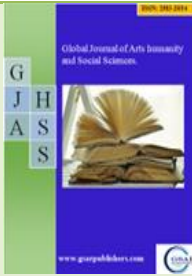


 **Global Journal of Arts Humanity and Social Sciences**
ISSN: 2583-2034
Abbreviated key title: Glob.J.Arts.Humanit.Soc.Sci
Frequency: Monthly
Published By GSAR Publishers
Journal Homepage Link: <https://gsarpublishers.com/journal-gjahss-home/>



Volume - 5 | Issue - 10 | October 2025 | Total pages 771-778 | DOI: 10.5281/zenodo.17255191

THE LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS IN TANZANIA MAINLAND: INTERNATIONAL COMPLIANCE AND DOMESTIC CHALLENGES

By

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Abstract

This article analyses the general concept of Geographical Indications, the extent of the protection and the compliance with international commitment. Further analysis the challenges facing effective enforcement, drawing on comparative insight and policy examination, the article established the recommendations for strengthening protection of Geographical Indications, by ensure the international compliance to protect local product and community interest.

Keywords: Geographical Indications, Legal Protection, International Compliance and Local Realities.

Article History

Received: 25- 09- 2025

Accepted: 30- 09- 2025

Published: 03- 10- 2025

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INTRODUCTION

An overview of Geographical Indications

In globalizing world economy, intellectual property has grown to include not just inventions and works of art, but also culture, tradition and geography.ⁱ One of the more recent areas of intellectual property is Geographical Indications which is a form of a collective right for a specific group of people which grants rights to the association of the pertinent products to the geography.ⁱⁱ Unlike trademarks, which are often individual and commercial in nature, Geographical Indications represent a community-based right grounded in location, traditional knowledge and socio-cultural identity.ⁱⁱⁱ There is rapidly growth of the Geographical Indications protection worldwide because of the possibility to foster rural development, culture and economy in agrarian countries like Tanzania.^{iv}

Basically, the term Geographical Indications mean the form of intellectual property that expressed a product originating from the specific location, whereby the quality, reputation or other features are linked to specific origin.^v It may differ from other indications in aspect of products or goods such as Trademarks, Appellations of

Origin and Indications of Source established by different international instruments, however, it make a relations between the source and the quality or distinct features of the product to its geographical origin.^{vi} They contribute to distinguishing the local goods in international market, preserving the cultural heritage and emphasized the rural and regional economic changes.^{vii}

Also, from the economic perspective, the Geographical Indications provide some distinct advantages. They provide a differentiation in the market while commanding a higher price by marking them as authentic and quality products.^{viii} From the social perspective, they also foster collective identity, support rural development, and provide motivation to preserve traditional knowledge systems. From the environmental perspective, they tend to promote sustainable practices that are often associated with the area. Nonetheless, the extent of these advantages is significantly influenced by the strength and precision of the system that is legally defined for their recognition and protection.

However, Geographical are divided into two broad groups, which including the protected Designation of Origin and Protected Geographical Indication. The indicates that all stages of production, processing and preparation must take place in the



defined geographical area to ensure the strongest connection between product and place.^{ix} In contrast, a PGI still necessitates that at least some production or processing takes place in the defined area, which adds flexibility while still being geographically relevant.^x Also, within Geographical Indications, we often find TSG or Traditional Specialized Guaranteed. It is more focused on the production techniques used rather than the place from which the product originates.^{xi}

Normally, different tools are available in the world legal system for the safeguarding of Geographical Indications. The Paris Convention of 1883 is not Geographical Indications focused, yet it provided some support through its article dealing with unfair competition, which helped protect the names of some Geographical Indications that could mislead consumers.^{xii} The most important progress in this area was made in 1994 with the introduction of the Agreement on Trade-Related Aspects of Intellectual Property Rights,^{xiii} whereby this instrument make the impact on the protection of such Geographical Indication by provide the that the members states have the obligations to formulated the legal means for interested parties to protect and avoid the use of Geographical Indications that mislead the public or unfair competitions.^{xiv} Also the various areas in African region governing by the African Regional Intellectual Property Organizing countries. Under African Regional Intellectual Property Organizing, members state governing by the Banjul Protocol on Marks.^{xv} This instruments establishment of trademark filing system in which members can file application for protection of marks. The African Regional Intellectual Property Organizing system ensure members to apply for registration process as collective trademarks. Similarly, Tanzania being a member and belong to African Regional Intellectual Property Organizing. The organization ensured to protects Geographical Indications by facilitating the adoption of Regional legal frameworks for Geographical Indication that contribute the protection across its member states, allowing countries to register Geographical Indication as collective trademarks through the Banjul Protocol on Marks.

