

**IN THE COURT OF APPEAL OF TANZANIA**  
**AT DAR ES SALAAM**  
**(CORAM: KOROSSO, J.A., KITUSI, J.A., And MASHAKA, J.A.)**  
**CIVIL APPEAL NO. 63 OF 2019**

**JUTORAM KABATELE MAHALLA ..... APPELLANT**

**VERSUS**

**VOCATIONAL EDUCATION TRAINING AUTHORITY..... RESPONDENT**

**(Appeal from the Decision of the High Court of Tanzania  
at Dar es Salaam)**

**(Mugeta, J.)**

**Dated the 25<sup>th</sup> day of September 2018  
in**

**Civil Case No. 54 of 2016**

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**JUDGMENT OF THE COURT**

25<sup>th</sup> April & 30<sup>th</sup> May, 2022

**KOROSSO, J.A.:**

The appeal arises from the decision of the High Court at Dar es Salaam (Mugetta, J.) that dismissed the appellant's (the plaintiff) claims against the respondent (the defendant) in Civil Case No. 54 of 2016. The appellant's claims were for several reliefs including payment of Tshs. 2,000,000,000/- as a substantive claim, payment of 20% for any continued production and sale of books, general damages, interest on the decretal sum of 12% from the day of filing the suit till full payment of costs, and any other reliefs that may be granted by the court.

The context of the appeal as discerned from the record of appeal,

particularly from the testimony of the appellant (PW1) is that he designed five (5) road traffic signs for people with disabilities (disputed road signs) and registered them on 6/10/2006 with the Copyright Society of Tanzania (COSOTA) as his inventions. COSOTA gave the appellant a certificate of registration of a business name No. 162 of 2009, which was admitted as exhibit P3 at the trial. The disputed road signs invented by the appellant were reproduced by the respondent in a book titled "*Taaluma ya madereva Toleo la pili*" where the author of the disputed literary work was acknowledged but not by name. In the respondent's book, there is a prohibition for any other person from using the disputed five road signs without authorization from the respondent. A prohibition, PW1 claimed that included himself, the inventor of the disputed road signs. According to PW1, the respondent's book was for sale at 750 VETA centres across the country at the price of Tshs. 7,000/- and thus interfering with his economic rights on the held copyright for the disputed road signs. A payment receipt was admitted as exhibit P6 to cement his assertion.

The evidence of Mr. Zephania Goodluck Lyamuya (PW3) employed as a License Officer at COSOTA, added weight to PW1's evidence that the appellant was granted by COSOTA copyright of the disputed road traffic signs, and COSOTA acknowledged receipt of the

appellant's work by way of a letter (exhibit P4). According to PW3, once invented work is registered at COSOTA it means the inventor has copyright, economic and moral rights over the inventions in terms of sections 9, 11, and 12 of the Copyright and Neighboring Rights Act, Cap 218 R.E 2002 (The Copyright Act).

The respondent denied the appellant's complaints. Mashaka Juma Kasala (DW1), an employee of the respondent responsible for the coordination of short courses acknowledged that the respondent produced a book titled "*Taaluma kwa Madereva*", as reference material for relevant students to assist them in their studies. He stated that the process of development of the revised version of the book involved various stakeholders, including Road Traffic Officers from the Police Force. He stated further that it was upon receiving the samples and directives to incorporate the disputed road traffic signs from the Ministry of Works through the Road Traffic officers that the respondent incorporated the same in the reference book revised edition of 2013. DWI denied claims that the said books were sold commercially, however, conceded that they were sold to the respondent's students at a small amount to offset incurred expenses in the reproduction of the books. He contended that the respondent could not have sold them commercially because he had no business licence, requisite bar code, or

serial number required for such sales. He also denied the appellant's allegation that the respondent prohibited him to sell the reference books containing the five traffic signs he alleged to have designed.

