



BRELA

BUSINESS REGISTRATIONS AND LICENSING AGENCY

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**INTEROPERABILITY OF INSTITUTIONAL SYSTEMS
AND BUSINESS FACILITATION**



BUSINESS REGISTRATIONS AND LICENSING AGENCY (BRELA)

2nd BRELA STAKEHOLDERS' FORUM

PROGRAMME

25 OCTOBER 2024, MLIMANI CITY, DAR ES SALAAM

TIME	ACTIVITY	RESPONSIBLE
07:30 - 08:30	Arrival and Registrations	SECRETARIAT
08:30-08:45	Arrival of the Chairperson of BRELA Advisory Board Prof. Neema Mori	MANAGEMENT
08:45 -08:50	ENTERTAINMENT	SECRETARIAT
08:50 – 09:00	Arrival of Honorable Exaud Silaoneka Kigahe, Deputy Minister for Industry and Trade (Mp.)	Prof. Neema Mori CHAIRPERSON OF BRELA ADVISORY BOARD/ MANAGEMENT
09.00 – 09:10	ENTERTAINMENT	SECRETARIAT
09:10 - 09:20	Welcoming Note & Introduction	Mr. Godfrey Nyaisa CHIEF EXECUTIVE OFFICER - BRELA
09:20 - 09:30	Welcoming remarks	Prof. Neema Mori CHAIRPERSON OF BRELA ADVISORY BOARD
09:30 -09: 40	Video Clip	SECRETARIAT
09:40 – 09:45	Introducing the Chief Guest: Deputy Minister for Industry and Trade	Prof. Neema Mori CHAIRPERSON OF BRELA ADVISORY BOARD
09:45 - 10:15	Opening Speech	Honorable Exaud Silaoneka Kigahe, (MP.) DEPUTY MINISTER FOR INDUSTRY AND TRADE
10:15 - 10:25	Group Photo	All
10:25 – 11:00	TEA BREAK/HEALTH BREAK	All
11:00 – 11:25	Fireside Chat	Mr. Godfrey Nyaisa CHIEF EXECUTIVE OFFICER - BRELA & Mr. Innocent Mungy DIRECTOR OF CEREMONY
11:25 – 11:30	Documentary Video	SECRETARIAT
11:30 – 11:55	PANEL DISCUSSION Topic: Interoperability of Systems and Business Facilitation Keynote Speaker: Mr. Sylvani T. Shayo Director of Compliance and Security Management - eGA	
11:55 – 13:00		PANELISTS 1. Eng. Stephen M Wangwe , Director of Registration and Compliance – Personal Data Protection Commission (PDPC) 2. Dr. Nkundwe Mwasaga , Director General – ICT Commission 3. Ms. Loy Mhando , Director of Industrial Property – BRELA 4. Castro Luhusa , Principal ICT Officer - National Identification Authority (NIDA) 5. Ms. Mary Evarest Mafunguo , Regulatory Services Supervisor - KPMG
	MODERATOR: Mr. Samwel Magesa - Chief Data Officer – NBC Bank	
13:00 - 13:45	Discussions/Plenary	MODERATOR: Mr. Samwel Magesa
13:45 – 14:45	LUNCH	All
14:45 – 14:50	ENTERTAINMENT	All
14:50 – 15:00	Success Story: NeST System	Ms. Vicky Mollel, Manager, Coast Zone - PPRA
15:00 - 15:45	Discussion /Plenary Part Two	MODERATOR: Mr. Samwel Magesa
15:45 – 16:00	Closing	Prof. Neema Mori CHAIRPERSON OF BRELA ADVISORY BOARD
16:00 – 10:30	TEA	ALL

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Mr. Godfrey Nyaisa
Chief Executive Officer

It is with great pleasure that I welcome you to this special edition of our journal, produced in conjunction with the Second BRELA Stakeholders' Forum, held under the theme "Interoperability of Systems and Business Facilitation." This forum and accompanying journal are critical in fostering deeper collaboration, dialogue, and innovation to improve Tanzania's business environment.

In today's fast-evolving digital age, the ability of systems across institutions to seamlessly interact and share data is crucial for doing business. As such, the theme of this year's forum emphasizes the importance of system interoperability and the efficient integration of institutional systems to streamline business processes, reduce bottlenecks, and enhance service delivery.

Within the pages of this journal, you will find a wealth of educative articles that delve into key areas such as:

- The role of Technological Advancement in revolutionizing the issuance of business licences in Tanzania Mainland

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EDITORIAL

- The role of Intellectual Property (IP) in driving commerce: Challenges and Opportunities, and
- Waiver notice of the late filing fee for companies registered before 2018.

Further, the Journal provides insights into post-registration compliance procedures, offering practical advice and updates on regulatory requirements for businesses. Additionally, the journal provides the full program for the conference, which includes a panel discussion, fireside chat, expert presentations, and interactive sessions designed to offer valuable insights into the future of business facilitation in Tanzania.

We trust that this journal will serve as an informative resource not only for attendees of the forum but also for the broader community of business owners, regulatory bodies, and policymakers committed to creating a more seamless and dynamic business ecosystem.

On behalf of the BRELA Ministerial Advisory Board (MAB), Management, staff and our partners, we thank you for your continued support and we hope you find the content both enlightening and inspiring.

Enjoy Reading.



PRESS RELEASE

WAIVER NOTICE OF THE LATE FILING FEE FOR COMPANIES REGISTERED BEFORE YEAR 2018

The Registrar of Companies is delighted to inform the general Public that the Minister for Industry and Trade has issued a 50% Waiver Notice of the late filing fee. The twelve-month Waiver Notice was published vide Government Notice dated 24th May, 2024.

The Waiver Notice is issued pursuant to section 452A of the Companies Act Cap 212 which empowers the Minister Responsible for Trade in consultation with the Minister responsible for Finance to Waive late filing fee by Notice published in the Gazette. The waiver extends to all companies Registered before 2018 prior the commencement of the Online Registration System (ORS) to enable them update their information onto the system.

Clause 4 (a) – (d) of the Notice entails the qualification for 50% waiver as follows;

- a) All Companies registered before the year 2018 whose information has not been updated onto the Online Registration System (ORS),
- b) All applications for update submitted through ORS and pending in the system prior Publication of the Waiver Notice,
- c) All Applications for update which will be submitted through ORS within the amnesty period

It is to be noted that, the Waiver shall NOT in any way extend to any applicant who, prior publication of the notice, had paid in full or partly, or had made payment arrangement in agreement with the Office of Registrar for settlement of such late filing fees.

The Registrar of Companies call upon all companies intended by this notice to benefit from this waiver by updating their companies during the amnesty period.

Interoperability of Institutional Systems and Business Facilitation

By Isidor Nkindi

It has been proved scientifically that the efficacy of the human body is wholly dependent upon regular functioning of various systems. This is true with government operations where services are delivered through various bodies. Governments offer multifarious services through designated institutions in different sectors. Over years, before automation and invention of computers, coordination of these services was highly rudimentary. The challenge was inefficient and ineffective performance but also the entire chain of service delivery was tainted with inaccuracy, unreliability, insecurity, and high expenses. As usual, human beings have been in constant innovation to solve daily challenges. The Discovery of computer systems transformed many sectors globally. It also changed the way of doing things. It can be simply said the coming of computer systems invigorated life.

The history of ICT within the Tanzanian government can be traced back to the installation of the first mainframe computer in 1965 in the Ministry of Finance. The number of computers increased to seven by the mid-1970s. There is little information on the subsequent application of computers in Tanzania after 1970. An ICT legal and regulatory framework can therefore be traced from 2000s when the ICT policy formulation was initiated. This is a result of government initiative to put in place an ICT framework which was adopted by the Cabinet in 2003. Subsequently, the government desire to automate its services grew enormously such that in 2009 the Ministry of Education introduced the ICT Policy for Basic Education while the Ministry of Public Service Management introduced the e-Governance Strategy in 2009. The e-government Strategy of 2009 laid a policy and legal framework for government automation that we embrace today in Tanzania.

The ICT legal regime is built upon a deliberate enactment of series of ICT-centered laws. Electrotonic Transactions Act Cap 442 provided for the legal recognition of electronic transactions, e-Government services, the use of Information and Communication Technologies

in the collection of evidence, admissibility of electronic evidence, etc. Cyber Crimes Act No. 14 of 2015 was enacted to criminalize offenses related to computer systems and Information Communication Technologies. It also provided for investigation, collection, and use of electronic evidence in Tanzania. The ICT Legal Regime advanced further by the enactment of the Electronic and Postal Communications Act Cap 306. This was enacted to keep abreast with developments in the electronic communications industry; and to provide for a comprehensive regulatory regime for electronic communications service providers and postal communications service providers. With the establishment of e-Government Agency in 2012 vide Executive Agencies Act, Cap 245, the e-services took a new shape in the government as the Agency took over the affairs of the then Directorate under the President's Office, Public Service Management. With elevation of e-Government Agency to e-Government Authority in 2019 vide the E-Government Act No. 10 of 2019, the assurance to leverage ICT for service delivery in the Government institutions was at peak.