Further, Tanzania Mainland legal regime on protection of Geographical Indications is still at a developmental stage because in Tanzania Mainland there is neither a specific legislation nor express provisions on protection. Evidenced from the provisions of Trade and Service Marks Act,^{xvi} which under section 19 avoid the registration process of a marks which is likely to cause confusion and misleading as to the nature or geographical or other origin of the product or services concerned. Also, the Merchandise Marks Act,^{xvii} was established to regulate the aspect of Geographical Indication indirect by preventing the false indications of origin and misleading descriptions related to products.^{xviii} The establishing of the Fair Competition Act,^{xix} provides complementary to protecting the effective competition in market and prevent consumers from unfair practices, the establishment of the Act play the important role on the protection of the Geographical Indications in Tanzania by encourage the preventing unfair competitive practices that could misunderstand the consumer about the true origin of goods that provide specific under section 16 of the Act.

Given those circumstances, this article intending to analyses the legal protection of Geographical Indication in Tanzania Mainland, the compliance of Tanzania laws to international legal standards on protection of Geographical Indications and the various challenges affecting the enforcement mechanism. So, it seeking to establish actionable recommendation for strengthening Tanzania legal framework on protection of Geographical Indications, thereby safeguarding the domestic products.

THE LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS IN TANZANIA MAINLAND

Domestic Legal Framework

Tanzania has a unique protection of intellectual property rights system which is based on the dual registration and enforcement mechanism. Tanzania is a union between Tanganyika and Zanzibar under which only matters of the Union are centrally regulated and the rest of the matters are independently dealt with by each side of the Union.^{xx} Notably, the protection of intellectual property rights including Geographical Indications is not a Union matter, hence, each side of the Union has her own legal and regulatory structure. This has resulted into duality of intellectual property legal frameworks with some variations in substantive features, the procedural and regulatory structural set up, hence, it serves to explain the current mismatch of the Geographical Indications laws in either side of the Union.

Therefore, this section intending to justifies the legal protection of Geographical Indications in Tanzania Mainland and provide that, the protection of Geographical Indication in Tanzania Mainland was depend within the framework of intellectual property law including, Merchandise Marks Act,^{xxi} that was established for the purpose and matters connected to unfair commercial practices including misrepresentation, counterfeiting and consumer deception. In reference of Geographical Indications, it plays an important indirect in protection by provide the offence against the false or misleading use of indications relating to the origin, nature or quality of goods.^{xxii} Also, under Section 12 of the Act provide that any person who applies a false trade description to goods or supplies goods with misleading labeling, is liable to penalties.^{xxiii}

Another law is Trade and Service Marks Act,^{xxiv} this statute provide the registration of certification marks and collective marks, which can be used by producer associations or cooperatives to provide that, the products possess particular qualities or originate from specific geographical regions.^{xxv} The Act, established the certification mark that may be registered to signify that a product or goods to meets certain defined standards of origin, quality, material or mode of manufacture process.^{xxvi} This established the legal chance through which groups of producers may make the registration process and protect a shared designation that indicated their goods as originating from a defined geographical location.