The trial court having heard the evidence from both parties, dismissed the suit and found in favour of the respondent. Dissatisfied, the appellant has filed an appeal to this Court fronting three points of grievances, which compressed are as follows:

**One**, faults the trial judge on statutory interpretation of copyright and copyright infringement. **Two**, faults the findings by the trial judge that the invented signs had been published in the Ministerial Highway Code of 2016 and given to the respondent by the Police Department whilst the same were not part of the list of the respondent's documents to be relied upon for evidence. **Three**, faults the trial judge in his holding that there was no copyright infringement even though the respondent's internal business about the reference book with the road signs was without the consent of the appellant and barred the inventor from use of the disputed road signs within.

On the day the appeal was called for hearing on 25/4/2022, the appellant was represented by Mr. Salum Ali Chambuso, learned Advocate while the respondent had no representation. The affidavit accompanying the notice of hearing, which was affirmed by the process

server, Juma Salum, showed that the respondent, the Solicitor General was duly served although did not enter appearance.

At the inception of the hearing, Mr. Chambuso informed the Court that both the appellant and respondent had filed their written submissions in terms of Rule 106(1) and 106(7) of the Tanzania Court of Appeal Rules, 2009 (the Rules) and thus prayed that in the interest of expediting the hearing and determination of pending cases the Court should proceed to determine the appeal based on the filed written submissions by the respondent under Rule 106(12) of the Rules.

Having heard and considered the prayer before us and satisfied that the respondent was absent despite being duly served to appear for hearing today and did file written submission on 18/4/2019, we granted the prayer sought and decided to hear oral arguments by the appellant's counsel and then proceed to determine the appeal in terms of Rules 106(12) and 112(4) of the Rules with respect to the respondent.

When accorded the opportunity to amplify the appellant's points of dissatisfaction with the trial court's judgment, Mr. Chambuso commenced by adopting the written submissions filed by the appellant on 22/3/2019 and then proceeded to submit generally on the three grounds of appeal.

Essentially, the appellant's counsel's oral and written submissions

address one issue, which is whether the respondent infringed the rights of the appellant regarding his literary work, that is, the invented five road traffic signs for people with disabilities (disputed road signs). The learned counsel questioned the trial judge for failing to find that there was an infringement on the appellant's copyright on the five road signs for people with disabilities after having correctly found that it was well established that it is the appellant who invented and registered them with COSOTA. The counsel argued that since DWI conceded that the respondent did publish reference books with the disputed five road signs and sold them to students as reference materials, essentially this was also an admission of selling the books and gaining economically without the consent of the appellant. The learned counsel contended further that this act amounted to copyright infringement as opposed to permissible use of a protected work without the author's consent in terms of section 12 of the Copyright Act which envisages use for personal and private use without exploitation and unreasonable prejudice to the legitimate interests of the author of disputed materials.

Mr. Chambuso further argued that the trial judge misinterpreted the meaning of copyright and copyright infringement when determining the matter as defined under sections 4, 5(1) and 14(1) of the Copyright Act. The Court was referred to the BLACK'S LAW DICTIONARY, ninth

Edition, page 386 where it discusses proof of copying an infringement action, stating that this requires evidence of the defendant's access to original work and substantial similarity of the defendant's work to the original. He argued that on page 851, infringement of copyright is defined as an act that interferes with one of the exclusive rights of a patent, or trademark owner. He argued that from the said definitions essentially, infringement of copyright is willful. He thus contended that the respondent's act of selling the book which included the appellant's invented work, as evidenced by exhibit P6, together with the act of debarring the appellant, the inventor, from use of his inventions therein, was an infringement of the appellant's copyright to his inventions, and that the trial judge should have found so. He challenged the trial judge's failure to acknowledge the economical and moral rights infringement committed by the respondent and thus prejudicing the rights of the appellant.

