



A Legal Brief

Jurisdiction in
Copyright Infringement
Cases



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Clarifying Jurisdictional Controversy in Copyright Disputes: Lessons from the Court of Appeal Ruling in Tanzania (*Hamisi Mwinjuma & Another v Honora Tanzania Public Limited Company* (Civil Appeal No. 42 of 2023, decided 7 August 2025))

1. Background:

The Court of Appeal of Tanzania, in *Hamisi Mwinjuma & Another v Honora Tanzania Public Limited Company* (Civil Appeal No. 42 of 2023, decided 7 August 2025), resolved a long-standing dispute over ***which court has original jurisdiction in copyright infringement cases in Tanzania***. The case originated from a claim by the appellants, copyright holders, alleging infringement by the respondent. The District Court ruled in their favour, but the High Court reversed the decision, citing pecuniary jurisdictional limits of the District Court given the quantum of damages it awarded to the Plaintiffs (Appellants in the present appeal). Disgruntled with the ruling of the High Court, the appellant preferred an appeal to the Court of Appeal.

2. Key uptakes from the Court of Appeal Decision:

- a) **Exclusive Jurisdiction of District Courts:** The Court affirmed that, in the current copyright law framework in Tanzania, District Courts have unlimited original jurisdiction over copyright infringement cases, regardless of the monetary value claimed by the plaintiff.
- b) **Supremacy of Special Laws over General Law:** Using the doctrine of *lex specialis*, the Court held that the Copyright Act, as a specific law, overrides general jurisdiction provisions in the Civil Procedure Code. The doctrine of *lex specialis* states that “the more specific law overrides the more general law” when both apply to the same subject matter. In other words, if there is a general rule in one law and a special rule in another law, and both could apply to the same situation, the special rule takes precedence because it was created to address that specific issue more thoroughly. The special law acts as an exception to the general law, even if both have the same legal weight.
- c) **Reinstatement of Remedies:** The Court restored the District Court’s ruling, granting damages and injunctive relief to the appellants.



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3. Positives of the Ruling:

There are several benefits from the Court of Appeal Ruling, such as:

- a) Enhancing access to justice for copyright holders by clarifying the proper forum,
- b) enhancing legal certainty and standardizing judicial interpretation of copyright law in Tanzania, and
- c) Empowering District Courts as effective venues for IP rights enforcement.

4. Negatives of the Ruling:

- a) Highlights gaps in legislative drafting, especially in clarifying monetary limits for IP cases.
- b) Reveals **capacity concerns** on whether all District Courts can effectively handle complex IP disputes.
- c) Shows how **jurisdictional disputes can delay justice**, with the case running for over a decade.

5. Policy and Legal Implications & Recommendations:

While the ruling of the Court of Appeal offers a proper jurisprudential growth in intellectual property law in Tanzania, applying a holistic and razor-sharp reflection, it highlights some areas that need policy and legislative attention:

- a) **Legislative Clarification:** Amend the Copyright and Neighbouring Rights Act to expressly state jurisdictional provisions, avoiding reliance on judicial interpretation.
- b) **Capacity Building:** Offer focused IP law training to District Court magistrates to ensure they have the technical skills needed for complex copyright cases.
- c) **Procedural Harmonisation:** Align procedural rules under the Civil Procedure Code with the national Copyright legislation to prevent conflicting interpretations.



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- d) **Awareness Raising:** Educate creators, legal practitioners, and enforcement agencies on jurisdictional clarity to enhance expeditious rights enforcement.

6. Major Contribution to Copyright Law in Tanzania

We have drawn at least four key contributions:

- a) The landmark ruling in this case provides critical legal clarity on the jurisdictional competence of District Courts under the Copyright and Neighbouring Rights Act.
- b) It reaffirms that District Courts are vested with unlimited original jurisdiction in copyright infringement matters, irrespective of pecuniary value—a position that significantly enhances access to justice for copyright holders.
- c) Importantly, it reinforces the legal autonomy of specialized IP statutes against general procedural codes, setting a judicial precedent that will likely influence future interpretations of IP-related legislation.
- d) The decision thus contributes to streamlining copyright litigation, enhancing legal certainty, and improving the enforcement landscape within Tanzania's growing creative economy.

Disclaimer: This legal brief summarizes our reflections on the recent Court of Appeal of Tanzania's decision in *Hamisi Mwinjuma & Another v Honora Tanzania Public Limited Company*. It is not intended to serve as legal advice for any specific case you may be dealing with. For tailored legal guidance, please consult your preferred attorney or the undersigned.

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