The Registration Process

However, the registration of Geographical Indications in Tanzania Mainland was governing by the Business Registrations and

Licensing Agency, which function to oversee intellectual property right including the certification of marks, so the current legal institution allowed to registration of Geographical Indications as certification marks. This system established the applicant to demonstrate that the reputation or other features of their products are essentially attributable to their geographical origin.^{xxvii} Also, the application process base on submission of documentations to BRELA such as geographical name, production standards and evidence to link between the product and place of origin, if was accepted, the Geographical Indications is registered as a certification mark. The protection offered contribute that only those complying with the stipulated production standards may use the Geographical Indications label, hence avoid consumers misuse and contribute competitiveness.^{xxviii}

The Rights Granted to Geographical Indications Holders

The rights granted by the holder provide the right to avoid the third parties from misuse the indication, specific mislead consumer or dilute the quality of the protected goods. Enforcement process are established under Merchandise Marks Act, which provide the criminalizes the false application of Geographical Indications and provide the authorities to seize the misuse of the products.^{xxix}

The Enforcement Mechanisms

In Tanzania, the Protection and Enforcement of Geographical Indications is done through acts such as the Merchandise Marks Act^{xxx} and the Trademarks Act.^{xxxi} These acts give the relevant authorities the powers to deal with unfair competition, misrepresentation and counterfeiting of products with geographical names. The Fair Competition Commission is the primary institution in charge of fighting such nefarious activities, whereas Business Registrations and Licensing Agency is in charge of the related registration and administrative functions. On top of these, the Tanzania Bureau of Standards and the Tanzania Food and Drugs Authority assist in the primary enforcement through their regulatory and certification functions. Despite these legal frameworks, enforcement still poorly due to limited technical expertise, resource constraints and overlapping institutional functions. As a result, counterfeit goods often infiltrate both domestic and export markets, affecting genuine producers.^{xxxii}

Challenges in Implementation

Tanzania Mainland there is no dedicated law or specific regulatory body for the registration and enforcement process of Geographical Indications. Instead, existing indirect institutions and laws such as the Merchandise Marks Act,^{xxxiii} and the Trademark and Service Marks Act,^{xxxiv} which contribute indirect or fragmented protection. These statutes address issues of misrepresentation, consumer protection and unfair competition, but do not offer a coherent legal definition, procedural mechanism, or registration process for Geographical Indications.^{xxxv}

THE COMPLIANCE OF TANZANIA LAWS WITH INTERNATIONAL STANDARDS ON PROTECTION OF GEOGRAPHICAL INDICATIONS.

The discussion of this part intended to provide the way Tanzania Mainland legal framework for Geographical Indications under the broader international legal order. It provided the responsibility imposed under the Agreement on Trade-Related Aspect of Intellectual Property Rights and then, justifies how those international standards are related in Tanzania domestic legislation and practice, so by doing this, the part is intended to established the extent to which Tanzania has fulfilled its commitments, while also provide the challenges and practical gaps that affect the compliance consider:

An Overview of TRIPS-Agreement Obligations

Basically, the establishment of the Agreement of Trade-Related Aspect of Intellectual Property Rights^{xxxvi} established by the World Trade Organization identify the most comprehensive multilateral instruments on intellectual property. It provided the international standards for regulating and protection of Geographical Indications specific under Article 22 to 24, whereby the member states should provide the legal means for controlling and prevent the misuse or misleading geographical names that confused the public as to the true origin of products or that constitute acts of unfair competition, so this ensured the unique reputation and qualified products related to specific region.^{xxxvii}

Also, under Article 22(1) of the Agreement of Trade-Related Aspect of Intellectual Property Rights^{xxxviii} provide that, Geographical Indications as an indication that show a product as originating in a certain area of a member or locality in that location, where a given quality, reputations or other features of the products is important attributable to its geographical origin. This meaning reflected that, the products such as agricultural products, foodstuffs and other products, where the location of production contributed a decisive role in creating the features of the product. The protection offered within this provision allow producers to avoid third parties from misleading geographical names if such use deceives consumers on established the reputation of the goods.^{xxxix}

However, the Agreement goes further in Article 23, which provide enhanced protection for wine and spirits. Unlike general protection that provide under Article 22 of the Agreement, where proof of consumer misled is necessary, Article 23 control and avoid the use of the geographical name for wine and sprits even where misuse practices are absent. For example, a producer outside Champagne-style or Champagne-type regardless of whether consumer is confused. This higher threshold related the long-standing economic and cultural benefits of wine and spirit in global trade and lobbying power of states with established markets in those sectors.^{xl}