Notably, the e-GA is not the sole e-service regulator in the country. Many legislations have been in place. However, e-GA has the sole mandate under section 6 to regulate all ICT matters in the Public institutions. The Personal Data Protection Act No.11 of 2022 is the general law that protects data and privacy in Tanzania. The Act protects people's privacy and sets minimum requirements for collecting, processing, storing, retaining, disposing, disclosing and transferring personal data across countries through any other means.

The combination of ICT Legal framework and a pre-existing ICT regulatory framework which cuts across public and private sectors form a conclusive legal and regulatory framework in Tanzania. Communication Regulatory Authority Act Cap 172 enacted in 2003 and subsequent establishment of the Authority (TCRA) together with sets of mentioned ICT laws demonstrate a vivid political will to have an ICT-run government and economy. ►



Head of BRELA ICT Unit, Mr Enock Chenya, making a presentation on online registration system. The system facilitate access to the customers for registration and licensing processes.

► This is echoed by numerous state leadership in various occasion pronouncing the need to have an integrated service delivery through ICT.

Initiatives to have interoperability of service delivery by government started with deliberate investment in building various systems. To mention critical systems in early times, one cannot overlook a ground-breaking LUKU system which was acquired to dispense electricity tokens after revolutionized electricity vending process through smart meters. However, this ICT revolution was not so much of use given the nature of customer base, their economic powers, geo-diversity, etc. The need for immediate interoperability became material. Mobile Network Operators (MNO) and banks became compulsory transaction Intermediaries. As a result, the government lounged a Government electronic Payment Gateway (GePG) providing assurance to all e payments to both public and private users.

To achieve interoperability, one cannot avoid the two cardinal principles namely, acquisition of relevant systems, and automation of service. The government has facilitated all its institutions to acquire systems of different capacities and size depending on the service of

each institution. Though many Business services have been automated, there is an outcry that service delivery institutions are still operating in silos. This has raised serious concerns as to what is missing out?

Despite benefits associated with interoperability such as Efficiency and Cost-Effectiveness, Enhanced Innovation, Improved User Experience, Resilience and Adaptability etc, achieving interoperability has continued to take a snail pace. Her Excellency Samia Suluhu Hassan in her speech for swearing-in different appointed officials in July 2024 issued an ultimatum to all public institutions to have attained interoperability on or before December 2024.

It has been observed that the most efficient path to achieve viable and sustainable interoperability is through attaining a national Social number. This is intended to hasten the process of attaining interoperability but also to facilitate citizenry and eligible resident to access services without hassle. It has been found that one of the critical elements of that bars the quick interoperability is lack of common access ID by citizens to systems such that it requires each individual to access certain

Interoperability of Institutional Systems ...

▶ services to private and public service delivery systems using variant access IDs depending on the need of each system.

The quick answer is YES and the reasons are myriad. One is that the existence of multiple IDs like NIN, Voters ID, Passports, driving licenses, etc all of which are applicable to various services but not conclusive has caused irritation to citizens hence demand for a single and unique ID that caters for all needs. Two, the existence of service delivery systems in almost every service delivery institution both private and public. This means, the only bottle neck towards achieving interoperability lies on lack of common access and not the systems themselves. Three, all services that are sought except very few and unique ones have been automated. These include, payment services, all registrations, justice delivery, travel ticketing, utility, telecom services, tax services, licensing services, education services, and many more. Last, is the political will. The highest leadership of this county is determined to achieving the interoperability without delay. This include financing some key projects and training key experts on the matter.

As usual, any new undertaking is not without challenges. Though citizens are dissatisfied with multiple IDs, some still believe that they may encounter serious challenges. The challenges are associated with exposure of personal data to the public, insecurity, existence of complex complexity of systems after fully implementation. These worries are relevant and are historical. The citizens have experienced this over time and thus they think nothing different may happen. For example, after implementation of biometric registration of SIM cards everyone expected total elimination of swindling. Yet, they experience anonymity call and SMSs conning them popular known in Kiswahili "*tuma kwenye hii namba.*" Similarly, when the NIN was introduced, it was assured that the same would cater for all transactions, yet today in some services, different IDs are required and are as good as NIN. All these and many more culminate this fear of unknown by citizen.

Achieving interoperability is doubtlessly viable, achievable and possible. The reasons are vivid and solid. One, is a well-founded legal and Institutional framework. Security of personal

information is well preserved and protected under Personal Data Protection Law. This law protects people's privacy and sets minimum requirements for collecting, processing, storing, retaining, disposing, disclosing and transferring personal data across countries. The Personal Data Protection Commission has sole mandate to enforce this law. Crimes against transactions are also under scrutiny through Cyber crimes law which criminalizes encroachment of computer systems criminally.

E-Transactions have been recognized and founded in the Electronic Transaction Law which now provides options for any citizen to transact electronically without huddles. This is also echoed with recognition of e-evidence in litigations and proof of crimes in courts. TCRA has been vested with statutory mandate to entertain complaints over services provided in all the e-regimes. Although Courts have inherent jurisdictions to entertain matters of all nature, the state has set a specialized tribunal (FCT) to determine matters of competitions arising from all regulatory settings including those arising from electronic and communication transactions. The foregoing analysis concludes that citizens should not be worried of arriving to the intended destination.

There is a long thesis that tells where BRELA evolved to its current status. BRELA is a pioneer of e-transactions in service delivery. One can as well explain this in the old latin maxim *premus iner pares*, simply meaning that it stands first among equals. The journey towards automation started in early 2010 when systems like Registration Information Management System (RIMS 1) which registered Companies and RIMS 2 for Business Names were put in place to facilitate record keeping. Later, Online Business Name Registration system (OBRS) was launched July 2015, to automate registration of Business Names. this was the early stage of reducing BRELA customer's cost of transaction and time. In 2016, a broader automation project started with the aim of automating all BRELA services. In 2018 BRELA went paperless. This was a ground-breaking achievement in the registration sector. Interoperability was part of this move and one can simply say BRELA stands exemplary of interoperability. By the way what is interoperability that recurs throughout this text? It simply means the ability of different systems, devices, or applications to work



▶ together and exchange information seamlessly though they are independent and continue to retain their independency in their platforms.

BRELA's registration encompasses three key systems operating independently but delivering single service. Through BRELA'S Online RS, customer can register a company, BRELA, can verify personal particulars from NIDA, and TRA can issue Tax Payer Identity Number instantaneously under single window. Previously, a customer had to take all their documents for verification by attorneys and submit them for scrutiny by BRELA and some times other documents required pre-registration by other institutions like Land Registry etc. Thereafter, upon registration, customers would start a journey to TRA in their locality to commence application for TIN. This time-consuming exercise has been reduced to an hour and costless through interoperability of TRA, NIDA and BRELA systems.

BRELA is in constant improvement and is a key stakeholder to the national interoperability project. The possible key challenges are likely to be customer illiteracy which may impair their involvement in the use of the most sophisticated systems which are advancing with technology pace. BRELA has always been setting aside resources for public awareness and system application mentorship to eliminate hardships in service delivery interaction. Being an institution, whose services cut across diverse personalities, BRELA has in place standard operating procedures and a simplified service application checklist.

Another challenge includes low pace of some service providers to deploy collective service provision owing to impairment of collection. BRELA has in several occasions instigated many counter parts institutions to have mutual

service provision programs which eventually ease interoperability. Currently, BRELA has 19 MoUs with different government and private institutions for information sharing through integrated systems. The purpose is to acquaint these counterparts with experience toward national integrated service delivery solution. BRELA has taken lead in developing user friendly and customized systems to enhance service delivery such that many institutions are now inspired to have integration while others seek interoperability to enhance service delivery.

We have seen with vivid elaboration that to attain national system interoperability as a long journey and perhaps a difficult one. Some institutions took courage to start. The situation became easy as a result of government willingness to invest, setting legal and institutional framework, the customers' desire to have common point of service delivery etc. BRELA in particular has always been pioneer in the interoperability. It has also been in the forefront to conduct public awareness including motivating deployment of e-services to access services through integrated approach.

Towards national system interoperability, it can be recommended that; a clear roadmap towards national system interoperability be drawn. It is also recommended that constant public awareness be deployed especially early stages of operationalization of integrated service delivery. This will ensure no one is left behind and also it will motivate more users to be inspire with e-transactions and ultimately the country will attain cashless, paperless and single ID service delivery system. Last recommendation is to embrace ICT from elementary education to encourage innovation and application of ICT to keep pace with fourth Industrial Revolution which is already at our midst.

Intellectual property: A crucial component of business success in the market

By: Stanislaus Kigosi

Intellectual Property assets are protected by law to give creators or owners exclusive rights over their creations, typically for a certain period of time. Each country has its laws governing protection and enforcement of Intellectual Property Rights of the creators of IP assets.

