mainland does not extend to Zanzibar. In mainland Tanzania, matters pertaining to trademarks are governed by the Trade and Service Marks Act of 1986. As for Zanzibar, trademark matters are governed by the local Industrial Property Act of 2008 and local



## AFRICA FOCUS | MAINLAND TANZANIA AND ZANZIBAR: AN OASIS WORTH CONSIDERING



Industrial Property Regulations of 2014 that provide parallel frameworks with the mainland through which trademarks are applied and upon meeting the statutory requirements registration is granted by the TMO in Zanzibar.

Trademarks are registered in mainland Tanzania and Zanzibar in accordance with the 10th edition of the Nice Classification, and a single application cannot include several classes. Provisions apply for the registration of collective marks and certification marks in Zanzibar, but not mainland Tanzania.

Protection of a trademark in the mainland is for a period of seven years from filing date and is renewable for an indefinite period of 10 years. As for Zanzibar, the first registration period is 10 years, which can be renewed indefinitely for a duration of seven years. However, it is worth mentioning that the duration of registration for a trade or service mark registered under ARIPO system designating mainland Tanzania is 10 years and is renewable for an indefinite period of 10 years.

On the patents front, Tanzania acceded to the Patent Cooperation Treaty in 1999. It is worth noting that Zanzibar does not have the capacity to enter into international agreements on its own, and international agreements - including the PCT - are specified as union matters under the constitution. Accordingly, Zanzibar is bound by the PCT.

Foreign patent applications in mainland Tanzania and Zanzibar may be filed claiming 12 month Convention priority or entered as national stage via PCT within 30 months from the earliest claimed priority. Furthermore, it is also possible for a patent to be obtained by an ARIPO-PCT application. In line with expected PCT Rules, patents are protected for a period of 20 years from the international filing date. Annuities in mainland Tanzania and Zanzibar are due annually on the anniversary of the international filing date and payable as of nationalization of the application.



## AFRICA FOCUS | MAINLAND TANZANIA AND ZANZIBAR: AN OASIS WORTH CONSIDERING

In more recent developments, the Patent and Trademark Offices in mainland Tanzania announced that trademark applications and patent applications may be submitted electronically as of January 2018. In addition to registration, renewals and recordal such as assignments, licenses, and changes of name or address may also be filed online. Accordingly, the new process involves uploading an electronic application to the online system, along with soft copies of the power of attorney and priority document.

Tanzania remains a country with high aspirations that welcomes foreign investments. A healthy balance between the latter and local development is bound to be beneficial for the country's own growth. The proper application and enforcement of IP laws should help Tanzania become more of an innovative hub in East Africa and lead to this required healthy financial balance.





**THE BIGGER YOU GROW,  
THE STRONGER WE GET**



**90<sup>+</sup>**  
YEARS

**50<sup>+</sup>**  
JURISDICTIONS

**1**  
FIRM

COUNSELING | PROSECUTION | ENFORCEMENT

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