How Tanzania Aligns Domestic Laws with TRIPS

In Tanzania, compliance with the TRIPS Agreement by achieved through the adaptation of its existing intellectual property system, rather than by established the sui generis law devoted exclusively

to Geographical Indications. The existing statute including the Merchandise Marks Act and the Trade Marks, both laws are administered by the Business Registrations and Licensing Agency. These statutes established the Geographical Indications to be registered indirectly in the way of certification marks, which provide the legal protection to geographical names used to show products originating from specific area.^{xli} In this aspect, the producer associations or cooperative are typical applicants as they can establish that the goods possessed qualities or status important attributable to its geographical origin.^{xlii}

Nevertheless, the reliance on trademark law as the primary law for protection of Geographical Indication has certain implications. Certification and collective marks established protection, but they do not fully capture the unique collective and cultural dimensions of Geographical Indications, specific when compared with a sui generis system including as that adopted by the European Union. In addition, the system places administrative and financial burdens on producer groups, as registration and compliance with certification requirements may be costly and procedurally complex. This has limited the extent to which smallholder farmers and local societies can take benefit of Geographical Indication protection, leaving much of Tanzania rich agricultural and artisanal heritage underutilized in international trade. Consequently, while Tanzania has formally aligned its laws with TRIPS, its model of compliance connected only a partial and functional approach rather than a comprehensive regime tailored specifically to the protection of Geographical Indication.^{xliii}

The Comparison with Other Countries

However, when you compared with other state in the East African region, Tanzania approach to safeguard Geographical Indications still comparatively underdeveloped. For example, Uganda has established the provisions under its Geographical Indications Act that protected Geographical Indications as indications of source, while also administer the policy frameworks to contribute their registration and commercial utilization. This has enabled Uganda to begin exploring the potential of Geographical Indication in encouraged the rural development and protecting the traditional products.^{xliv}

In contrast, Tanzania still to depend heavily on the use of certification and collective marks under the Trade Marks Act established by the Business Registrations and Licensing Agency, without established a sui generis system. This reliance on the trademark system shows the minimum requirements of the Agreement on Trade-Related Aspect of Intellectual Property Rights but absence the detailed mechanisms demand to control production standards, facilitated collective ownership rights and establish broader international enforcement. The lack of a specific law means that Tanzanian producers are left with a scattered system, where protection base on largely on the initiative of producer associations and cooperatives, many of which lack the financial and institutional ability to navigate complex registration procedures.^{xlv}

Thus, these comparative experiences reflect that while Tanzania reliance on the trademark system established a minimal level of compliance with international obligations, it does not harness the full economic, cultural and legal potential of Geographical Indications. The absence of a specific legal system has constrained the capacity of Tanzanian producers especially in area such as coffee, tea and cotton to exploit niche markets that reward originality and regional identity. So base on this situation, Tanzania could consider established a sui generis system or at least strengthening existing law and institutional frameworks, drawing lessons from neighbor countries and international good practices.^{xlvi}

The Limitations and Gap in Compliance

Further, despite Tanzania Mainland compliance with the Agreement on Trade-Related Aspect of Intellectual Property Rights by the recognized Geographical Indications protection through the Trade Marks Act and the Merchandise Marks Act, actually have the limitations still in both substance and practice. Among of the limitation is the lack of a sui generis system especially specific on protection of Geographical Indications. Also, without such a framework, the Tanzania fails to control critical elements such as collective ownership of rights, detailed production specifications and state-supported quality assurance mechanisms. Instead, safeguard is left to producer associations to register certification, which is more expensive, especially for local farmers who involved on agricultural economy. In many cases, these local farmers lack the technical expertise, financially resources and organizational ability demand to meet registration procedures, thereby excluding the majority of potential beneficiaries from enjoying Geographical Indication protection.^{xlvii}