Basically, Intellectual Property is categorized into two first, Copyright which protects literary and artistic works such as books, music, films, and software, allowing the creator to control how their work is used, and secondly Industrial Property which protects IP assets related to inventions, designs, trademarks, and other commercially valuable innovations used in industrial and business activities.

Under Industrial Property there are other sub categories of Intellectual Property namely; Patents which protect inventions, scientific and technological innovations that provide a new way of doing something or offer a new technical solution.

Also, trademarks form another sub category of Intellectual Property which protect symbols, names, logos, and slogans used to identify goods or services and distinguish them from others.

In addition to that, there are Trade Secrets which protect confidential business information that provides a competitive advantage to the holder.

Industrial Designs are among the most common known part of Industrial Property which Protect the aesthetic or ornamental aspect of a product.

In Tanzania, like many other developing and least developed countries, Intellectual Property is not a common thing and in reality, is underutilised in enhancing commercial and economic development at large. Utilisation and protection of intellectual property assets solely depends on the laws of the country.

It should be well understood that, intellectual property with the exception of Copyright, all other intellectual property must be registered to acquire legal protection. Copyright protection is automatically given by law to



the creators. However, registration gives the creators assurance of their owned works. In Tanzania, administration of Copyright law is undertaken by the Copyright Office of Tanzania abbreviated as COSOTA.

On the other hand, Industrial Property laws are administered by BRELA which is the National Intellectual Property Office of Tanzania, vested with the task of coordinating all IP related issues in the country when it comes to Tanzania's interaction with the external world on matters of Intellectual Property.

As I have stated hereinabove that BRELA administers Industrial Property laws, Tanzania does not have a single piece of legislation on Industrial Property. In this respect, BRELA administers Patents (Registration) Act which provides protection on all inventions. Also, BRELA administers Trade and Service Marks Act which provides protection of all trademarks which are used in commercial activities.

Registering intellectual property (IP) is important, as it provides legal recognition and protection to the creators or owners of the intellectual work. There are many advantages of registering intellectual property. Here below I will enumerate some of the advantages that creators will have in respect of their creations;

▶ Registering IP gives the owner exclusive rights to use, produce, and sell the creation or invention. It prevents others from using or copying the protected work without permission, ensuring the creator has control over how it is used.

Registration provides legal protection in case of infringement. If someone uses or copies your IP without permission, registration enables you to take legal action and seek remedies such as compensation or injunctions. At some point intellectual property right infringement may attract criminal sanctions to those who infringe the rights.

A registered IP can be licensed or sold, hence generating income for the owner. It also makes it easier to negotiate contracts or partnerships, as registered IP is recognized as an asset with market value. With all these benefits, it is very unfortunate that creators of IP assets forget to register their IP before they disclose them to those they consider to enter into commercial partnerships. What happens in this circumstance is that the persons or corporations which were intended to be potential partners defraud the rightful owners and go ahead using the said IP assets in their business without compensating or remunerating the creators of IP asset in question.

It is important at some points for the creators of intellectual property assets to first register their intellectual property before disclosing their

creation to the public, including their intended partners. If they consider it is important to share their creation to others, (intended business partners), for whatever reasons, they must they have a non-disclosure agreement. Failure to do so will render their intellectual property asset vulnerable to infringement.

Owning a registered IP gives businesses a competitive edge by allowing them to offer something unique that others cannot legally replicate. This differentiation can enhance market positioning and profitability. However, it is interesting to note that many people particularly in our country confuse registration of companies, business names and intellectual property especially trademarks. It is a common phenomenon to find a person registering a company or business name and with it he/ she uses a beautifully created and eye-catching logo or theme for his/ her business thinking that he/ she has secured protection of that trademark used in the business which is not the case.

Therefore, IP protection is both crucial and critical for safeguarding intellectual and commercial interests, enhancing market opportunities, and ensuring long-term legal and financial benefits for individuals and businesses. Equally, protection of intellectual property assets guarantees fair business competition and at the same time creates consumers' trust.

Interoperability of systems: A game changer for women entrepreneurs in Tanzania

By Vicensia Fuko

In the digital era, efficient and integrated systems play a pivotal role in shaping business environments. For women entrepreneurs in Tanzania, the interoperability of institutional systems marks a significant shift in how businesses are started, managed, and scaled. The streamlined connectivity of various government and private sector systems is transforming the landscape, empowering women to overcome traditional barriers and fully participate in economic activities. This development has the potential to not only foster greater inclusivity but also drive growth across industries.

This article explores the key ways interoperability is changing the game for women in business across Tanzania who have traditionally faced more significant hurdles in accessing resources, support, networks and how they interact with the system.

In the past, the most critical pain for women starting businesses particularly those in rural areas, has been the lengthy and complex registration process. In the registering a business required numerous steps with multiple agencies, each with its own set of forms, timelines and fees. Thus, women found it challenging to navigate this system due to time constraints, lack of resources, or limited access to information.

▶ The fragmented nature of business systems meant that women, especially those in informal sectors, often remained invisible to the government and formal economy. This invisibility limited their access to legal protection, social security benefits, and other essential services. Interoperability ensures that once a business is registered, it is automatically recognized across different systems. This recognition not only provides women with a legal identity as entrepreneurs but also makes them eligible for government support, such as grants, subsidies, or training programs.

The advent of interoperability of BRELA Online Registration System (ORS) with other government Institution systems which are managed by NIDA, TRA, PPRA allowing women to complete business registrations faster and more efficiently. For instance, when a woman entrepreneur applies for business registration, the system automatically verifies her National ID with NIDA and tax registration with TRA, reducing the need for physical visits to different offices. This has cut down the time to register a business from weeks to just a few days, removing a critical barrier for women who juggle family, household, and work responsibilities.

Additionally, interoperability reduces the need for women to engage with multiple offices, a task that previously required significant time and financial resources. Many women found themselves discouraged by the need to travel long distances to various agencies or face complex bureaucratic and cumbersome procedures. Now, through interconnected systems, they can access services online or via one-stop centres, significantly lowering these informal barriers.

Interoperability further bridges the gap between government institutions and financial service providers. Financial inclusion remains a significant challenge for many women in Tanzania, with only a small percentage having access to formal banking services. By connecting institutions like TRA and financial institutions women entrepreneurs can now more easily access financial services, including loans, savings accounts and digital payment solutions. As a result, interoperability gives women the financial tools needed to expand their businesses and participate more actively in economic development.

Furthermore, the shift toward interoperable systems has brought about a broader push for digital literacy and innovations. As these

systems require businesses to interact online, many women entrepreneurs have taken the opportunity to build digital skills, enhancing their overall capacity to thrive in a modern, tech-driven business environment. Government initiatives, in collaboration with private sector partners, are offering women training programs in digital tools, e-commerce platforms, and financial literacy, all of which are crucial for navigating an increasingly interconnected world.

Likewise, interoperability has made it easier for women to access markets beyond their localities. With digital platforms connected to financial, trade, and customs systems, women can now expand their businesses into regional or international markets without the cumbersome processes that previously made trade inaccessible to small enterprises.

The seamless integration of systems not only benefits individual women entrepreneurs but also contributes to the overall growth and inclusivity of Tanzania's economy. According to studies, when women are empowered economically, they invest more in their families and communities, leading to a multiplier effect that enhances overall social well-being.

The Tanzanian government's push toward digitization and system interoperability is also closely aligned with broader initiatives aimed at achieving gender equality and sustainable development. By enabling women to formalize their businesses, access financial resources, and reduce the time and effort needed to comply with regulatory requirements, the government is laying the groundwork for a more inclusive economy where women can thrive alongside men.

As Tanzania continues to embrace digital solutions and interconnected systems, women stand to be among the biggest beneficiaries, gaining the tools, resources, and confidence needed to succeed in a competitive business environment. This is not just a game changer for women; it is a driving force for the country's overall development and economic growth.

Likewise, interoperability has made it easier for women to access markets beyond their localities.

The role of business licensing systems in simplifying the issuance of business licences in Tanzania



Simplifying registration system through interoperability of institutional systems is a global agenda to shape business environment.

By Sweetness Madata

The development of any country depends to a great extent on the growth of Science and Technology. Science and Technology have brought about solutions to various problems and challenges in the world, in a unique way have contributed to the economic development in Tanzania. Tanzania's business environment has been largely improved by the adoption and use of ICT infrastructure in various registration and license issuance processes under the supervision of Ministries, Departments, Authorities and Agencies. This article aims to provide insight on how introduction of Business Licensing Systems has simplified the issuance of Business Licences Category "A" issued by the Business Registrations and Licensing Agency (BRELA).

Section 2(1) of the Business Licensing Act No. 25 of 1972 states that, gives definition of Business Licence. Likewise Section 3(1)(a) of the Act states demands all persons doing business in Tanzania whether as a principal or agent, doing any business should hold a valid business licence.

Issuance of business licences in Tanzania Mainland dates back before the year 2015 were Business Licenses were issued manually by two Authorities which are the Ministry of Industry and Trade - for business licences category "A" and Local Government Authorities (LGAs) through their respective Councils, for business licences category "B".