The second concern addressed by the appellant arose from the respondent's contention advanced by DW1 that they had received the disputed five road signs through the Police Force as provided in the Ministerial Highway Code 2016, the property of the Ministry of Works, Transport and Communication. He argued that the five signs were owned by the inventor and thus not the property of the Ministry of

Works, Transport and Communication since it is the appellant who surrendered to them and that they were published in 2016. Furthermore, he argued that the fact they were available to the public through the Highway Code, did not take away the appellant's copyright on them and that the public signs are for public use so long as the use does not interfere with economic and moral rights protected by the Copyright Act. According to the appellant's counsel, it was upon the appellant (then the plaintiff) to prove, which he did, the existence of similarity between the work under discussion and the work created before infringement.

The learned counsel argued that the trial judge's finding was faulty since the Highway Code was published in 2016, and the respondent's book was published in 2013/2014 as found in exhibit P1 thus it cannot be said that the Highway Code was available when the respondent's book was published. He argued further that even the other finding that the book containing the five signs was handed to the respondent by the Police Department cannot stand since the book produced by the Police on road signs was of 15/11/2010, and the said book was not for sale and thus cannot be said to have interfered with the economic and moral rights of the appellant, unlike the VETA reference book. He also faulted the trial judge's reliance on the Highway



Code 2016 and the Police Department Book on road signs, whilst the same were not in the respondent's list of documents to be relied upon in their case, and that this brought injustice to the rights of the appellant. He thus prayed for the appeal to be allowed with costs.

In the written submissions, the respondent on its part resisted the appeal. It denied the claims that its reference book was sold in over 750 VETA centers, stating there was no evidence brought to support this assertion and argued that the only evidence available as testified by DW1 was that VETA has 27 training centres and that the book was only sold in those centers that offer driving lessons and was not for sale outside VETA. The respondent also disputes the argument that the book was registered stating that what is registered is the work as shown by exhibit P3, the certificate of the registered work by the appellant and that no evidence was adduced to prove that the reference book was registered nor that there were a million copies published.

The respondent maintained that the appellant's arguments are intended to mislead the Court in the absence of evidence that proved that there was similarity in the work of the inventor and the disputed road signs in the reference book. It also objected to the appellant's claim that the respondent's reference book was sold stating that this is misleading since the respondent sold the reference book in the

respondent's centres, and there was no evidence that it was sold for profit or business purposes. To cement its argument that selling the book was for training purposes only, the Court was invited to assess the title, "*VETA TAALUMA MADEREVA*" which essentially infers the book to be a teaching or learning aid for drivers only. Similarly, the respondent argued that inference can also be drawn from the fact that the respondent did not dispute having sold the book at Tshs. 7000/- for each book to students to cover reproduction costs and not for business purposes.

Regarding the argument by the appellant's counsel that the trial judge misinterpreted the provisions of sections 4, 5(1), and 14(1) of the Copyright Act on the meaning and effect of infringement of copyright, the respondent found this to be misconceived stating that despite advancing the issue, the appellant did not show where the trial judge misinterpreted the said provisions. It was the respondent's contention that the appellant did not consider all the relevant provisions in the Copyright Act in his claims, since the Copyright Act does not extend to certain kinds of uses that fall under "fair practice" including but not limited to minimal quotations used in journalism and education. The respondent contended that section 12 of the Copyright Act provides for free use and Article 10(2) of the Bern Convention of which Tanzania is

a member also permits the members to provide for a “teaching exception” within their copyright statutes although conceded that this exception is limited to use for illustration of the subject matter taught and must be related to teaching activities.

On the allegations of failure of the trial judge to appreciate the infringement of economic and moral rights of the appellant, according to the respondent, this was not true since the sole function of the respondent is to give training and not conduct business operation of selling books for commercial purposes and profit. He maintained that the reference book was not reproduced for selling as already captured hereinabove.