However, another limitation base on the poor institutional and enforcement framework. While the Business Registrations and Licensing Agency encourage trademark and Geographical Indications interrelated on registrations, enforcement against counterfeits or misuse often falls under the jurisdiction of the Fair Competition Commission, the Tanzania Bureau of Standards and other authority. So, these authorities face limitations such as inadequate technical expertise on Geographical Indications, shortage resources and overlapping functions caused by the weak monitoring and poor enforcement mechanism of Geographical Indications rights. This aspect affecting the credibility of Tanzania legal framework on Geographical Indications and affected incentives for producers to register their goods, as the perceived advantage do not outweigh the costs of compliance.^{xlviii}

In addition, the legal framework in Tanzania does not adequately to provide for international protection of Geographical Indications, a critical aspect in the period of globalization. Unlike the European Union co approach, where registered Geographical Indications receive protection across all member country within harmonized system, Tanzania Geographical Indications have the absence of automatic protections in export markets. Producers are therefore encouraged to involved in costly and lengthy registration system in each state where safeguard is sought. The challenges disproportionately affect products such as cotton in Mwanza,

which enjoy significant global demand but still weak to misuse in global markets. In Such misuse not only erodes the economic potential of Tanzania producers but also affecting consumer trust by passed the circulation of counterfeit products under Tanzanian names.^{xlix}

Generally, there speed of the lack of awareness among producers, policymakers and consumers in connection to the value and legal benefits of Geographical Indications. So, in most case show that most domestic farmers are unfamiliar with the registration process, the collective rights dimension of Geographical Indications. Weak government initiatives in education, sensitization and institutional support exacerbate this problem. Unlike in countries such as India, where awareness campaigns and state-backed initiatives have encouraged the successful registration of numerous Geographical Indications, producers function with limited knowledge of the economic, cultural and legal benefits connected to these rights. This knowledge gap, when combined with weak institutional enforcement, hampers the ability of Geographical Indications to operate as ways for rural empowerment, cultural preservation and export competitiveness. Unless Tanzania take-action on the legal changes, institutional reforms and awareness-raising programs, its compliance with Agreement on Trade-Related Aspect of Intellectual Property Rights will still largely formalistic, offering little practical benefit to local societies or the national economy.¹

THE CHALLENGES IN PROTECTING GEOGRAPHICAL INDICATIONS IN TANZANIA MAINLAND

Among of the challenges in safeguard Geographical Indications in Tanzania Mainland is the level of awareness. While Geographical Indications are internationally protected as ways for established the fair trade, control cultural heritage and contribute the rural development, in Tanzania the concept still relatively new and week understood outside academic and policy area. Most of the local farmers, artisanal producer is unfamiliar with the legal processes demands for registration, including a compiling technical specification, proving a goods distinctive quality and ensured the collective organizational framework. This skill gap means that even goods with higher reputations and historical ties to specific location such as Kilimanjaro coffee, Zanzibar cloves and Lake Victoria Nile perch still not registered as Geographical Indications and therefore susceptible to misuse by competitors in both local and global markets.^{li}

However, the absence of producer awareness is connected by limited consumer education. Most Tanzanian consumers are not sensitized to the distinguish between authentic Geographical Indications goods and generic substitutes, which ensure the market motivations for producers to contribute in Geographical Indications registration.^{lii} In states where consumer awareness program has been implemented, including Uganda, Geographical Indications labels serve as strong marketing ways that speed the consumer trust and help producers to command premium prices. The lack of similar sensitization motivations in Tanzania control the development of strong local needs for Geographical Indications

goods, provide producers dependent on export markets where enforcement is even more complex and expensive.^{liii}

Furthermore, the government does not contribute enough in public engagement to contribute awareness about the potential advantage of Geographical Indications. Most of the local farmers are not often provided with workshops, extension services and educational resources on intellectual property rights, show that Geographical Indication are required as abstract legal aspects rather than practical ways for developed livelihoods. Even government and local officials often does not have the technical skill about Geographical Indications, which limits their ability to encourage producers in navigating registration and compliance processes.^{liv}