Business licences category "A" are issued to businesses with national or international nature or those that are governed by policy implications at National or International level

such as businesses dealing with Importation and exportation of goods, financial services like Banking and Microcredit services, transportation of passengers and goods in the country and abroad, clearing and forwarding business etc.

Since 1st July 2017, the responsibility for issuing business licences Category "A", production, and distribution of business licence books to Local Government Authorities was transferred from the Ministry of Industry and Trade to BRELA. Issuing business licences manually had numerous challenges to the Agency and business owners at large. It was a bureaucratic process that involved the use of business licensing books and manual Application forms which had to be printed by the Government Printers and distributed to BRELA which afterwards dispatched the licence books to Local Government Authorities upon request.

In the case of business licences category "A" business owners had to physically visit the BRELA offices to submit their licence applications, acquire a payment invoice, make payments, wait for the approval, and then return back to obtain a manually written business licence. In that regard, the whole process was time consuming and involved extra expenses to both parties, as a result the Agency received a lot of complaints from business owners and other stakeholders which signified the need to move towards an online Business Licensing process.

In 2015 the Government developed an electronic system for the issuance of Business Licenses and Business Information through a portal known as "The Tanzania National Business Portal (TNBP)" under the coordination

The role of business licensing systems in simplifying ...

of the Ministry of Industry and Trade and the President's Office - Management of Public Service and Good Governance. Ownership of the System was transferred to BRELA in July, 2017 and issuing Business licences electronically was launched on 1st, October 2019.

The process to obtain a business license category "A" electronically required applicants to visit and register in the TNBP system through website www.business.go.tz, registrations requirements being an active email address and mobile phone number. After registration, the account owner will have the credentials (Username and Password) used to log in during submission of applications for new or renewal of business licences. The portal is directly connected to the Government Payment System (GePG) therefore enabling electronic payments, even through a mobile phone.

Introducing the Online Licensing System has brought significant benefits to the business environment, key benefits including easy access to the service to customers, currently applicants do not need to visit BRELA offices to submit their Business license applications, the process can be done anywhere even through a smart phone hence cutting cost and time spent, also the system has increased the efficiency in processing and issuing business licenses by cutting down the time and other resources required to accomplish the task by the relevant Authority. Once an application is submitted with all the required information and attachments, a business licence can be issued within three (3) working days.

Furthermore, introducing the Online Licensing System has enabled proper management of Business License information which is key for planning and development of trade Sector. The system is a source of realistic business licence data which when analyzed may provide a clear picture of the business trend within Tanzania Mainland hence enable the government to make informed plans and decisions for the growth of business sector.

BRELA is constantly exploring ways to improve service delivery to customers, currently the Agency is making system renovations on the Online Registration System (BRELA ORS), among which will incorporate into the system the role of issuing business licence category "A", through this transition the BRELA aims to further simplify the process of applying and processing

business licence applications. The improved ORS system is integrated with other systems such as those of authorities like the National Identity Authority (NIDA) and the Tanzania Revenue Authority (TRA) thus eliminating the need to attach documents issued by those Authorities during submission of business licence applications. Systems integration has wide-ranging benefits, including increased productivity and efficiency, enhanced decision-making and higher customer satisfaction. Additionally, integrated systems may improve data management and reduce the risk of human error so as to ensure that accurate information is submitted in the registration and licensing system.

Simplifying the licensing system is a key element in trade facilitation, it is of importance that business owners easily access this service and enjoy the benefits resulting to operating legal businesses in Tanzania. To a business owner a business licence depicts that a business is being legally operated by adhering to the Business Licensing Act No. 25 of 1972 Re.2002 and other laws of the land, hence providing freedom to do business and advertise goods and/or services as well as compete with other businesses in the market. A business licence may promote customer trust, loyalty and retention towards the respective business as customers prefer engage with legally operated businesses. Apart from that a business licence opens up opportunities for a business enterprise to compete for governmental or public service tenders as well as obtain financial support from various financial institutions.

Conclusively it is of utmost importance that the role of technological advancement in everyday business operations is not downplayed, the implementation of the online licensing system as a strategic approach to business formalization in Tanzania has significantly contributed to economic growth and development. New businesses are continuously emerging while others are evolving hence there is a need to keep adopting proper means to register and regulate businesses. Ultimately, the success of the Licensing system hinges on its ability to address the diverse needs and challenges faced by entrepreneurs across Tanzania therefore to continuously refining the system based on user feedback and emerging trends will ensure that it remains relevant, accessible, and impactful in facilitating business formalization.

Systems interoperability and protection of innovation in Tanzania



By Calvin Rwambogo

The Government through BRELA has been providing protection through Patents to inventors of products, machines, devices and processes that are new and that bring solutions to various technical challenges or issues in the society.

This protection is provided for a maximum period of twenty (20) years from the date of filing of application. Throughout the period of protection, the Patent owner obtains the exclusive right to prevent others from benefiting from his invention by manufacturing, selling, offering for sale or importing into the country the product or process resulting from the protected invention without the prior authorization of the patent holder.

However, in recognition of the level of technology in our country and to ensure that innovators get the protection of their inventions, the patent protection system also accommodates the registration of inventions that are improvements to existing inventions and those that do not meet the criteria to be protected as Patents. These inventions can be protected as a Utility Certificate (*Utility Model*)

and given protection for a period of seven (7) years from the date of filing the application.

The protection of a patent or Utility Certificate is granted after the inventor or the owner of the relevant invention applies for protection through the Online Registration System, (ORS). Among other things, when applying for the protection of a Patent or Utility Certificate, the applicant is required to attach a patent document that describes the manner and how the invention works but also the basic and unique elements that make up his invention and that distinguishes his invention from inventions of other people.

After the application has been processed and accepted, the Registrar publishes some aspects of the patent document including information on the owner, information on the Inventor, the type of invention and a summary of the invention (*abstract*) in the Patent journal which can be accessed by anyone.

Once a patent is granted, the patent document submitted by the applicant becomes a public document where anyone can use it to understand the related invention but also use the document as a guide when conducting

▶ research and bringing improvements that will help in promoting science and technology.

In order to ensure, information on various patents and innovations is easily available for the development of science and technology, but also for introducing innovations or inventions with patents to various stakeholders and investors, it is very important to allow the systems of institutions that manage innovation, research and science and technology to communicate or interoperate.

Various steps have been taken by BRELA to achieve interoperability of the systems. Currently BRELA has ensured that all applications are submitted online but it also continues to improve customer experience.

In addition to allowing customers to send applications for patent protection or registration of utility certificates through online system, BRELA also handles all matters that occur or which the patent owner is required to perform immediately after registration, through the system. These include paying the annual patent maintenance fee, applying for extension of term of the patent as well as informing the registrar about the various changes that occur during the protection period such as changes in

ownership, residence or nationality information of the owner, presence of license of use of patents etc.

For purposes of achieving systems interoperability, BRELA has entered into cooperation and information exchange agreements with the National Commission for Science and Technology (*COSTECH*). Through cooperation with *COSTECH*, various innovative information can be made accessible to the general public. This information can be accessed through the database that will contain information about innovations, and the status of the relevant innovations whether it is protected or not.

Through the database, all the issued patents can be easily accessed by innovators, entrepreneurs and investors can use them as it is the principle of patents that once a patent is issued, its information becomes public information. The database will mitigate the current challenge where it is difficulty for a person outside the Patent Office to find or access patent information he needs for various uses.

The availability of protected patent information is of great importance as the public will be able to identify patents that have already expired or ▶



reached the limit of protection and be able to use them without interfering with the rights of the Inventor.

In order for patent information and innovation in general to be productive in society, the interoperability of the systems is inevitable. Through the systems of institutions that manage innovation, research, education, business and investment, as well as the database of innovations or patents, important information that contributes to the development of the nation will be easily accessible, but the systems will also be a special platform for promoting innovations found in our society for commercialization.

In order for inventors with patents to benefit from their patents that will be accessed through the systems and patent and innovation database, it is important for them to ensure that their patents continue to be active (valid) by paying annual fees for the maintenance of patents or utility certificates. This fee is paid annually from the date of initial application until the protection period expires. Failure to pay the annual patent maintenance fee leads to the relevant patent becoming into public domain and causing the patent owner to not continue to benefit from his basic legal rights.

Patent or Utility certificates maintenance fees are paid as follows below;

APPLICABLE PATENT OR UTILITY CERTIFICATES MAINTENANCE FEES SCHEDULE

YEAR	The annual patent maintenance fee in Tshs.	The annual utility certificate maintenance fee in Tshs.
First anniversary	4,000/=	3,000/=
Second anniversary	5,000/=	4,000/=
Third anniversary	6,000/=	5,000/=
Fourth anniversary	7,000/=	6,000/=
Fifth anniversary	8,000/=	7,000/=
Sixth anniversary	9,000/=	8,000/=
Seventh anniversary	10,000/=	
Eighth anniversary	11,000/=	
Ninth anniversary	12,000/=	
Tenth anniversary	13,000/=	
Eleventh anniversary	14,000/=	
Twelfth anniversary	15,000/=	
Thirteenth anniversary	16,000/=	
Fourteenth anniversary	17,000/=	
Fifteenth anniversary	18,000/=	
Sixteenth anniversary	19,000/=	
Seventeenth anniversary	20,000/=	
Eighteenth anniversary	21,000/=	
Nineteenth anniversary	22,000/=	

THE ROLE OF INTELLECTUAL PROPERTY IN DRIVING COMMERCE:

Challenges and opportunities

By **Stanislaus Kigosi**

Intellectual property (IP) and commerce are deeply intertwined, especially in today's global economy. IP rights—like patents, trademarks, copyrights, and trade secrets—play a critical role in driving innovation, protecting creators, and fostering economic growth.