The respondent asserted further that the road signs they had used in the reference book were in the public domain, and they had received them from the Ministry of Home Affairs and or from the Highway Code of 2016. He contended that the Highway Code of 2016 is a revised edition as stated by DW1 and there was an earlier version produced in 2008. He contended further that the road signs had been in the public domain, and they had reproduced them for training purposes thus consent from the appellant was not required.

With regard to the argument that the Ministerial Highway Code was not in the list of documents relied upon by the respondent for its

case, the respondent averred that the Highway Code was not relied upon as evidence but was discussed as a set of rules to be used on the roads and is a public document for use and educating the users on the road signs. He also denied allegations that the reference book is sold electronically stating that this was not proved by the appellant. He thus prayed the appeal be dismissed with costs.

Having heard oral and written submissions and cited references from both parties and considered the record before us, this being the first appeal, we are enjoined to undertake the duty to re-evaluate the evidence and if necessary, come to our own conclusions on relevant aspects of the case (See **Japan International Cooperation Agency (JICA) Vs Khaki Complex Limited** (2006) TLR 343.)

In so doing, we find it in accord to start by appraising ourselves on the issue founding the 1<sup>st</sup> and 3<sup>rd</sup> grounds of appeal which we will address conjointly. Essentially, the appellant's grievance is centered on the trial court's failure to find there was a copyright infringement on the part of the respondent regarding the disputed five road traffic signs. Before proceeding any further, we find it pertinent to reproduce and/or discuss some legal provisions which address matters related to copyright and its infringement. Section 4 of the Copyright Act, defines "copyright" as;

*"the sole legal right to print, publish, perform film or record a literary or artistic or musical work".*

Under section 5(1) of the Copyright Act, authors of original literary and artistic works are entitled to copyright protection for their works under the Act. Literary work as defined under section 5(2)(a) includes, books, pamphlets, and other writing, including computer programmes. Copyright in a literary and artistic work comprises the exclusive economic and moral rights of the author under sections 9, 10, and 11 of the Copyright Act. Section 9(1) provides as follows: -

*"Subject to the provisions of sections 12 to 21 the author shall have the exclusive right to carry out or to authorize the following acts in relation to the work-*

- (a) Reproduction of the work;*
- (b) Distribution of the work;*
- (c) .....*
- (d) Public exhibition of the work;*
- (e) Translation of the work;*
- (f) Adaption of the work;*
- (g) .....*
- (h) .....*
- (i) .....*
- (j) Importation of copies of the work."*

Section 11(a) of the Copyright Act provides for moral rights where it states that the author of protected work shall have the right to claim

ownership of his work that his authorship is indicated in connection with any of the acts referred to in section 9 of the Copyright Act. Section 11(b) of the Copyright Act provides for reliefs granted in relation to any distribution, mutilation, or other modification of, and any other derogatory actions in relation to the protected work where such acts are prejudicial to his honour and reputation.

Section 12 of the Copyright Act provides for conditions related to free use of the protected work which reads:

*"12(1) Notwithstanding the provisions of section 9, the following uses of a protected work, either in the original or in translation, shall be permissible without the authors' consent and the obligation to pay remuneration for the use of the work.*

*(2) In the case of any work except computer programs and architectural works, that has been lawfully published.*

*(a) the production, translation, adaptation, arrangement, or other transformation of such work exclusively for the user's own personal and private use provided that such reproduction does not conflict with normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author.*

*(b) .....*

*(c) the utilization of the work by way of illustration in publication broadcasts programs distributed by cable, or sound or visual recordings for teaching, to the extent justified by the purpose or the communication for teaching purposes of the work broadcast or distributed by cable for the use in schools, education, universities, and professional training, provided that such use is compatible with fair practice and that the source and the name of the author are mentioned in the publication, the broadcast, the programme distributed by cable or the recording..."*

Now delving into the issue before us, we shall first consider whether the appellant invented and registered the disputed five road signs. We also noted that a similar issue was in fact framed as the first issue to guide the determination of the suit at the trial. Upon consideration of the evidence of PW1, PW3, and exhibit P4, the trial judge found that the said evidence was unchallenged and went on to observe as follows (page 145 of the record of appeal):

