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# A Forgotten Tool? Intellectual Property Rights and the Competitive Potential of Micro, Small, and Medium-Sized Enterprises in Tanzania

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## Abstract

This article offers a hybrid assessment of law and its impact on business by examining how intellectual property rights (IPR) promote business competitiveness by granting enterprises exclusive statutory rights over their innovations and creative ideas. The article situates the discussion in the Tanzanian context and focuses on Micro, Small, and Medium-Sized Enterprises (MSMEs). Using a qualitative approach, the discourse examines ongoing national and continental reforms and the evolving business and market environment that are driving MSMEs to adopt innovation to achieve market control and sustainability. Recent continental and regional regulatory developments, including the adoption of the Agreement on African Continental Free Trade Area (AfCFTA) in 2018 and its Protocol on IPR in 2023, as well as the existing regional market under the East African Community (EAC) Protocol on the Common Market in 2010 and the EAC Regional IPR Policy 2023, underscore IPR as a vital tool for business competitiveness. The article argues that the lack of a national IPR policy, inefficient internal management practices among MSMEs, and an inept legal and regulatory framework in Tanzania hinder MSMEs' optimal and strategic use of IPR. To address the challenge, the article recommends adopting a national IPR policy, integrating IPR principles into business management strategies and the national SME policy, and reviewing current IPR legislation to align it with MSMEs' operating environment.

**Keywords:** *Intellectual property rights, MSMEs, business management, market competitiveness*

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## Introduction

The strategic use of intellectual property rights (IPRs) is widely recognized as a means of enhancing business competitiveness, particularly by enabling exclusivity, market differentiation, and the protection of innovation. Numerous studies suggest that when used effectively, IPRs can support business growth, profitability, and long-term sustainability (Kang, Jung, & Lee, 2020; Sukarmijan & Sapong, 2014). However, the literature remains divided. Other studies report inconclusive or context-dependent results (Power & Raid, 2021), while some scholars have challenged the developmental relevance of current IPR frameworks, especially in low-income and frontier economies (Tzeng, 2017; Ncube, 2016; Martin, 1999). Despite the centrality of MSMEs to Tanzania's economy, constituting over 95% of all businesses and a large share of employment (TCCIA, 2024), their engagement with IPR systems remains poorly understood and under-researched, with minimal application in business planning. Furthermore, there is little empirical or policy-oriented analysis of whether existing national intellectual property (IP) frameworks align with the operational realities and innovation patterns of Tanzanian MSMEs. While several national policies acknowledge the importance of innovation and IPRs, they offer limited insight into the usability, accessibility, and adaptability of these systems for small firms operating in informal markets, with weak IP awareness and limited legal support (Mwakaje, 2012). The lack of institutional data, coupled with limited IPR literacy and a fragmented innovation ecosystem in Tanzania, has further obscured understanding of the IPR-competitiveness linkage at the MSME level.

Considering this national context, the article assesses the relevance, accessibility, and appropriateness of Tanzania's current IPR frameworks and policy tools for boosting MSME competitiveness. It also investigates whether and how IPRs—especially trademarks, trade secrets, patents, and copyrights—are utilized or underused by Tanzanian MSMEs, and to what degree the existing policy, legal, and institutional environment facilitates or limits their strategic application.

The study finds that Tanzania's current IPR infrastructure remains largely misaligned with the structure and needs of MSMEs. A mix of legal rigidity, procedural complexity, low awareness, and weak institutional support causes small firms to underuse IPRs (WIPO, 2019).

The article adds to the research by identifying specific legal and institutional mismatches that hinder IP adoption among MSMEs and by suggesting policy and legal reforms to promote inclusive innovation and competitive small-enterprise growth in Tanzania within the framework of Tanzania Vision 2050 (Dira2050). The article highlights systemic gaps and suggests reforms, guiding policymakers, agencies, and MSME authorities on updating national IPR strategies. This aims to support informal and entrepreneurial sectors and foster an inclusive IP system aligned with Tanzania's development goals.

### Defining MSMEs and Business Competitiveness

There is no universally accepted benchmark for defining an MSME, as criteria vary widely across jurisdictions (Liberto, 2023). The parameters used to categorize businesses depend, among other factors, on a country's level of economic development. This variation is evident across many jurisdictions, including the European Union, the United States (SBA, 2024), China (China Briefing, 2011), and Kenya (Cheruiyot, 2023). Common standards include the number of employees, total investment, and sales turnover. In Tanzania, under the National SMEs Policy of 2003, enterprises are classified as micro, small, or medium-sized. According to the policy, micro-enterprises are businesses with up to four employees, usually family operations, or businesses with capital investments of up to Tanzanian Shillings (TZS) 5 million. Small enterprises are primarily formal businesses that employ between 5 and 49 people or have capital investments ranging from TZS 5 million to TZS 200 million. According to the national policy, medium enterprises employ between 50 and 99 people or have investments between TZS 200 million and TZS 800 million (Tanzania, 2003).