As we all understand, intellectual property encompasses legal rights that protect creations of the mind, including inventions, designs, brands, and artistic works. These rights are crucial for creators and innovators as they provide exclusive control over their creations, allowing them to reap financial rewards and encouraging further innovation. The protection of IP can enhance investors and entrepreneurs establish themselves in the market or create market dominance, attract investment, and foster consumer trust.

Looking at the current IP landscape in Tanzania, despite the clear advantages of a strong IP framework, Tanzania faces challenges in fully capitalizing on its potential. Many local businesses and creators lack awareness of the significance of IP rights, resulting in underutilization and low registration rates. Furthermore, the existing legal framework often does not adequately cater for protection of IPRs, leading to widespread counterfeiting and piracy. ▶



▶ One of the most pressing issues is the lack of public awareness and education regarding intellectual property and intellectual property rights in general. Many creators, particularly in the informal sector generate intellectual property, unfortunately are unaware of their rights or the processes for protecting their innovations.

This lack of understanding diminishes their ability to navigate through the complexities of the IP scene and can discourage them from seeking protection for their work. Unscrupulous business persons eventually take advantage of unprotected intellectual property by decisively protecting such intellectual property assets in their name at the detriment of the creators of such intellectual property assets.

In the event where IP rights are registered, enforcement poses significant challenges. Instruments for IPRs enforcement are fragmented and administered by different institutions which hamper effective enforcement of IPRs. The prevalence of counterfeiting and piracy undermines the value of IP, creating an environment where local creators struggle to compete with counterfeit products, unfortunately this affects even those strong brands established in the international markets.

Despite the above-mentioned challenges, there are considerable opportunities for Tanzania to enhance its IP ecosystem and, which will eventually make IP play its great role in commercial and economic development. By focusing on two key areas; legal reform and public awareness, Tanzania can create a more supportive environment for innovation and entrepreneurship.

BRELA as a national IP Office is fully aware that our current IP legal regime is falling out of the contemporary ecology of IP. There is an effort in place to have a National IP policy which goes

together with updating and aligning national IP laws with international standards in order to enhance protection for creators and innovators. This involves revising existing laws to better address emerging challenges. Streamlining the registration process for patents, trademarks, and collaborating with other IP based offices such as Copyright Office of Tanzania, Fair Competition Commission to address matters pertaining to trademarks infringement and combating counterfeit products. In turn this will encourage more innovators to seek protection, ultimately increasing the number of registered IP rights.

Public awareness programmes are essential for educating creators about the importance of IP. This has been taking place in all walks of life, starting from small entrepreneurs, universities and colleges communities where we believe they are the centres of innovation and creativity. These programmes not only encourage innovation, but also encourage respect for IP.

There is an initiative to start IP education in schools especially secondary schools, aiming at raising awareness about IP rights and the benefits of protecting creative works. Workshops and seminars can inform innovators about their rights and the registration process, encouraging them to engage with the system.

In conclusion, intellectual property is a critical component of commerce in Tanzania. By addressing the challenges within the legal framework and enhancing public awareness, Tanzania can unlock the full potential of its intellectual property system. This, in turn, can drive innovation, attract investment, and foster economic growth, ultimately benefiting creators, entrepreneurs, and the broader economy. Prioritising IP, will surely pave a way for a vibrant innovative commerce and the entire economy of this country.



There is an initiative to start IP education in schools especially secondary schools, aiming at raising awareness about IP rights and the benefits of protecting creative works.

A guide to trade and service marks registration

By **Andrew Malesi**

It is a unique sign/mark that has been designed by an entrepreneur/trader for the purpose of distinguishing the products he manufactures or the services he provides from the products or services provided by other people who manufacture products or provide services similar to his own.

These signs/marks can be a word, a shape, a figure, a number, an abbreviation of the real name or creative name of the owner, the company, or the name of a fictional word, except those that are prohibited.

Things to observe while design trade and service marks:

- A mark shall be of unique characters.
- A mark shall not be similar to a mark that has been registered by another person in the same class.

- The mark should not describe a product or service.
- The mark should not be against the law or Tanzanian values.

Required information to submit an application for registration of trade or service mark.

- Applicant information.
- Trade or service mark owner information.
- A trade or service mark information, whether it is a logo or name only.
- Class of registration of relevant mark (Nice classification).
- Logo (optional)
- Application fee.

After submitting an application for registration of trademark, the said application will be processed and if the same met the registration





► criteria, the said mark will be published in the Official Journal of Patents, Trade and Service Marks which is issued by BRELA on the 15th of every month for a period of sixty days. If there are no objections during that time, an applicant will submit an application for a certificate of registration of a respective mark.

Note that, the owner of a mark starts to enjoy the protection by the law after the registration, but the said protection has time limit, where the owner is at liberty to renew the same. Contrary to that, the registrar may remove the said mark for the register by abandoning the same.

After seven years from the date of registration of the Trademark or Service, the owner is required to renew his Trademark by submitting form number TM/SM 9 for renewal after which the Trademark will renewed every ten years.

Importance of registration of a trade or service mark.

- Giving him the exclusive right to exclude other from using a particular mark except with his permission or consent.

- To control illegal competition of products or services in the market.
- Promote the popularity of quality products or services.
- To provide the owner of a Mark with income by selling the Mark or giving the right of use to another person.
- To enable product users to identify and choose brands or services based on quality.
- i. It gives the owner a legal right to take action against someone who imitates the mark.

Management of Trademarks or Services after registration.

After the trademark registration is complete, there are various things that the owner of the trademark can do about the respective trademark.

APPLICABLE TRADE AND SERVICE MARKS FEES SCHEDULE

TYPE OF SERVICE	FORM	FEE
Renewal of a marks	TM/SM 9	35000
Change the name of the owner.	TM/SM 18	20000
Change of address	TM/SM 15	20000
Transferring ownership of marks / assignment.	TM/SM 13	50000
Merger	TM/SM 12	50000
Granting permission for the use of the mark to another person for a certain period of time / Registered user	TM/SM 31	50000

TENETS OF TRANSPARENCY IN LEGAL PERSON: The Tanzania practical experience

By Isdor Nkindi

The concept of Transparency in companies and legal arrangements got its birth to Tanzania through two major routes. The first route was by the desire of Tanzania to implement global standard for revenue transparency and a global coalition of governments, companies and civil society organisations under Global Extractive Industry Transparency Initiative (EITI). The concept was first lounged in 2009 by setting up an EITI Tanzania Chapter which facilitated Tanzania to become EIT compliant in 2012.

The focus for EITI Tanzania was to enhance transparency in government revenue generated from minerals, oil, and gas. Companies engaged in extractives were also required to lay bare the necessary transactions to public including declaration of ultimate beneficial owners of such companies. With enactment of Tanzania Extractive Industry (Transparency and Accountability) Act No. 23 of 2015 the chapter acquired new vigor. The Extractive Industry Transparency and Accountability Committees was established under section 4 of the Act to stir the EITI obligations under Tanzania Chapter.

As noted from the foregoing, the essence of introduction of Transparency in companies is to enhance openness and accountability of companies in specific sector of mining oil and gas in Tanzania. This means under EITI, not every company is required to observe EITI standards unless the same is involved in extractive investments in Tanzania Mainland and Isles. What about other non-extractive companies? Are there any standards for Transparency?

The two questions lead us to the second route of Transparency in companies in Tanzania. Financial Action Task Force (FATF) which was a global initiative to combat financial crimes like money laundering, terrorism financing and Proliferation was came out with forty (40) recommendations which have been accepted globally as standards for ant-money laundering (AML) Counter Terrorism Financing (CTF) and Counter Proliferation (CP).

Tanzania being part of global society implements these standards. The first move started with legal adoption of the transparency in all companies locally registered in Tanzania. The amendment of s 2, 14, 16, 85, part v, s. 115, s. 117, s. 129, s. 191, and addition of ss. 451A, 451B,



and 459A of the Companies Act Cap 212 which was affected vide Finance Act 2020 opened a new chapter in the registration of Companies in Tanzania. The aim of this amendment was to put to affect the contents of Recommendation 24 of FATF which requires all companies to declare their Ultimate Beneficial Owners in the Companies and other legal Arrangements. The amendments also adopted a classical definition of Beneficial Owner coined from FATF Guidance for Transparency and Beneficial Ownership 2014. The definition has been codified in Anti money Laundering Act Cap 423 as amended in 2019.