*"The last witness, for the plaintiff one Zephania Goodluck Lyamuya (PW3) who is a licensing Officer with COSOTA supported the plaintiff in that he registered his inventions. He identified exhibit P4 as the certificate for registration of the*

*signs copy right. This evidence is uncontroverted by the defendant. Therefore, there is no dispute that the plaintiff invented and copyrighted the dispute signs. These are a sign for people with disability, the sign of the blind, sign for the albino, sign for the deaf and sigh for the mentally retarded."*

Without protracting, we subscribe to the finding above recognizing that the appellant did register with COSOTA as an inventor of the disputed five road signs for people with disabilities. This fact is well established by the evidence of PW1, PW3 and exhibit P4. Essentially, this also meant that he was granted copyright and subsequently acquired economic, and moral rights of the registered literary work in line with sections 5(1), 9 (a), (b), (c), (d), (e), (f) and (j) and 11(a) of the Copyright Act. Worth noting is the fact that the trial court did find that PW1 and PW3 were reliable witnesses, we find nothing to lead us to depart from such finding of fact by the trial court.

When determining the issue of whether there was an infringement<sup>i</sup> by the respondent on the appellant's literary work, the appellant claims that the fact that the respondent reproduced his literary work in their book "*Taaluma ya madereva Toleo la pill*" without being consulted or his authorization and sold it for gain was an infringement of his copyright to his literary work, moral and economic rights.



As shown hereinabove, DW1 categorically denied the allegations, stating, **one**, the respondent received the said road signs from the Ministry of Home Affairs and Ministry of Works through the Traffic Police officers who participated in the review and development of their book. **Two**, the said roads signs were accessible to and for use by the public since they had been reproduced in the Ministerial Highway Code, and **third**, whilst conceding the fact that the respondent sold the reference books to students at the centres that conducted training on driving, he maintained that the books were not sold for commercial gain, only to offset reproduction costs.

In the determination of the issue, the trial judge considered the respondent's position that the book was for reference to students and not for display and sale in bookshops for commercial purposes and found that the respondents have proved thus. The trial judge also found that the disputed road signs were of public knowledge and access since they had been published in the Highway Code revised version 2016, a public procurement document. He also took cognizance of the fact that all road signs were the property of the Ministry of Works, Transport, and Communication and thus held that under the circumstances, using the road signs did not require consent from the appellant and that no liability can be claimed by the appellant against the respondent. The trial

judge whilst finding that the respondent did reproduce the disputed road signs in the reference book, was, however, of the view that the appellant's claims would only have substance if the respondent had published the book before the disputed signs had been published in the Highway Code. He thus held that there was no infringement of any copyright, moral or economic rights as claimed.

Having examined the record of appeal and the law, we differ with the findings of the trial judge for the following reasons. **First**, we are of the view that the appellant proved that he obtained copyright of the disputed road traffic signs on 6/10/2006 as discerned from the evidence of PW1 and PW3 and exhibits P2 and P4. **Second**, the respondent's book "**Taaluma kwa Madereva-Toleo la pili**" (exhibit P1) was printed in 2013 and it incorporates the five disputed road signs for people with disabilities. Our efforts to get documents referred to by the respondents as containing the road signs ran futile because they were not tendered in evidence. In the respondent's statement of defence he stated that they retrieved the five road signs from a document issued in 2009 by the Ministry of Infrastructure Development, Safety and Environment Unit titled "*A Guide to Traffic Signing*", whilst DW2 did not touch on the said document but discussed the Highway Code Revised Edition 2016 stating that it contains all road signs used in the country. Suffice to say both the

Guide to Traffic Signing and the Highway Code were not tendered in evidence. Thus, there was no evidence to show the date the original Highway Code was published and whether the disputed signs had been in the Highway Code to counter the appellant's claims of having registered and given copyright to the disputed road signs in October 2009 before the publication of the Highway Code.