In this article, the term 'business competitiveness' refers to an enterprise's ability to operate profitably, innovatively, and sustainably across its production lines and portfolio (Sanadjki et al., 2023). At least two key elements underpin enterprise competitiveness: first, the ability to produce and sell large volumes at competitive prices, and second, the retention of loyal customers. In Tanzania, as in many frontier markets, the specific contribution of IPR to business competitiveness remains inconclusive, partly owing to the complexities of obtaining institutional IPR data given the high level of organizational and operational informality within enterprises (Mwakaje, 2012). Despite mixed perceptions of the business gains from IPR use, it is widely acknowledged that innovation and creativity are instrumental to business competitiveness in contemporary markets (Sanadjki et al., 2023).

### Issues at Stake

The global economy is transitioning from a resource-based to a knowledge-driven model (Nicolescu & Nicolescu, 2021; Hudson, 2011). Therefore, institutions' ability to harness creative business ideas across the production spectrum is no longer optional but a critical strategic goal. Policymakers and business leaders increasingly recognize intellectual capital as a driver of competitive advantage and sustainable economic growth (Cotter, 2018; Idris, 2003). MSMEs play a vital role in shaping African national economies. Some studies show that MSMEs contribute up to 50 percent of Gross Domestic Product (GDP) and provide 50-60 percent of employment (Fan et al., 2024; Bekefi, 2006: p. 9). In Tanzania, the Tanzania Chamber of Commerce, Industry, and Agriculture (TCCIA) reported that over 95% of businesses are small enterprises. Together, they contribute 35% of the country's GDP. There are more than 1 million entrepreneurs in Tanzania, accounting for up to 40% of total employment (TCCIA, 2024). From a national planning perspective, these figures are noteworthy. Additionally, owing to their small size and streamlined operations, MSMEs are often able to adapt quickly to changing market conditions and employ numerous innovative techniques. Yet, in many cases, they do not assert legal rights over their innovations and IP.

Highlighting the inadequate protection and use of IPR, the Tanzania National SMEs Development Policy (2003) stresses the importance of training and raising awareness among MSMEs on IPR as a strategy to boost their business performance (Tanzania, 2003: 16). Although such national measures are commendable, the proposed policy and regulatory actions still lack clarity regarding the specific IPR interventions and support needed to improve MSMEs' competitiveness.

Market tensions and competition in African markets, driven by regional agreements such as the AfCFTA (2018), demand a strategic approach to boost MSMEs' competitiveness in Tanzania. The AfCFTA IP Protocol (2023) and EAC IP Policy (2023) introduce new regulatory landscapes, highlighting the need to reassess national IPR priorities, especially for businesses. Dira2050 recognizes that a resilient private sector is key to Tanzania's economic transformation, requiring thriving enterprises to innovate, create jobs, and adapt economically.

Support structures are needed to foster innovation, stability, and sustainable growth. Dira2050's fourth goal aims to build an empowered society through innovation, boosting productivity and competitiveness. Despite regional and national emphasis on innovation, there's a lack of specific strategies or support mechanisms to help MSMEs leverage IPR for competitiveness in Tanzania, necessitating a focused, context-specific discourse.

### A Theoretical Orientation

The argument that IPR enhances business competitiveness is substantially rooted in a utilitarian theoretical construct, which views legal protection of innovations as an end, namely, the maximization of overall societal welfare. In this study, which assesses the appropriateness and usability of the IPR system for Tanzanian MSMEs, the utilitarian framework provides a relevant explanatory lens. It provides a normative justification for IPR as a public policy tool that incentivizes innovation by granting creators temporary monopolies in exchange for public disclosure.

From a utilitarian perspective, the core premise is that legal exclusivity encourages investment in creative and innovative efforts, particularly in sectors and economies where imitation and replication are easy and first-mover advantages are limited. This incentive-based model posits that the promise of exclusive commercial rights motivates enterprises—including MSMEs to allocate resources toward innovation, product differentiation, and brand development (Virtux BI Solutions, 2023; Angel Investors Network, 2023). In the context of MSMEs in Tanzania, where innovation is often informal and resource-constrained (Musiza, 2021), a functioning and accessible IPR system could theoretically reduce disincentives to innovate by providing legal assurance that investment costs for innovation can be recouped (Landes, 1989).

The utilitarian theory also offers insight into the policy challenge identified in this study: while Tanzania has IPR legislation, existing systems often misalign with MSMEs' operational realities, particularly regarding costs, accessibility, and institutional support. Thus, the research gap on whether the current IPR framework is fit to enhance MSME competitiveness is squarely addressed by utilitarian logic: the IPR system should be justified only if its social benefits (i.e., enhanced innovation and competitiveness) outweigh the potential costs of monopolistic restrictions, such as limited access to innovative ideas and increased market inequality (Mennel, 1987).