One would ask who is an Ultimate Beneficial Owners (UBO) of a company? Before extracting the meaning from the standard definition, the layman understanding is crucial. UBO is nothing but and person who has a direct or indirect benefit in the company. The Law takes us far to specify that this UBO must be a real human being and not corporate entity as known by lawyers. The essence is simple. It is a human being who has evil mind. Since the concept intends to control crimes, the element of ill motive - *mens rea* which is centered to natural person can only manifest in human being. Unlike UBO declaration which is done under EITI standards, the Companies Law does not require declaration of a non-human UBO. This scenario invites a further review of the two laws TEITA Act and Companies Act to reconcile the two issues. One, the concept of UBO under TEITA Act which in essence does not fulfil the requirement of UBO as known in Law, and two, the custodianship of the UBO under Companies Act which is now confidential thus vitiating the concept of transparency.

The Law sets four standards of UBO under Anti Money Laundering Act. The first is a nature of a BO who is strictly required to be human beings. Even where the shareholding of the company is so complex with multiple corporate shareholders, the law requires stretching further and further to reach a natural person who has an interest. Second, is the threshold. The Tanzania Law was initially 25% of shares or other controlling powers by that natural person that qualifies them to an UBO status. Later, the law was amended to capture all 5% and above holders of shares and controlling powers as UBO. The Law is now firm of threshold. Third is Directness or indirectness of the UBO. It does not matter whether the UBO owns that benefit directly on the register or indirectly behind a nominee or other arrangements whether formal or informal. The fourth, the law

characterizes an UBO as the one whose behalf the interests or benefits are held by another person or entity in the company structures. Going by these standards, it is a settled position of law that companies are under strict scrutiny in so far as disclosure is concerned.

The question now becomes how practical are the two sets of standards (EITI and FATF) in Tanzania? As for EITI standards, compliance has been fully under Extractive Industry Multi-Stakeholders Group which implements the 2015 Act and 2019 Regulations. To date, Tanzania has published twelve (12) TEITI reports covering the period from 1st July 2008 to 30th June 2020. TEITI reports contributes to building public confidence and trust in the extractive companies and Government with regards to oil, gas and mining investment operations in the country.

As for Beneficial Ownership compliance under companies Act, Tanzania has been successfully assessed and attained a "Compliant" status in relation to implementation of FATF Recommendation 24. The rating is in respect of existence of a clear legal and regulatory framework that have been put in place since adoption of the FATF standards in Tanzania.

However, submission of UBO information to the registrar for companies which were registered prior the incoming of FATF standard has encountered several challenges. The quick appraisal of the procedure has suggested that many default companies face procedural challenges including, Miscalculation of Benefits by shares, Miscalculations of benefits by other means, Use of Manual Form 14B, laxity in inserting data and documents in the system (BO Portal), Confusion between Control percentage and share percentage, Inconsistency between ORS and BO Portal data, confusion between Legal Owner and Beneficial Owner concepts, Misstatement of declarants, Insertion of irrelevant documents etc. The Registrar has been in constant collaboration with stakeholder in alleviation of these challenges.

The story of Tenets of Transparency in Legal Person in Tanzania can therefore be told in two main lines of success namely; legal and regulatory compliance to international Antimony Laundering Standards enshrined under FATIF recommendation 24, and Transparency and Accountability on natural Resources in the extractive industry arising from EITI standards.

Procedures for obtaining an export business licence

By Tawi Kilumile

The Business Licensing Act No. 25 of 1972 is the Main Act for Business Licensing Processes in Tanzania. The Act requires that No Entity is required to operate a Business in Tanzania without being a Holder of a Valid Business License issued by the Respective Authority. In Tanzania, Business Licenses are issued by two Authorities namely Business Registration and Licensing Agency (BRELA), for Class "A" and Business Licenses and Local Government Authorities (LGAs) for Class B Licenses.

Export business is among the Businesses of international Nature since it involves movement of goods from one country to another and therefore is among the business Licensed by Business Registrations and Licensing Agency (BRELA).

Many Traders who deal with exportation of goods, are faced with challenges or improper documentation or missing documents when they want to clear the goods for export purposed. Export business licence is among the document required at the Boarder or Custom

when clearing the goods from the Boundaries of the United Republic of Tanzania to other countries. This is caused by among other factors lack or insufficient awareness on where and how to obtain an export business licence. Some traders use business licences obtained from irrelevant authorities or other use sector permits issued by Sector Regulators as if it is a business licence for the goods to be export.

This article entails to provide an overview on the requirement for obtaining an Export Business Licence and how the processes for application and being issued with business licence has been improved by the use of technology without requiring the applicant to visit BRELA Offices for the Licence.

For any entity or trader to obtain an export Business License should met the following conditions as follows:

- Acquired a Business Premise by Renting or Owning a Premise;
- Register a Company or a Business Name to Business Registrations and Licensing Agency (BRELA). This is



done online through www.ors.go.tz;

- Register for Tax Identification Number (TIN) to Tanzania Revenue Authority (TRA) www.tra.go.tz;
- Register to the Sector Regulaor for the Permit to operate in the sector (Depending on the product to be exported)
- Have the National Identification Numbers (For Tanzania Nationals) or Passport (For foreign) for shareholders and Directors;

Since 2018, BRELA started dispensing business Licences online through the Tanzania National Business Portal. This means an applicant is not required to visit BRELA offices to apply for and Obtain Business Licence but can apply online through the Tanzania National Business Portal www.business.go.tz;

Procedures to be done while applying business Liscence online is the following: -

- i. Fill the Applicants details including name, contact address, Email address and physical address;
- ii. Fill the Business details including Business or Company Name, Business Premises address (contact, Email and Physical location), Owners or Shareholders and Directors of the Business or Company, business type, e.t.c;
- iii. Attach all the required documents such as: -
 - photocopy of Certificate of incorporation (in case of a Company) or Certificate of Registration and Extract in case of Business Names,
 - Attach a Photocopy of Memorandum and Articles of Association showing among other things that objects of the company allows it to do the business which is being applied, Directors and Shareholders of the Company;
 - Proof of Tanzania citizenship by attaching -National Identification Cards, Photocopy of passport, birth certificate or Affidavit, and in case of non-citizens attach a photocopy of Residence Permit Class A" -showing the holder to

be investor in that company/ business,

- In case the shareholders of the company are non-residents, Powers of Attorney to citizen/ Residence should be submitted/ attached,
- Proof by the applicant having a suitable business premises for the business applied. The following can be submitted as a proof, a copy of title deed, Tenancy agreement etc,
- Proof of Registration for Tax Payment from TRA by attaching a copy of TIN Certificate;
- Proof of Registration and/ or Permit from the Sector Regulating Authority such as Mining Dealers Licenses from the Ministry of Minerals for the Businesses of Minerals exportation, Medicine and Medical Devices Permit from Tanzania Medicine and Medical Device Authority (TMDA) for the Businesses of Drugs, Cosmetics, Medical devices, Pharmaceuticals exportation; Crop Board Permits from the respective Crop Boards for the businesses of dealing with Agricultural Crops Such as Cashew, Cotton, Sisal, Tea, Coffee, Pyrethrum, Export permits From the Respective Permits and Boards for the business of exporting livestock, fisheries and their respective such products.



- ▶ iv. Submit the Business Licence application for the Licensing authority to process the application;
- v. After approval pay the required fees as detailed in the Invoice issued online to your registered account or the Dashboard at the Tanzania National Business Portal. The Invoice contains payment details, Control Number and the period of which such fees should be paid.
- vi. After payment the applicant is issued with a Business Licence Online without requiring to visit BRELA for collection of such Business Licence. To obtain a Licence, the applicant is required to:-
 - Log in in the TNBP Used the credentials obtained during registration;
 - Click "My Dashboard";
 - Click "My Licences";
 - Click "Actions";
 - Click "Download Licence";

Business Licences issued are valid for a period of twelve months (12 Months) from the date of issuance. The Licence holders required to renew the business Licence within twenty-one (21) days from the date of which such Licence expired. Beyond this stipulated period the applicant is subjected to penalties for late renewal of such licence.

To renew the Licence the applicant required to do the following: -

- a. Log in in the TNBP Used the credentials obtained during registration;

“ The complete application is processed within a maximum of three working days as stipulated by BRELA

- Click "My Dashboard";
- Click "My Licences";
- Click "Actions";
- Click "Renew Licence";
- Fill in the required information in the respective fields;
- Attach the scanned copies of the required documents including a "tax Clearance Certificate";
- Submit the application;
- Pay the respective fees; and
- Obtain a Business Licence.