We had time to ponder on the evidence of DW2 who acknowledged knowing there was a person who invented the disputed signs, and the fact that exhibit P1 was revised and published in 2013, which is about three years after the appellant had registered his invention with COSOTA, we find that the holding by the trial court that the disputed signs were taken from the Highway Code by the respondent is not based on the evidence presented during the trial. Therefore, on balance, we hold that the respondent did publish exhibit P1 after the appellant had been granted copyright of the road signs and enjoyed the rights of a copyright holder for his inventions.

**Third,** there is clear evidence that exhibit P1 was for sale. This was established by the evidence of PW2 and the payment receipt (exhibit P6) that shows copies of exhibit P1 were sold for Tshs. 7000/- a fact which was also acknowledged by DW1. DW1 explained that the said sale was only to offset what was expended in the reproduction of the

book and that the sale was not for commercial purposes but for training. Taking the evidence overall, undoubtedly exhibit P1 was reproduced for training purposes. However, in the absence of any evidence produced by the respondent to show the cost of reproduction of the book or the number of the books produced and usage of the money from the sales of exhibit P1, we refrain from determining that the sale of the reference book was only to offset the costs of its reproduction and not tainted with commercial gains. We thus differ from the trial judge's findings on this. DW1 even conceded that the book could also be sold in rare cases to non-VETA students even though it was intended for students. The evidence of PW3 is related to the benefits of a copyright holder. He stated that under section 9 of the Copyright Act, upon registration of copyright of literary work, the inventor had moral and economic rights pursuant to section 11 of the Copyright Act. On the works used for training, PW3 stated that where the works are used for training, there should not be any fee charged.

Thus, on the balance, certainly, the appellant's version is more believable than that of the respondent on this issue. We are thus of the firm view that even though exhibit P1 was for training purposes it was also for sale to students and other interested persons apart from the students and thus only benefiting the respondent financially. The

appellant, therefore, did not benefit economically or otherwise from the copyright of the disputed road signs found exhibit P1, as envisaged by the law.

**Fourth,** on the complaint that the reproduction of exhibit P1 did not seek consent or approval of the appellant on incorporating the road signs under his copyright, we have already dealt with thus there is no need to dwell on it. It suffices that in line with our earlier findings, the trial judge erred in his finding that the respondent did obtain the five road traffic signs from the Highway Code of 2016. The underlying fact is that there is no possibility that the Highway Code was the respondent's source of the disputed signs as averred in the written statement of defence since the respondent's book was published in 2013, three years after the appellant had acquired copyright on the same. Thus, the act of the respondent in reproducing, distributing, and selling the book that contained the appellant's recognized invention without his consent, was an infringement of the appellant's copyright on the disputed road traffic signs for people with disabilities.

**Fifth,** regarding the alleged respondent's prohibition against all users of contents of exhibit P1, including the appellant. Our scrutiny of exhibit P1 shows that on its first page (page 95 of the record), there is a statement that reads:

*"Haki zote zimehifadhiwa. Hairuhusiwi kunakili wala kuchapa bila idhini ya DSM RVTSC, hatua zitachukuliwa kwa atakayekiuka masharti ya Hakimiliki"*

*Unofficial translation: "All rights reserved. It is prohibited to copy or publish without authorization of DSM RVTSC, stern measures will be taken for contravening copyright terms."*

The above excerpt shows clearly that the respondent did assume copyright rights to the contents of exhibit P1 including the disputed 5 road signs. Copyright infringement as defined in the already cited **Black's Dictionary 9<sup>th</sup> edition** demands evidence of the defendant's access to original work and substantial similarity of the defendant's work to the original. The evidence on record discussed hereinabove, clearly establishes that the respondent had access to the appellant's work, evident in the respondent's incorporation of the disputed road signs invented by the appellant in exhibit P1. On similarity, the record of appeal shows that the 5 road signs for people with disability found in exhibit P1 are similar to those invented by the appellant and registered under copyright by the appellant as also acknowledged by DW2 and exhibit P1. There is no doubt that the rights of the appellant as an inventor of the road traffic signs, recognized as original material warrants protection envisaged under the provisions of section 5(1) of

the Copyright Act which protects inventors of original literary work. In the premises, taking the above deliberations in perspective, the 1<sup>st</sup> and 3<sup>rd</sup> grounds of appeal have merit.

