



November 13, 2023

**Remarks by His Lordship, Hon. Siyani M. Mustapher, the
Principal Judge of the High Court of the United Republic of
Tanzania's during a courtesy visit to WIPO**

**Mr. Daren Tang- Director General of World Intellectual Property
Organization (WIPO)**

**Dr. Marco Alemán, Assistant Director General, IP, and Innovation
Ecosystems Sector**

**Ms. Eun-Joo Min, Director, WIPO Judicial Institute, IES and
officials from WIPO Judicial Institute**

**Ms. Heike Wollgast, Head, IP Disputes Section, WIPO Arbitration
and Mediation Center**

**Mr. Emmanuel Rwaka Rugomboka, Counsellor, Division for
Africa, Regional and National Development Sector**

**Mr. Bajoe Wibowo, Counsellor, Division for Least-Developed
Countries, Regional and National Development Sector,**

Ms. Inés Fernández Ulate, Legal Officer, WIPO Judicial Institute,

Ms. Chiara Accornero, Legal Officer, IP Disputes Section, WIPO Arbitration and Mediation Center,

Ms. Rama Mwanundu, Consultant, Division for Africa, Regional and National Development Sector

Ladies and Gentlemen, Good Morning

It is my pleasure to be here today, and we are excited to meet with you after years of the collaboration. Please accept our thanks for the great hospitality and the warm welcome we have received in Geneva.

I would like to convey our sincere gratitude and profound appreciations to Mr. Daren Tang, Director General of the World Intellectual Property Organization for inviting the Leadership of the Judiciary of Tanzania to pay a courtesy visit to WIPO and participate in the WIPO Annual Judges Forum. Kindly accept greetings and appreciation from His Lordship, Prof. Ibrahim Hamis Juma, the Chief Justice of the United Republic of Tanzania.

Before you are members of the delegation who have accompanied me. I will start with Mr. Justice Wilbert Chuma, former Chief Registrar of the Judiciary of Tanzania. We have Upendo Ngitiri, Senior Resident Magistrate and the focal person of the Judiciary of Tanzania -WIPO collaboration. I believe you are very familiar with Upendo as most of you have been working closely with her. I have been also accompanied by Aidan Mwilapa, Deputy Registrar of the High Court of Tanzania, Jovin Bishanga, the Senior Resident Magistrate and Mr. Fadhil Mguta, my Personal Assistant.

I would like to take this opportunity to congratulate the Director General of the World Intellectual Property Organization for his outstanding Leadership and unwavering commitment in protecting and promoting

IP. His commitment is displayed by various WIPO works which have strengthened the use of IP for development across the World.

Our Special thanks goes to the IP and Innovation Ecosystem Sector particularly, the WIPO Judicial Institute and WIPO Mediation Centre under the dynamic leadership of Mr. Marco Aleman for the substantive works undertaken to build IP Judicial Capacity in Tanzania.

Today, marks the historical day of our collaboration which started way back in 2019. The collaboration between the Judiciary of Tanzania and the WIPO was fostered by a Country project which was initiated by Hon. Upendo Ngitiri following her participation in the *WIPO-PRV-Sida Advanced International Training Program on Intellectual Property for LDCs* which was organized by the Division for LDCs and the Government of Sweden. Through that project the Judiciary of Tanzania and WIPO, successfully held a joint National IP workshop for members of the Judiciary in 2019 in Dar es salaam Tanzania.

We would like to take this opportunity to reiterate our appreciations to WIPO, Division for LDCs for supporting the Country project at the initial stage which acted as bridge to our great relationship.

The collaborative endeavors between WIPO and the Judiciary of Tanzania have resulted in the signing of the MoU which formalized the cooperation.

I would like to commend, Ms. Alexandra Bhattacharya, former, Programme Officer in the Division for LDCs, Ms Nahal Zerbajdi, Legal Officer, in the WIPO Judicial Institute and Ms. Upendo Ngitiri for coordinating and facilitating the signing of the MoU on behalf of our Institutions.

We are grateful for having the formal collaboration with WIPO. We greatly appreciate the WIPO Judicial Institute under the outstanding leadership of Eun-Joo Min, for working closely with the Judiciary of Tanzania in implementing various areas of collaboration including the

exchange of judicial experiences, judicial capacity building, publication of the Judiciary of Tanzania decisions in the WIPO Lex judgment database and establishment of WIPO depository library in the Judiciary of Tanzania library.