In additions other limitation in safeguard Geographical Indications in Tanzania Mainland is the poorly institutional capacity and poor coordination among regulatory authorities. The Business Registrations and Licensing Agency is existing responsible for contributed the trademarks and certification marks that help to protected Geographical Indications, yet its functions as important commercial registration, not specialized intellectual property tailored to Geographical Indications.^{lv} Enforcement mechanism are dispersed among to the different institutions, such as the Fair Competition Commission, the Tanzania Bureau of Standards and customs bodies. This separation and scattered structure caused in overlapping functions, bureaucratic delays and challenges in responsibility, making it difficult for producers to established a single point of institution for Geographical Indication connected matters.^{lvi}

Also, due this institutional scattered, ability constraints seriously affecting the enforcement. The different institutions function with controlling and enforcing intellectual property laws function with inadequate human and financial resources.^{lvii} The Business Registrations and Licensing Agency, for instance, has limited personnel trained in intellectual property law, while customs officers at Tanzania borders often does not have the technical expertise required to show counterfeit product or products misleading Tanzanian-origin labels. The result is poorly controlling of local markets and ineffective border regulating, which allows counterfeit and misuse products to circulate freely, damaging both consumer confidence and producer interests.^{lviii}

Thus, the challenges further caused by the lack of a specific and centralized bodies especially on protection of Geographical Indications, which exist in other countries including Uganda. The absence such an institution, there is no systematic mechanism to support producers by the registration mechanism, controlling compliance with production standards or contribute international protection of Tanzania Geographical Indications.^{lix} Producers are often left to navigate the weak landscape on their own, which can be established by given the high expense and technical demands of registration. This institutional challenge not only related participation but also affected the credibility of Tanzania Geographical Indications regime at the global level, where stronger authority contributed the key important in safeguard producer interests and emphasized the consumer trust.^{lx}

On other hand, the high expensive of registration and enforcement also affected many local farmers and cooperatives from recognized to protect Geographical Indications. In practice, the situation of protecting a Geographical Indication is not merely a matter of filing a simple application but involves extensive documentation to prove the unique of the goods, its status and the precise connected between quality and geographical location.^{lxi} This demands expert studies, laboratory tests and the drafting of a comprehensive goods specification dossier, all of which demand financial resources that smallholders typically lack. Moreover, the procedural fees at registration offices, coupled with the costs of hiring lawyers or intellectual property consultants to navigate technical requirements, established additional challenges to access. For rural producers who already struggle with inadequate income and limited market chance, such costly are beyond reach.

Even where registration is achieved, enforcement of Geographical Indications rights identifies a further financial hurdle. Policing the market against misuse or misleading goods depend constant controlling, the institution of legal proceedings and sometimes international enforcement mechanisms, especially, where the product has export potential. These enforcement processes are not only lengthy but also require legal representation, expert witnesses and continuous involvement with administrative or judicial bodies. In Tanzania, where institutional support for local producers is poorly, most lack the organizational ability and financial resources to contribute and ensured the litigation. Consequently, misuse, middlemen or external traders exploit this gap, benefiting from the reputation of Tanzanian goods without contributing to local communities. This cycle provide inequality, as wealthy corporations or foreign entities can absorb the expensive of protection and enforcement, while the local farmers still excluded from the benefits of Geographical Indications protection.^{lxii}

RECOMMEDATIONS

Should enact dedicate Geographical Indications law, since Tanzania Mainland we depend on the Trade and Service Marks Act to regulate the Geographical Indications as a collective-marks, actually this Service Marks is inadequate and ineffective due it fails to related the collective and cultural measurements of product connected to specific location. The establishment of specific Geographical Indications law should establish a statutory definition of Geographical Indications, specific registration procedures, encourage of community ownership and relief against misuse of the products.

Another, important ways to ensure the protection of Geographical Indications in Tanzania Mainland is to strengthening legal and institutional framework. Currently, the legal framework on protection of Geographical Indications was governing by trademark law, but this system still scattered and insufficiently recognized to the unique nature of Geographical Indications. The establishment of specific law of Geographical Indications modeled on global best practices, would established a certain meaning, procedures for the registrations and enforcement mechanism on protection of Geographical Indication. So, the establishment of

such law must also empower regulatory authority to established specialized Geographical Indications with adequate expertise.