Moving to the second ground of appeal that faults the trial court's consideration of the Highway Code which was not part of the list of documents which the respondent depicted to rely on, we find this should not take much of our time in view of our findings when determining the 1<sup>st</sup> and 3<sup>rd</sup> grounds of appeal. Revisiting the record of appeal, the Highway Code was not tendered as an exhibit but was referred to in the defence of the respondent and relied upon by the trial judge in his findings. We find, that even though according to PW2, DW1, and DW2, the Highway Code is an easily accessible and well-known public document that contains all the road traffic signs, it was incumbent on the respondent who wanted to rely on it to have it in the list of documents which he expected to utilize to support his case and then tender it in evidence.

Evidently, the trial judge's findings to a large extent relied on the Highway Code even though it was neither listed as a document to be relied upon by the respondent nor admitted in evidence. Clearly, under Order XIII Rule 7 (1) and (2) of the Civil Procedure Code, Cap 33 R.E 2002, now 2019 (the CPC) documents that have not been admitted in

evidence shall not form part of the record and thus cannot be relied upon. This stance was discussed in the case of **Japan International Cooperation Agency** (supra) where we insisted that the trial court should ensure compliance with Order XIII Rule 7 of the CPC and that where there is contravention the Court will always glower at it. A position we also subscribe to. For the foregoing, the second ground has merit. Henceforth, we shall refrain from taking account of the Highway Code.

The last issue for determination relates to the relief sought by the appellant which although not a ground of appeal but having found the grounds of appeal to have merit we are bound to consider this. In rejecting the claims advanced by the appellant, the trial court observed that the reliefs sought were rendered nugatory upon dismissal of the suit with costs.

On our side, having found that the appeal has merit, we are constrained to consider the reliefs sought. In terms of specific claims, we are satisfied that the appellant failed to give evidence that shows specific damages, the only evidence to prove infringement of economic rights was exhibit P6, a receipt for the purchase of one book for Tshs. 7000/-. The appellant failed to substantiate the number of books



produced and sold to assist us to understand the scope of the said sale and his substantive claims.

Having considered all the circumstances in this case we are of the view that the appellant is granted damages of Tshs. Fifty Million (50,000,000/-) only.

For the foregoing, we find merit in the appeal. The judgment of the trial court is hereby quashed. We allow the appeal to the extent shown with costs.

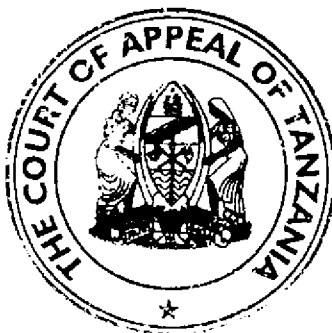
**DATED at DAR ES SALAAM this 26<sup>th</sup> day of May, 2022.**

W. B. KOROSSO  
**JUSTICE OF APPEAL**

I. P. KITUSI  
**JUSTICE OF APPEAL**

L. L. MASHAKA  
**JUSTICE OF APPEAL**

The judgment delivered this 30<sup>th</sup> day of May, 2022 in the presence of Mr. Salum Chambuso, learned advocate for the appellant and in the absence of Principal/Senior/State Attorney, for the respondent is hereby certified as a true copy of the original.



  
R. W. CHAUNGU  
**DEPUTY REGISTRAR**  
**COURT OF APPEAL**