I would also like to register my gratitude to Ms. Ines Fernandez, Legal Officer, in the WIPO Judicial Institute for effectively coordinating all matters regarding the implementation of the MoU on the side of WIPO.

The Collaboration between the Judiciary and WIPO has brought remarkable and significant achievements which has indeed strengthened judiciary's capacity building and the Judicial System and Services for IP protection in Tanzania. Allow me to register our gratitude as well, to you for your immense support and also bring on record some remarkable achievements which have been realized under this beautiful collaboration since 2019.

Capacity Building through Training

We greatly appreciate the remarkable colloquium on Copyright, Trademarks and Mediation of IP disputes that was held virtually in February and March, 2023. The colloquium has enhanced IP awareness among Judicial Officers in Tanzania and it provided a platform for discussion and exchange of experiences and expertise among judicial officers and prominent International IP experts on the most pressing IP issues in Tanzania.

Distance Learning Course for Judges

Again, my great appreciation to WIPO for offering distance learning scholarship to number of 263 Judges and Magistrates to join the WIPO Academy Distance Learning General Course. This course has enabled them to have a clear understanding on IP.

Annual Judges WIPO Forum

The WIPO Annual Judges forum has provided a platform for Tanzania Judges to exchange experiences in adjudication of IP Disputes with Judges from other Jurisdictions. It also provided a platform to exchange expertise among Judges on the most pressing IP challenges raised by accelerating innovation and the increasingly transnational use of IP. This year for instance more than 50 Tanzanian Judges have registered to participate in the WIPO Annual Judges Forum. Recognizing the important of Transnational judicial dialogue, the judiciary of Tanzania will always encourage judges to participate in such forum and whenever possible, allocate funds and send few Judges each year to participate in the WIPO Annual Judges forum herein Geneva.

Training Materials

I appreciate WIPO Judicial Institute for contributing immensely in developing the Training Materials on Copyrights and Trademarks. The training Materials serve as guide and resource materials to Tanzanian Judges and Magistrates.

The said training Materials are available online through the judiciary of Tanzania web and they have been very useful to Judicial Officers and IP Stakeholders in the Country.

It is noteworthy that the collaboration has impacted great number of Judicial officers. From 2019 to 2023 a total of 815 Judicial Officers has benefited from various WIPO Building Capacity Activities. The knowledge gained has enabled Judges to adjudicate IP disputes effectively and efficiently.

Notably, the building capacity activities have enabled Judges and magistrates to timely dispose IP Cases effectively and efficiently.

Furthermore, we believe that the knowledge so gained will strengthen the IP Jurisprudence in Tanzania and Judicial System and Services for IP protection.

Publication of Tanzania decisions on the WIPO Lex Judgment Database

The Judiciary of Tanzania is also very grateful for being accredited to publish the IP decisions in the WIPO Lex judgment database. I am aware that a total of 41 decisions have been already published in the WIPO Lex. We hope that more decisions will be published in due course considering the fact that there are various landmark decisions pronounced by Tanzania Courts between 2020 and 2023.

We are also very grateful for the summary of Tanzania IP decisions that have been developed by WIPO in collaboration with the Judiciary and published in the WIPO Lex judgment Database.

In connection to this, the Judiciary of Tanzania has recently created a special window for IP Cases in its new Electronic Case management system (eCMS) to ensure that IP cases filed in all Courts across the country are monitored easily. The special window for IP Cases will enable the judiciary to easily gather information on IP cases across the Country and to evaluate administration of IP Cases within the Judiciary of Tanzania.

Promotion of ADR

I would also like to convey our sincere appreciation to WIPO Arbitration and Mediation Centre for working closely with the Judiciary of Tanzania in enhancing Mediation services within the judiciary of Tanzania.

We are very grateful to Ms Heike Wollgast, and Ms. Chiara Accornero, for working closely with the Judiciary of Tanzania on behalf of the WIPO Arbitration and Mediation Centre

Furthermore, we would like to convey our profound thanks to WIPO Arbitration and Mediation Centre for offering Online Mediation facilities and 60 hard copies of the Mediation Rules and Guidelines to the High Court of Tanzania, Mediation Centre. The guidelines and rules offered

has enabled the Judiciary to learn the best mediation practices. Notably, the best practices learnt will be incorporated in both JoT Mediation Manual which is under review, and the Mediation Guidelines which is being developed.