This transformation of the Business Registration and Licensing Agency from the manual application and issuance of Business Licences to online issuance through the Tanzania National Business Portal has simplified the Process. The complete application is processed within a maximum of three working days as stipulated by BRELA in its Customer Services Contract (Mkataba kwa Mteja). The applicant can perform all the application Procedures and payment of the Business Licence fees while at home or at the Business Premise. It just need to have:-

- An electronic devise (Smart Phone or Computer) with a Compatible browser such as windows explorer, mozilla firefox etc;
- Internet facilities;
- Scanned copies of the required documents; and
- Money for Payment of the respective fees which are paid after obtaining an Invoice with a Control Number;
- Payment of fees can be done through Mobile phone, Payment Agents or Banks.

It is my hope that this article has valuable contribution to the reader and gives a first-hand information on how to obtain and renew a business licence. Information provided through this article is an extraction from the requirement of the Business Licensing Act No. 25 OF 1972, Procedures in the Tanzania National Business Portal and the experience of the Author obtained though working in the Directorate of Licencing and processing business licences applications for several years. ▶

What business and Where to apply for a Business Licence

By Tawi Kilumile

In Tanzania mainland, Business Licences are issued in accordance to The Business Licensing Act No. 25 of 1972. The Act requires that No Entity is required to operate a Business in Tanzania without being a Holder of a Valid Business License issued by the Respective Authority. In Tanzania, Business Licenses are issued by two Licensing Authorities namely Business Registration and Licensing Agency (BRELA), for Class "A" Business Licenses

and Local Government Authorities (LGAs) for Class B Licenses.

BRELA issued Business Licenses Class A businesses, thus are the Businesses of National and International Natures which Guided by the Policy or Policy decisions at National or International Levels. The following is a list of businesses whose application for business License should be sent to the Business Registrations and Licensing Agency (BRELA).

Importation	Installation and Maintenance of Telecommunication Equipment
Exportation	Transportation of Goods/ Passengers by Road
Manufacturing and Processing	Transportation of goods/Passengers by air
Refining of Crude oil	Marine Transportation
Tour Operators	Railway transportation
Tourist Agents	Transport Logistics
Air Ticketing	Shipping
Tourist Hotels	Shipping Agency
Tourist Lodges	Cargo Tallying
Camping and Camps	Cargo Handling
Car Renting and Car Hires	Cargo Valuation
Photographic Safaris	Cargo Superintendence
Hunting Safaris	Pre-Shipment Inspection
Tourism Promotion Activities	Ship Chandlers
Commercial Banking	Miscellaneous Port Services
Cooperative Banking	Stevedoring and Lightering
Banking Agents	Harbour and Airport Management
Banking Brokers	Bagging Services
Bureau De Change	Clearing and Forwarding
Microfinance Institutions	Freight Forwarders
Micro Credits	Customs Bonded Warehouses
Capital Markets	Post Offices
Mortgage and Hire Purchases	Courier services

Credit Reference Bureau	Mailing Agents
Credit Card Management	Radio Stations
Stock Exchange	Radio Broadcasting
Stock Exchange Broker	TV Stations
Social Security Providers	TV Broad casting
Social Security Agents	Production of Arms and Ammunition Equipment
Social Security Broker	Dealers in Explosive
Insurance and Assurance	Night Clubs
Insurance Broker	Casino
Underwriting and Loss Assessment	Betting Slot Machines
Re- Assurance and Endowment	Gambling
Real Estate Development	Manufacturer Representatives
Real Estate Agents	Commission Agents
Real Estate Management	Motor Vehicle Dealers
Property Development	Auctioneers
Property Management	Brokers
Minerals/ Gas explorations	Services to Mining and Drilling Companies
Mining and Gas Drilling	Supply of Marine and Aviation fuel
Mineral and Gas Survey/ Prospecting	Water Drilling and Supply
Electrical Generation Stations	Urban Water Supply
Electrical Production and distribution	Telecommunication Service Providers
Mineral/ Gemstone Dealer	Internet Service Providers
Gold and Silver smith	Internet Surfing
Internet cafe (Fax, Emails and Telefax)	E-commerce
Sales of Telecommunication Equipment	Attended Telephone Services

Note: Application for such Business Licence is done through Tanzania National Business Portal www.business.go.tz

Moreover, Class B Business are the businesses that are not of National and International Nature and such business are Licenced by the Local Government Authorities (LGAs), which include City, Municipal, Township and District Councils. The following is a list of Businesses whose application for Licenses should be sent to the Local Government Authority of which the respective business is conducted.

Farming/ Animal/ Fishery Husbandry	Entertainment Halls
Sale of Agricultural Products within the Country	Recreational areas/ grounds
Insurance Agent,	Itinerate Trade
Restaurants and Ordinary Hotels and Guest House,	Super Markets
Auctioneer,	Departmental Stores
Itinerant trade,	Professional Consultants
Buying and Selling Motor Vehicles,	Sales of Spare parts and Machine tools
Regional Trading Companies,	Bookshop and Stationeries
Co-operative Societies,	Beauty Salons and SPAs
Wholesale trade,	Gyms
Building Contractors	Barber Shops
Electrical Contractors	Hand crafts and Works of Arts
Mechanical Contractors	Stores and Provisional Shops
Civil Contractors	Printing and Publishing of Books and Newspapers,
Transportation Offices/Agents	Cosmetics
Hospitals	Car Parks
Dispensaries	Waste Management,
Health Centres	Broker,
Sale of Pharmaceuticals	Private Schools
Pharmacies	Day care Centres
Bars and Pubs	Public Toilets and Bathrooms
Restaurants	Organised Exhibition, Concerts and Events
Grocery	Installation and Maintenance services
Wholesale	Research and Development services
Ordinary Hotels/ Guest Houses	Small Scale Manufacturing and Selling,
Specified professionals,	Attended Telephone Services,

Know about a Company Secretary

By Harvey Kombe

Company Secretary is an officer of the Company who has a role of reporting and advising the board of directors about compliance as required by the applicable laws. Filing of annual returns and annual accounts of the company. Recording and filing changes of shareholdings, directors or the registered office. Issuing share certificates and dividend vouchers

The Role of the Company Secretary

The company secretary is the one who holds significant influence and is the one of the key governance positions in the Company.

The Company secretary's role is essential in ensuring that the company operates in accordance with set policies, procedures, process and rules.

Company Secretaries can either be an individual or a corporate entity and acts as an important intermediary between the board, shareholders and Companies.

As an officer of the company, the company secretary owes a duty to act in good faith and in the best interest of the company and much like directors, can be held liable for breach of duties. This is enforced by provisions within the company Act Cap 2002 RE.

The specific responsibility of the Company Secretary will vary depending on the size of the Company as well as the sector within which they operate. However, typical responsibility of the company secretary includes the following namely; -

- Maintenance of Company Register which include the register of members and the beneficial owners
- Completing and filing statutory returns to the Registrar of Companies, including annual returns and statement of accounts.
- Ensure that the company complies with its Articles of Association, the Companies Act and other relevant legislations and good practice guidelines.

- Ensuring that directors are aware of their legal responsibilities and statutory duties.
- Facilitating the smooth operations of the meetings and formal decision making.
- Facilitating change of particulars of directors, shareholders, beneficial owners and any other changes which the company will undertake.
- Make sure that all necessary documents are filed on time to the Registrar of Companies in order to avoid unnecessary penalty to the company.
- Filing of debenture, charges, annual returns, beneficial owners information and inform the Registrar of Companies of any change thereof.
- Ensure the safe custody and proper use of the common seal of said company
- Issue shares certificates to all shareholders.

In the Conduct of the Meetings

During company board and shareholders meetings, it is the duty of the company secretary to circulate agendas and accurate minutes of the meetings and resolutions.

The company secretary should be aware of the requirement to ensure that companies complies with all the legal procedures.

Are there recommended skills for Company Secretary?

Some of the recommended skills which a company secretary requires to possess include the following namely-

- Organizational Skills.
- Comprehensive Understanding.
- Ensure Compliance.
- Multitasking Skills
- Effective Communication Skills.
- Judgment Skills.
- Planning Skills.
- Legal Knowledge.

Is a Company Secretary a legal Requirement?

There is a legal requirement for Tanzania public and private companies to appoint a company secretary and it is highly recommended that they do so to ensure good governance. This position is provided for by section 187 of the Companies Act Cap 2002 RE.

It is clear that the company secretary's functions and duties are numerous and are to be construed from the legal avenues. It can be observed that in some jurisdictions the qualifications for a person capable of executing the position of company secretary are defined as possessing the following qualifications:

- Must have held for three years the position of a company secretary.
- He or she is a member of the Institute of Chartered Secretaries and Administrators, or a member of the Institute of Chartered Management Accountants, or Chartered Association of Certified Accountants.

- A qualified lawyer.
- He or she is a person who appears to the directors to be capable of holding the office, having past experience of a similar position.

It suffices to say that the duties and functions of the company secretary are legal and require a legal professional with the understanding of The Companies Act provisions when executing secretarial functions for the company. Corporate governance brings to the management accountability actions, hence the need for a secretary to effect statutory compliance functions for the company. These functions are designed to protect the shareholders and other authorized officers of the company when carrying out their activities to achieve company objectives for which purpose the companies were formed.