This theoretical approach is particularly instructive for Tanzania, where most enterprises operate informally and lack legal awareness or the capacity to register or enforce IPRs (Mwakaje, 2012; Mwakaje, 2022a). A utilitarian framework would support tailored legal reforms, including simplified IP registration, cost reductions, and MSME-focused institutional support; measures that could yield significant welfare gains by enabling innovation at the base of the economic pyramid. Moreover, by ensuring statutory protection for knowledge-based assets, the framework would justify strategic budgeting for research and development (R&D) even among MSMEs.

Admittedly, the utilitarian model has its own limitations. It often assumes that legal exclusivity will automatically lead to innovation and that all actors can access and benefit equally from the IPR system. This may not hold in developing country contexts, where structural barriers, such as weak enforcement, limited legal literacy, and institutional inefficiencies, tend to distort outcomes. In Tanzania, for example, the cost of patent drafting and agency, digital illiteracy among MSMEs, and weak enforcement mechanisms reduce the practical utility of IPRs for most MSMEs.

In sum, while utilitarian theory supports the development of IPR frameworks to drive innovation and competitiveness, their implementation in Tanzanian contexts must be sensitive to structural realities. The theory nonetheless strengthens the case for a reimagined IPR system that is MSME-responsive, aligned with *Dira2050*, and designed not only to incentivize innovation but to do so equitably, with the goal of maximizing national welfare (Tanzania, 2025; Ncube, 2013). The study, therefore, applies this framework to examine how the IPR framework can be recalibrated to better serve Tanzanian MSMEs.

### Literature Review

The literature on IPR and business competitiveness has increasingly recognized the differentiated roles of distinct IPR categories—namely, patents, trademarks, copyright, and trade secrets. Each type of IPR varies significantly in technical complexity, acquisition cost, duration of protection, and ease of enforcement; all of which influence MSME access to and effective use of IPRs. For instance, trademarks are widely regarded as the most accessible and

affordable form of IP protection for MSMEs, particularly in frontier economies such as Tanzania, owing to their relatively low filing costs, simplified procedures, and tangible branding value (WIPO, 2017; Spithoven et al., 2013). Copyright, often acquired automatically upon creation, offers significant protection for creative and digital entrepreneurs with minimal formalities, but is frequently underutilized due to limited awareness (Gobble, 2014). In contrast, patents and trade secrets are more complex and cost-intensive. Patents require novelty, an inventive step, and detailed technical disclosure, which are often unattainable for MSMEs with limited R&D budgets and legal support (Rossenfosse et al., 2012). Trade secrets, while not requiring formal registration, demand internal systems for secrecy management and legal literacy—an infrastructure that most MSMEs lack in developing settings (Jensen & Webster, 2006).

Thus, the utility and uptake of different IPR subsets are conditioned by a combination of legal accessibility, operational capacity, and economic affordability. This variation is a core element of the present study, particularly in Tanzania's informal and resource-constrained MSME landscape.

### **IP, Efficiency, Business Profitability, and Growth**

Studies have explored the link between IPR protection and firm performance, often finding positive links between IPR use and business results, including higher profits, increased productivity, market growth, and resilience. For instance, empirical results from WIPO studies indicate that SMEs that actively use IPRs, especially trademarks and design rights, are more likely to report greater revenue growth and better export performance than those that do not (WIPO, 2017). However, the impact varies by the type of IPR. Trademarks consistently generate stronger business benefits, especially in consumer-facing sectors, where brand distinction offers a competitive edge. Copyright is crucial in digital and creative industries, while patents have mixed outcomes: in high-tech fields, patents are vital for commercializing innovations, whereas for MSMEs in low-tech areas, the costs and complexity may outweigh the advantages (Olander et al., 2009; Cotter, 2018).

In frontier markets, however, these benefits are far less evident. MSMEs in countries like Tanzania often miss out on the benefits of IP protection due to informality, limited capital, low registration rates, weak enforcement, and low awareness (Matiko et al., 2018). The lack of empirical data from these areas further clouds understanding, highlighting the need for localized studies like this one to evaluate whether and how IPR frameworks provide competitive advantages in the Tanzanian MSME sector.

### **Types of IP and Business Competitiveness**

Regarding the linkage between IPR systems and business competitiveness, the existing literature establishes a general association between robust IPR systems and national innovation capacity, but few studies disaggregate the ways in which each type of IPR contributes to business competitiveness at the enterprise level (Agostini et al., 2015; Bernadette & Reid, 2021). Traditionally, trademarks are designed to enhance market recognition, customer loyalty, and brand equity, which are critical drivers for MSMEs; however, their impact depends on many external factors, including the effectiveness of enforcement and the sophistication of the customer base. Copyright is primarily used to facilitate the commercialization of content and to protect digital assets, particularly in media, technology, and creative industries. Patents are designed to protect product innovations, but they often pose barriers for MSMEs due to drafting and prosecution costs, as well as technical and legal hurdles during the application and enforcement stages (Agostini et al., 2015). Trade secrets, while crucial for process innovation, require formal institutional structures for managing secrecy, such as non-disclosure agreements, which most MSMEs lack. Understandably, the most suitable IPR models for MSMEs to ensure business success are likely to vary and may be affected by numerous internal and external factors (Gobble, 2024). Several studies examine the conflicting roles of IPR and competition law, the risks of excessive IPR protection (Ncube, 2016), and the impact of patents on business success (Cotter, 2018). National policies and strategic instruments emphasize the importance of closing the knowledge and skills gap to support MSMEs' success by establishing incubation centers, centers of excellence, ICT parks, and demonstration centers (Tanzania, 2017b: 216). These steps are undoubtedly necessary to strengthen MSME capacity in Tanzania. However, for MSMEs to benefit from innovation and creative outputs, effective governance structures and support systems must be in place (Menell et al., 2017). While the adoption of Dira2050 would potentially usher in a new regulatory approach, given the immense emphasis on innovation and a private-sector-led economy, it is still unclear how various policies and laws would integrate IPR as a crucial component in the innovation ecosystem.