I am also aware that the WIPO Arbitration Mediation Centre has offered an opportunity to seven Tanzania Judges to serve as WIPO Mediators. Among the seven Judges, four of them are women and we commend them for being listed as WIPO Mediators. This opportunity is highly appreciated by the Judiciary of Tanzania.

Establishment of WIPO Depository Library in the Judiciary of Tanzania Library

In 2021, the judiciary of Tanzania established the WIPO depository library in the Judiciary of Tanzania Library. Since its establishment we have received more than 140 publications from WIPO. All the publications offered are available in the WIPO Depository library and they are accessible to Judicial Officers and other Library Users.

Linking of WIPO Lex judgments with the Judiciary of Tanzania web. Currently there are various legal databases accessible through the Judiciary of Tanzania web.

The Judiciary of Tanzania would appreciate if permission is granted to allow linking of WIPO Lex judgments database with the Judiciary web. We believe that accessing WIPO Lex Judgments directly through the Judiciary web will enable more Judges to easily reach the WIPO Lex.

Joint Annual Physical Training on IP for Judges and Magistrates. While we appreciate online capacity building programs being conducted regularly by WIPO in collaboration with the Judiciary of Tanzania, we would also like to request a physical training once a year to ensure effective and maximum participation of Judicial Officers.

The Judiciary of Tanzania is grateful that its decisions have been published in the WIPO Lex Judgment database. However, there is a need to update them to include current decisions that have not been published in the WIPO Lex-Judgment database. There is also the need to keep a Compendium of digest of IP decisions up to date since there are landmark IP cases that have been decided between 2020 - 2023. In this regard the Judiciary seeks the support of WIPO in producing the summaries of the decisions to complete the collection.

Taking on board the Judiciary of Zanzibar in various WIPO judicial capacity building activities. I have noted that the Judiciary of Zanzibar is not participating in various WIPO judicial building capacity activities including Distance Learning Course for Judges. In this regard we would appreciate if WIPO will invite the Judiciary of Zanzibar to participate in various Judiciary building activities. I further noted that the Judiciary of Zanzibar was not involved in the Africa Regional IP bench book project which I am aware that WIPO is finalizing its preparation. We would like therefore to request WIPO to incorporate the judiciary of Zanzibar IP legal framework in the IP bench book.

If it is too late to take on board Zanzibar in the ongoing IP bench book project, we kindly request WIPO to support the idea of developing the IP bench book for Tanzania Mainland and Zanzibar in future because of the Unique nature of our Legal system and the union (Tanzania mainland and Zanzibar). For instance, Tanzania mainland lacks legislation on Geographical indication (GI) and Industrial design law while in Zanzibar these laws exist through Industrial Property Act (No. 4 of 2008). We believe that the Country specific bench book will be more comprehensive and will capture development of IP in both sides of the Union which cannot be reflected in the African Regional bench book.

Distinguished WIPO Officials, there is no doubt that the judiciary is increasingly playing a seminal role in the development of the intellectual property system as we grapple with an increasingly fast paced world with technological innovation.

Notably, it is undisputed that, the judiciary play a great role in shaping the landscape of Intellectual Property Rights and promoting socio economic development through the protection of intellectual property rights and fostering national innovation and creativity.

In that respect, I reaffirm the Judiciary of Tanzania's commitment in continuing building the capacity of Judicial Officers and strengthening cooperation with WIPO for development of a vibrant and sustainable IP and innovation ecosystem in Tanzania.

Lastly, I wish to take this opportunity to invite WIPO delegation to visit the judiciary of Tanzania. While in Tanzania, we would also like to invite you to visit our tourist sites such as Mount Kilimanjaro which is the highest peak in Africa, Serengeti National Park, Ngorongoro and Zanzibar Island. We would be very glad to host you.

With these remarks, I thank you so much for your warm welcome, it has been an honour and great pleasure to meet with you. This historical day will be cherished forever by the Judiciary of Tanzania.

Thank you