However, to increase the level awareness among the local producer groups is important if Geographical Indications are to be effectively utilized as ways for economic development. Currently, many producers still unaware of the value of Geographical Indications, their registration processes or their potential to contribute market access. Established the education program, training workshops and established the projects could bridge this gap by equipping producers with skill on product differentiation, branding and quality management. The different Universities and research institutions can also contribute important by controlling specialized programs and partnering with local producer associations.

On the other hand, the integration of Geographical Indications into national development planning, Geographical Indications should not be treated as separated aspect of intellectual property law but rather as cross-slicing equipment for agricultural transformation, change promotion and cultural historical past protection. Embedding Geographical Indications protection into national policy strategies, which includes the National Intellectual Property Policy, industrialization frameworks and agricultural improvement program, could realize their ability to feature cost to Tanzania exports and uplift rural livelihoods. Integration on the coverage degree could additionally, make certain that Geographical Indications make contributions to national policy dreams which includes poverty alleviation, rural empowerment and cultural branding.

Also, to reform policy to contribute to bring Tanzania domestic legal framework in line with international standards within the Agreement on Trade-Related Aspect of Intellectual Property Rights and to contribute the regional harmonization under the East African Community. Unlike the European Union, which has established the sui generis Geographical Indications system, Tanzania reliance on trademarks established only important compliance. Harmonization could base to established uniform Geographical Indications recognition principles under the East African Community to contribute international protection and trade.

Thus, to ratification and domestication of regional and international instruments, Tanzania does not completely recognize from local and international Geographical Indications legal frameworks to incorporate with the ARIPO Swakopmund Protocol, the AU Continental Strategy for Geographical Indications and the Lisbon Agreement on Appellations of Origin. Parliament should workout its treaty-making powers through ratifying and domesticating those Instruments into national level. The doing so might make bigger protection of Tanzania in overseas markets, beautify felony certainty and save you overseas misuse of origin-primarily based totally names, such as Mbeya rice or Mwanza cotton. The Parliament movement might additionally support Tanzania credibility in local change negotiations of the African Continental Free Trade Area.

Thus, to promotion and established of Alternative Dispute Resolution in Geographical Indications dispute, because Geographical Indications are collective rights involving multiple stakeholders, litigation can be costly, adversarial and time-consuming. Legal practitioners should encourage the use of mediation and arbitration for resolving disputes among producers, traders and regulatory authorities. ADR mechanisms protected community harmony, preserve long-term cooperative relationships and established cost-effective reliefs for small-scale producers who may lack the resources to engage in prolonged litigation.

Generally, to make acquisition of specialized expertise in Geographical Indications Law and Practice, Legal practitioners must actively construct their knowledge in Geographical Indications legal framework, which calls for going past traditional highbrow assets practice. This consists of reading international instruments consisting of the TRIPS Agreement, specific under Articles 22-24, the Lisbon Agreement on Appellations of Origin and the African Union Continental Strategy for Geographical Indications. They must additionally have a look at comparative fashions from jurisdictions consisting of the European Union, India and Morocco, wherein Geographical Indications are robustly protections by doing so, attorneys and judges in Tanzania can be

higher placed to interpret Geographical Indications associated disputes, draft powerful contracts for manufacturer associations and suggest legislature for the duration of law reform debates.

CONCLUSION

The aspect of protection of Geographical Indications in Tanzania is still at development stage, because it depending on trademark law and Merchandise Marks Act rather than a specific law on the Geographical Indications. Despite provide the minimum standards of the Agreement on Trade-Related Aspect of Intellectual Property, Significant there is challenges existed such as weak institutions, limited awareness and poorly enforcement mechanism. Those challenges have left many local products such as coffee and Zanzibar cloves weak to exploitation. So, the government should take various ways to ensured the protection of Geographical Indications including to established the sui generis system, building the institutional framework and to increased the level of awareness for important protection.

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