This fragmentation of IP value across the subsets raises important policy and regulatory questions: Which forms of IPR are most suited to drive MSME competitiveness in Tanzania? Which should be prioritized for capacity building and policy reform? The literature to date has not adequately addressed these questions in a Tanzanian context, a gap this study seeks to address.

### **A Comparative View: Developed vs Frontier Markets**

Recent reports, including the WIPO Global Innovation Index (GII) and the WIPO Intellectual Property Indicators 2025, highlight stark contextual differences in how IPR supports business competitiveness in developed and developing countries (WIPO, 2025). For example, while SMEs in the European Union (EU) and East Asia report IPR usage rates exceeding 60%, many African economies report IPR registration rates among SMEs of less than 10%. Similarly, the WIPO GII 2025 ranks Tanzania 113th among 132 economies in innovation output, with weaknesses in IP-related indicators, including patent applications, trademarks, and high-tech exports (WIPO GII, 2025, pp. 119–120; Christopher et al, 2025).

These disparities suggest that IPR frameworks in frontier markets are not translating effectively into tangible business outcomes, especially for MSMEs. The Tanzanian case is particularly important given the government's strategic pivot toward innovation-led growth under Dira2050 and the absence of context-specific IP policy instruments for MSMEs in existing national strategies (Tanzania, 2025). The only local study that focused exclusively on IP and SMEs in Tanzania was conducted more than 10 years ago (Mwakaje, 2012), yet it did not address the competitive business context or on-the-ground realities, which have since shifted significantly. Other national policies and strategic instruments emphasize closing the knowledge and skills gap to support MSMEs' success by establishing incubation centers, centers of excellence, ICT parks, and demonstration centers (Tanzania, 2017b: 216). Despite references to IPR in national policies on SMEs (Tanzania, 2003) and research and development (Tanzania, 2010), implementation remains limited and fragmented, constrained by internal and external factors. These factors include limited access to attractive financing (Kasoga, 2020), economic conditions, market structure and competition, government regulations, technology, and environmental concerns. Internal factors mainly involve a lack of managerial skills, weak corporate governance, and poor workforce and financial management practices (Lyimo, 2014).

Therefore, the motivating gap for this study lies in the lack of empirical and legal analyses of how Tanzania's IPR system serves MSMEs, if at all, and which forms of IPR yield the greatest competitive advantage. By classifying IPR use across subsets, measuring their comparative impact on enterprise performance, and mapping policy, legal, and institutional constraints, this article fills a critical void in IPR and development literature, with direct implications for policy, law reform, and business support programming in Tanzania and similar economies.

### **The Assessment Framework**

This study employed a hybrid doctrinal-empirical research approach to examine how IPRs may enhance the competitiveness of MSMEs in Tanzania. Given the research objective's normative (proposing an IPR-based competitiveness model) and analytical (assessing the effectiveness of existing laws and institutions) components, the study integrates doctrinal legal analysis, policy review, and qualitative field inquiry. This approach enabled triangulation among statutory provisions, institutional practices, and enterprise-level experiences. The doctrinal component comprised a systematic review of Tanzania's IP laws and related regulatory instruments. The primary statutes examined were the Patents (Registration) Act, Chapter 217; the Trade and Service Marks Act, Chapter 326; the Copyright and Neighbouring Rights Act, Chapter 218; and the Regulations made under these laws.

The review examined protection scope, registration, licensing, rights transfer, enforcement, and commercialization pathways. It also looked at factors affecting MSMEs, like registration costs, procedural complexity, institutional support, and licensing or collateralizing IP assets. To assess policy consistency, it analysed key documents such as the SME Development Policy, R&D Policy, Industrial Development Policy, National Trade Policy, Dira2050, and SIDO strategic plans to see if IPR frameworks are integrated into MSME competitiveness strategies. Focused on Tanzanian MSMEs, the study explored how they use (or not) IPR tools and if this boosts competitiveness through innovation, market differentiation, pricing, branding, and finance access. Regulatory agencies and business associations were secondary to understand systemic influences on MSME engagement with IPR. A purposive sampling strategy was used to include MSMEs operating in IP-relevant sectors, including the creative industries, agro-processing, manufacturing, and technology-based enterprises.