Get more information about our services, and serve yourself at <https://ors.brela.go.tz>



Interoperability of Institutional Systems and Business Facilitation: The case of BRELA

By Abdul-rahaman Songoro

Business Registrations and Licensing Agency (**BRELA**) is a government Agency under the Ministry of Industry and Trade, with mandate to oversee six (6) pieces of legislations and the regulation of the business environment in Tanzania Mainland. As such BRELA spearheads business formalization in the country, spanning from registration of companies, business names, and granting business licenses class A, grant of patents and trade/service marks and industrial licenses.

The concept of interoperability of institutional systems has been of recent at the fore front of the government agenda since the advent of digitalization of government services through e- government leading to numerous services offered by the Government to the citizenry.

The 6th phase Government has taken lead in fostering and ensuing the championship of interoperability of institutional systems.

The President herself has ordered that by December 2024 Government authorities should have linked their systems to allow interoperability and efficiency in the execution of their mandates,¹ responding to the call from the private sector to improve efficiency of government services to better serve business interests.

Private sector had indicated the inefficacy of the institutional setup in serving it better, this led the President to issue a directive No. 6 during the National Business Council meeting of 9th June, 2023.² Since then the issue of interoperability of the institutional systems continue to flare on top of the agenda of the business community.

BRELA, began undertaking steps towards automation and digitalising its services in 2016. By the year 2018, the Agency had established a full flung operational e – service platform by the name of Online Registrations System



that allows interface between the applicant as an external user and the processing and approving officers as internal users. The platform today offers services to more than a 100,000 companies and business allowing them the flexibility to navigate through business registrations and licensing functions into what has become one of the greatly used online service platform in Tanzanian business community. However, still a lot remains to be done to improve the customer experience of system and answering the realities of the 4th industrial revolution in facilitating growth of e-commerce and the work that continues with system upgrades and updates to catch up the tone.

Interoperability improves the way of doing things and brings efficiency to the overall performance of the Agency's mandate. BRELA has taken lead in ensuring that its institutional systems are linked with other key stakeholders in the business formalization sector. In that vein BRELA's Online Registration System is now linked with other government institutions such as TRA, NIDA, FIU and Police Force. Further processes are under completion to link with the Tanzania Investment Centre (TIC) through its flagship electronic investment window designed to serve investors and the business community who are currently served independently under individual systems of a particular Government Authority under the One Stop Facilitation Centre; this window will be known as Tanzania Electronic Investment Window (TeIW).

Through TeIW system, investors and businesses will be able to seamlessly access all the needed basic services under one electronic gateway with interfaces for numerous Government Authorities among which BRELA is key. Moreover, BRELA is undertaking system upgrade and redesigning its ORS and business portal to link and integrate with multiple other Government key institutions to enhance efficiency and practicability in the business formalization process in Tanzania.

Throughout this system integration journey, BRELA has experienced wide range benefits which a testament of the absolute necessity to ensure system interoperability among Government Authorities.

System integration and interoperability has simplified data collection and retrieval across systems, for example user identification thereby limiting chances of error and collection

of false data onto the systems for the purpose of facilitating registrations done by BRELA is retrieved from NIDA. This in turns guarantees accuracy of the information collected and stored on the BRELA systems. This information is further used by other stakeholders like Banks to lend credit facilities and for statistical purposes with the National Bureau of Statistics (NBS). This data serves to inform planners and ease policy strategizing, planning and decision making across a wide range of stakeholders both in Government and Private sector.

System integration and interoperability improves efficiency and smoothen operations and running of functions of BRELA seamlessly and more efficiently, cases of data sharing key government agencies and authorities makes it easy for the business community to navigate onto the systems, and accomplish tasks more easily and seamlessly, a very good example is the integration with TRA, which has made the process of TIN acquisition more easy, and a first step towards creating a reliable tax data base from the early inception of the commencement of the business.

Time spent throughout the business formalization process has lessened to a customer being able to navigate through the system and accomplishing company or any other form of business registration in just hours, saving cost and time of doing business in just a day.

With integration, the institutions are positioned to serve their customers better, eliminate redundant processes and cutdown turnaround time which allows customers to focus on the more productive activities of giving them businesses through curbing bureaucracies that are associated with manual paper work and time spent to make physical follow-ups in different offices, thereby navigating on the electronic platforms and sorting issues just a click away.

Deterrence of corporate criminality, with the integration of systems and sharing of information among key authorities, supposes a chance at deterrence of corporate criminality since through systems institutions like police, the FIU and banks can access data and undertake due diligence checks in the corporate transactions and thus enhancing transparency in the corporate financing and monitoring corporate transactions and as such ensuing in an era of doing business in a transparent and ethical conduct. This is



more relevant with the introduction of the compulsory beneficial ownership reporting by all companies incorporated in Tanzania.

Safety, the question of possible safety concerns associated with paperwork and system splits are likely to be minimal when you have a system that integrates other key systems into a more holistic and easier to access interface, this ensures accuracy of the data stored, ease of retrieval whenever needed and assurance of reliability when systems are well maintained and servers kept in data archival centers across the country.

BRELA's ORS efficiency is largely due to the interoperability with other systems linked without which it wouldn't have performed better than how it is at the moment.

Despite its potential, to the Government and the public there are several challenges involved in the process of execution of system interoperability in Tanzania and with BRELA's case in particular.

Systems literacy levels among many public institutions which are expected to integrate and link their systems is quite low, associated with understaffing and manning of the tech savvies in the fields of programming, system securities, data science and related engineering which is essential in the interoperability set up of the system architecture and designing to meet the demands of the institutions.

The current digital era supposes multiple prospects to look up to for the future of system

interoperability in Tanzania as follows;-

Digital resources that are high end tech tools that would streamline the design, architecture of the systems or tackling critical tech issues that could be associated with the process, the Artificial Intelligence (AI) poses numerous opportunities to tap to address the challenges across the way.

Research and Development institutions like universities and technical colleges should be empowered and funded to undertake research and develop curricula and programs designed to meet market demands and produce products that are high demand in the fields of science and computing which is essential in systems interoperability architecture and set up for smooth operations.

Awareness and staff training in systems should be a priority to the government institutions in order to bridge the gap in this field and ensure safety and smooth operations of the systems.

BRELA is a critical government Agency charged with a daunting task to ensure business formalization and regulation in Tanzania. While undertaking this task, BRELA is highly linked to or with multiple government authorities, as such the theme is timely and a call by the President is in line and efforts to sort out its implementation cannot be overstated enough, as dire and daunting as it seems government authorities' systems should tally and integrate as per Presidential order come December 2024!.

FEES FOR COMPANIES

1. Company whose nominal share capital is:
- More than Tshs. 20,000/= but not more than Tshs. 1,000,000/= TSHS 95,000 /=
- More than Tshs. 1,000,000/= but not more than Tshs. 5,000,000/= TSHS 175,000 /=
- More than Tshs. 5,000,000/= but not more than Tshs. 20,000,000/= TSHS 260,000 /=
- More than Tshs. 20,000,000/= but not more than Tshs. 50,000,000/= TSHS 290,000 /=
- More than Tshs. 50,000,000/= TSHS 440,000 /=
2. For registration of a company not having a share capital where the number of members as stated in the Articles of Association: TSHS 300,000 /=
3. Filing fee for the application, meaning shs. 22,000/= for each document i.e Memorandum and Articles of Association, Forms no. 14a and 14b. TSHS 66,000 /=
4. Each Stamp duty for each copy of the Memorandum and Articles of Association is charged TSHS 5,000 /=
5. Stamp duty for Form no. 14b is charged TSHS 1,200 /=
6. For reservation of a company name TSHS 50,000 /=
7. For company name change TSHS 22,000 /=
8. For the receipt and/or registration by Registrar of any document which under the Act is to be delivered to him TSHS 22,000 /=
9. For the late filing/registration fee to be paid to the Registrar of any document delivered to him (per month or part thereof) TSHS 2,500 /=
10. For filing of Annual Returns TSHS 22,000 /=
11. For certification of any document, per page TSHS 3,000 /=
12. For making search in any file/perusal TSHS 3,000 /=
13. For obtaining a written search report per file TSHS 22,000 /=
14. Fees payable by a company to which Part XII of the Act applies
- For the registration of certified copy of a charter, statute or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company USD 750 /=
- For registration of filing any document required to be delivered to the Registrar under Part XII of the Act/other than the balance sheet USD 220 /=
- For filling of Balance Sheet USD 220 /=
- For late filing/registration fee to be paid to the Registrar of any document delivered to him out of time (per month or part thereof) USD 25 /=
15. For obtaining a copy of Certificate of Incorporation TSHS 4,000 /=

FEES FOR BUSINESS NAME

SERVICES	FEE (Tsh)
Application fee	15,000.00
Maintenance fee (paid annually)	5,000.00
On application to register of Notice of Cessation of Business	10,000.00
On application to register any alteration in particulars registered	15,000.00
For every inspection of the register	2,000.00
For an uncertified copy of an extract on the whole, of any document in the custody of the Registrar, per page or part of a page	3,000.00



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