Semi-structured interviews were conducted with 32 MSMEs that participated in World Intellectual Property Day activities organized by the Business Registration and Licensing Agency (BRELA) in April 2023. The sample size was determined by thematic saturation, which was reached after 28 interviews; additional interviews confirmed the stability of the themes. Focus group discussions were held during three business forums: the Dar es Salaam Stock Exchange Enterprises Acceleration Program on June 16-17, 2022 (45 MSMEs); the JIBA Business Forum on June 25, 2023 (36 MSMEs); and BRELA's World IP Day Forum. These discussions explored IP in terms of awareness levels, registration experiences, commercialization strategies, and enforcement challenges.

Key informant interviews were conducted with officials from the Ministry of Industry and Trade, SIDO, BRELA's IP unit, the Copyright Office of Tanzania (COSOTA), and representatives of business associations, including TCCIA, the Confederation of Tanzania Industries (CTI), and the Tanzania Private Sector Foundation (TPSF). Qualitative data were analysed using thematic coding. Interview and discussion data were categorized into recurring themes, including awareness gaps, cost barriers, enforcement limitations, and commercialization practices. These findings were mapped against doctrinal and policy analyses to identify structural gaps between the legal framework and MSME practice. Triangulating documentary review with field data strengthened the validity of the findings and informed the proposed IPR-competitiveness model.

## Findings and Discussion

### Limited Conceptual Link Between MSME Competitiveness and IPR

The study of 72 MSMEs across selected sectors in Tanzania uncovers a notable gap between business competitiveness and the strategic use of IPR, both in theory and practice. Although the literature highlights that competitiveness involves cost efficiency, pricing strategies, product quality, and growth potential (Lall, 2011; World Economic Forum, 2016), most participating MSMEs did not view IPR as directly influencing these areas. About two-thirds of respondents primarily linked competitiveness to pricing, customer relations, and access to capital rather than to innovation, branding, or the protection of proprietary knowledge. For many businesses, competitiveness is perceived in short-term operational terms, such as lowering production costs or improving distribution, rather than managing strategic assets. Only a small number of MSMEs (8 out of 72) had registered trademarks or copyrights, and even fewer were aware of patents, industrial designs, or geographical indications.

Therefore, the findings indicate that MSMEs often view IPRs as merely a legal tool rather than a strategic business asset. A relatively small number of respondents (28 out of 72) acknowledged that trademarks can help distinguish brands, patents can provide market exclusivity, and copyright and industrial designs can make products more distinctive. This limited understanding reduces IPR's potential to boost pricing power, support market growth, and promote long-term development.

### Structural and Informational Barriers

The collected information further indicates that barriers to effective IPR utilization are both structural and informational. Notably, 54 of 72 respondents cited registration costs, procedural complexity, and limited institutional guidance as deterrents. More significantly, interviews and focus group discussions revealed a knowledge gap: many MSMEs lacked understanding of how IPR protection could reduce imitation risks, improve bargaining power in supply chains, or facilitate financing.

This gap is especially concerning because, in theory, IPR systems are meant to encourage innovation, recover costs, and improve product quality through protected differentiation (Kibuuka, 2019). By protecting creative works, IPR allows companies to benefit from the returns on research and development, which can promote growth and potentially boost competitiveness through controlled pricing and quality improvements. However, as shown above, these theoretical advantages are mostly not realized among surveyed Tanzanian MSMEs.

The findings, therefore, highlight a structural misalignment between Tanzania's existing IPR framework and MSMEs' practice. Although legal mechanisms exist to protect innovation and creative output, translating them into enterprise-level competitiveness strategies remains weak. Bridging this gap requires not only regulatory reform but also targeted awareness-building, institutional support, and integration of IPR literacy into MSME governance and development programs (CGN, 2025). This disconnect is a critical constraint on innovation-driven competitiveness in Tanzania's MSME sector.

### Unclear Strategic Role of IPR

The findings reveal a persistent conceptual gap in understanding IPR within Tanzania's MSME ecosystem. Across the 72 MSMEs studied, IPR was viewed primarily as a technical-legal matter rather than as a strategic business instrument. Most respondents (56.9%) associated IPR with registration formalities or litigation risks rather than with market positioning, value creation, or competitive differentiation.

**Table 1: Awareness of IP as a Business Asset**

Variable	Frequency	Percentage
MSMEs that consider IPR strategic to competitiveness	19	26.4%
MSMEs that consider IPR mainly a legal compliance issue	41	56.9%
MSMEs that are unaware of the relevance of IPR to business	12	16.7%

**Source:** Field data/information obtained during field interviews.

The data indicate that 73.6% of respondents either view IPR as compliance-driven or are unclear about its strategic relevance. This confirms that the role of IPR in business competitiveness remains largely unclear at the enterprise level. Notably, even among firms that had registered trademarks or copyrights, most did so for defensive reasons (e.g., fear of imitation) rather than as part of a proactive competitiveness strategy (Table 1), such as brand scaling, franchising, licensing, or export expansion.

This perception partly reflects the historical framing of IPR in legal doctrine as a system of “exclusive rights” (Dreyfuss & Pila, 2018). While exclusivity is foundational to IPR, the study shows that MSMEs rarely convert statutory rights—such as the rights to manufacture, sell, import, offer for sale, or stock protected goods—into strategic commercial advantages. In practice, these rights create opportunities for controlled market entry, pricing leverage, brand consolidation, and power in supply chain negotiations. However, only a minority of enterprises demonstrated awareness of these business implications.

The disconnect is particularly alarming given the contemporary global integration of IPR into trade regimes and governance. At the regional level (EAC, 2010, art. 5(3)(k); at the continental level (AfCFTA, 2018: art. 6), and at the multilateral level (WTO–TRIPS), IPR has become embedded in trade and competitiveness frameworks. The TRIPS Agreement fundamentally repositioned IPR from a purely domestic legal concern to a core pillar of international trade regulation. Yet despite Tanzania's membership in these regional regimes, national MSME and trade policies remain largely silent on how to operationalize IPR as a tool for competitiveness. Empirical evidence suggests that this policy silence translates into strategic inertia at the firm level: most MSMEs do not incorporate IPR considerations into their business planning, governance, or growth strategies (Teixeira & Carvalho, 2024). Consequently, the role of IPR in competitiveness remains unclear, not due to a legal absence but due to limited institutional mainstreaming and enterprise-level awareness.

### Organizational and Governance Drawbacks

The study further reveals that even where awareness of IPR exists, organizational limitations undermine effective utilization. Of the 72 MSMEs surveyed across 14 regions, only 24 enterprises (33.3%) reported having active boards of directors. The majority operated under informal governance structures, limited record-keeping, and minimal strategic planning.

**Table 2: Governance Structure Among Surveyed MSMEs**

Governance Indicator	Frequency	Percentage
MSMEs with an active board of directors	24	33.3%
MSMEs without formal board structures	48	66.7%

**Source:** Field data/information obtained during field interviews.

Enterprises with structured governance mechanisms were disproportionately represented among those that had registered or commercialized IP assets. As per Table 2, of the 19 firms that considered IPR strategic, 14 (73.7%) had formal governance structures; 11 had written strategic plans; and 9 had documented brand or innovation management policies. This suggests a strong correlation between governance maturity and the strategic use of IP.

Implicitly, effective use of IPR requires structured governance, including documentation of creative outputs, timely registration, monitoring of renewals, and strategic licensing or commercialization. It also demands the capacity to negotiate contracts, manage intangible assets, and integrate IP into procurement and investment decisions. However, most MSMEs lack these capabilities. Few maintain innovation logs, asset registers, or brand management policies, and registration decisions are often reactive rather than strategic. These gaps limit the value created by innovation (Ajibade, 2016).

Without formal oversight mechanisms, IP assets remain underutilized, leaving MSMEs reliant on price competition and informal networks rather than on protected differentiation and innovation-driven growth.

### Usage of IP Types by MSMEs

Evidence from fieldwork involving 72 MSMEs underscores a marked skew in IPR use by IP type, with enterprises gravitating toward trademarks and (latent) copyright while virtually excluding patents and utility models—an imbalance with direct implications for market competitiveness, given the increasing role of innovation in product quality. Notably, of the 72 enterprises interviewed, 64 (88.9%) reported owning or using trademarks, reflecting both the relative procedural accessibility of trademark registration and MSMEs' immediate market-facing need to secure brand identity, customer recognition, and reputational differentiation in crowded local markets (Block et al, 2015).

By contrast, only 24 (33.3%) indicated they produced copyrightable works (e.g., marketing content, software code, creative designs, training materials, audio-visual outputs), yet most did not recognize these outputs as strategic business assets and therefore neither protected them systematically nor monetized them through licensing, franchising, distribution contracts, or enforcement against copying.

More critically, none (0%) of the 72 respondents held a patent or utility model, despite several enterprises demonstrating innovative technical solutions (process tweaks, product improvements, locally adapted devices, and engineering improvisations) that could plausibly meet the threshold for protection through patents or, at a minimum, utility models. Respondents consistently attributed this gap to low awareness of patentable subject matter and—more decisively—to a lack of expertise and affordable support for conducting prior art searches, drafting claims, and preparing patent specifications, as well as to fear of costs and procedural complexity.

This pattern suggests that while Tanzanian MSMEs engage with IP primarily as a marketing and identity tool (trademarks), they underutilize IP as a technology and value-capturing tool (patents/utility models) and even fail to convert everyday artistic creative outputs (copyright) into revenue. Consequently, MSMEs' competitiveness is constrained: firms sporadically protect signs and content, leaving technical innovation unprotected and easily imitated, thereby weakening the appropriation of innovation returns.

### What are the Implications?

The findings indicate that the main challenge for MSMEs in Tanzania is not the lack of IPR legislation but the failure to integrate it strategically as shown in Table 1. Although the legal framework recognizes and safeguards exclusive rights, and regional and global trade systems increasingly tie IPR to market access, enterprise governance, and national competitiveness policies have yet to fully incorporate this connection. Tackling this issue requires shifting from mere formal compliance to embedding IPR into MSMEs governance, strategic planning, and policy development. Without this integration, the full potential of IPR to boost competitiveness remains largely unfulfilled.

### A Review of the National IP Policy Framework

Currently, Tanzania lacks a standalone national IP policy. IPR issues are only marginally reflected in a few national policies on SMEs, trade, science and technology, research and development, and agriculture. To highlight this point, a review of selected national policies in Tanzania, focusing on IPR and its interface with MSMEs, is presented.

### SMEs National Development Policy

Tanzania's National Policy on SME Development (2003) recognizes MSMEs as key drivers of economic growth and, in paragraph 4(3), outlines government actions to improve their performance and competitiveness. Paragraph 42 specifically highlights training and awareness on IPR, the promotion of technology adoption, and the strengthening of links between MSMEs and research institutions. However, the policy remains mostly aspirational and lack practical implementation. While increasing IPR awareness is emphasized, it does not address the deeper structural and institutional barriers that hinder MSMEs' effective use of IP systems (AfrIPI, 2022). The policy provides no clear guidance on how MSMEs can incorporate IPR into innovation, production, and commercialization. A stronger approach would include specific operational mechanisms, such as institutional support, capacity-building strategies, and implementation frameworks. Without these, IPR risks being seen as secondary rather than a strategic tool for competitiveness and innovation.

### **National Trade Policy 2003**

In Tanzania, the 2003 National Trade Policy, updated in 2003, minimally recognizes IPR as key for developing domestic and regional trade (Tanzania, 2023: 13, 14). Its treatment of IPR raises concerns about regulatory effectiveness in supporting business competitiveness. Paragraph 3(2) limits the policy's focus on IPR to promotion, development, and protection without specific, measurable actions. Similar measures are suggested in Tanzania's Blueprint for Regulatory Reforms (Tanzania, 2017a). While reasonable in regulatory terms, these measures do not provide MSMEs with the vital support needed to use IPR for a competitive advantage. Clearer, targeted IPR guidelines could benefit MSMEs more.

### **National Research and Development Policy 2010**

Tanzania's national R&D policy aims to foster innovation and commercialize research to support national progress. It focuses on technology transfer through R&D collaboration with local industries, including MSMEs, to create high-quality products. The policy seeks to develop mechanisms for turning research into market-ready products and services, establish technology standards, develop IPR laws, and support local industries connecting with R&D. It promotes private sector involvement, including MSMEs, in R&D and provides a framework for IPR regulation, technology development, and transfer to enhance MSME growth and competitiveness.

### **National Policy on Science and Technology 1996**

Tanzania's national science and technology policy, adopted in 1996, calls for establishing priority programs to generate new knowledge and develop strategies for applying science and technology to national development. While it does not specify a preferred model, the policy supports efforts to improve local capacity for technology transfer and research and development. Similarly, page 44 of the policy emphasizes creating an environment conducive to unlocking the creative and innovative potential of individuals and entities, including MSMEs.

Additionally, the policy advocates establishing the appropriate legal framework for developing and transferring technology, including IPR, as detailed on page 45, paragraphs 79-81. However, the policy lacks specific interventions to address the technological needs of MSMEs, including strategic access to and use of publicly available patent information, effective use of IPR flexibilities, and strengthening the technology-absorption capacity of local industries.

### **Legal and Regulatory Setup for IPR**

Tanzania's IP system has separate regimes for the Mainland and Zanzibar, each operating independently. The system covers industrial property—trademarks, patents, designs, geographical indications, trade secrets, and copyright, which includes artistic works and folklore expressions.

Trademarks are essential business tools that grant exclusive rights to use symbols that identify the origin and reputation of goods or services (Spengler & Agans PLLC, 2023). They help prevent unauthorized copying and preserve market and product uniqueness. Mainland Tanzania regulates trademarks through the Trade and Service Marks Act (1986) and Regulations (2000), while Zanzibar handles this via the Zanzibar Industrial Property Act (2008). Registration is overseen by BRELA and the Business and Property Registration Authority (BPRA) for Zanzibar. Trademarks protect consumers from unfair competition and give brands control over their identity and reputation, which are often boosted by innovation and quality.

Patents, which protect technical inventions and foster innovation, are governed by the Patents (Registration) Act (1987) in Mainland Tanzania and by the Zanzibar Industrial Property Act (2008). Despite their potential to enhance competitiveness, patenting activity among Tanzanian MSMEs is limited due to resource and expertise constraints. Utility certificates offer a more accessible option for incremental innovations.

Copyright law, covering original artistic and literary works, is governed by the Copyright Acts of 1999 (Tanzania Mainland) and 2003 (Zanzibar), overseen by COSOTA and Copyright Society of Zanzibar (COSOZA). Copyright is generally accessible to MSMEs, but enforcement faces challenges posed by technological advances and digital platforms. The introduction of copyright collective management organizations (CMOs) in 2022 represents progress, but MSMEs need to view copyright as a means to license and monetize economic rights.

Other IP types, including industrial designs, trade secrets, geographical indications, and new plant varieties, offer additional opportunities.

Designs protect product aesthetics, which is valuable in sectors like furniture and crafts. Trade secrets safeguard confidential business information, providing low-cost protection. Geographical indications benefit agricultural and artisanal products associated with specific locations, boosting their reputation and access to premium markets (Mwakaje, 2022b). Protecting new plant varieties encourages innovation and productivity. When used strategically, these IP forms help MSMEs leverage local knowledge, improve competitiveness, and access markets both locally and globally.

### Policy and Regulatory Gap

The previous review of the policy and regulatory framework on IPR in the context of MSMEs found that Tanzania's national MSME policy framework does not sufficiently recognize the role of IPRs in enhancing business competitiveness. IP issues are addressed only briefly and inadequately, with a focus on awareness campaigns that do not clearly outline the necessary institutional measures and support systems for MSMEs. Although there is some emphasis on university-industry collaboration to help MSMEs access new technological solutions, national policies lack specific guidance on how to initiate, negotiate, or implement technology transfer from research and development institutions. As a result, gaps in the national IPR policy framework may hinder the provision of effective, comprehensive support for MSMEs. Therefore, a nationwide dialogue is urgently needed to develop a responsive national IPR policy and legal framework in Tanzania, guided by both internal and external factors.

### Legal and Managerial Implications

As demonstrated in this article, the strategic use of IPR for business competitiveness is a complex phenomenon. It involves, among other things, managers' understanding of the benefits and limitations of using IPR within a specific corporate environment. Whether a business is small or large, managers should recognize that effective IPR use depends on how institutional approaches are tailored, considering the nature and capabilities of the entity, the relevant national legal framework on IPR, the market setup and its characteristics, and the level of innovation and competition in a particular industry or product. Therefore, it is essential to understand basic legal and managerial strategies that can help MSMEs, as outlined below.

### Institutional IP Audit

The axiom 'if you cannot measure it, you cannot manage it' highlights the importance of institutional IP audits in business. An IP Audit systematically reviews an enterprise's IP assets to assess ownership, status, and use across operations. These audits are crucial for integrating strategic IPR practices into MSMEs, helping to manage risks, take corrective actions, and ensure best IP management, often as part of due diligence (Gargate et al., 2019). The scope and approach depend on the company's size, finances, and goals. Management may focus on specific IP types or conduct a broader review of IP rights, assets, agreements, and policies. Given limited technical expertise in Tanzania, national IP offices such as BRELA and COSOTA should consider establishing a support desk for MSMEs to assist with IP audits.

### Adopting the IP Strategy

IP audit data helps develop strategic objectives by setting milestones related to IPR use and compliance. It involves adopting an organizational approach to integrate IPR across management functions, allocating budgets, and designating responsible personnel. An IP strategy for MSMEs should embed IP awareness across all business areas, making companies IP-conscious. In Tanzania, especially for budget-constrained MSMEs, the strategy should be simple and incremental, focusing on leveraging existing IPRs (Suzuki & Maeda, 2005).

### Institutional Management

IP can positively influence MSMEs only when firms have effective institutional management and governance structures (Sheldon, 2018). Given the financial constraints facing MSMEs, it is advisable to start with a basic governance framework that includes adopting internal IPR guidelines, maintaining proper record-keeping, and implementing access controls for proprietary information. This is particularly crucial given the current operating context of MSMEs as shown in Table 2 where only 12% of respondent had proper governance structures. Initially, a company might assign one of its existing staff members as an IPR liaison responsible for ensuring company-wide IPR compliance and leading the identification of current and future IP potential (Shemdoo et al., 2005). Over time, the company can enhance its IP team by appointing officers with expertise in law, marketing, and finance.

### **Limitations of the Research**

This study is subject to several limitations. First, the empirical data are drawn from a relatively small sample of MSMEs across selected representative groups in Tanzania, which may limit the generalizability of the findings to the broader national context; however, the quality of the chosen respondents strengthens the validity of the findings. Second, the study relies partly on self-reported data from MSME operators, which may be affected by recall bias or limited understanding of IP concepts. Third, the analysis focuses primarily on formal IP systems and does not adequately capture informal innovation practices and indigenous knowledge systems prevalent among MSMEs in Tanzania. Finally, limited access to disaggregated national data on IP utilization by MSMEs constrains deeper analysis. These limitations suggest the need for cautious interpretation of the findings while still providing useful directional insights.

### **Contribution to the Existing Pool of Knowledge**

Despite the stated limitations, this article contributes to the growing literature on IP and MSME competitiveness by providing context-specific insights from Tanzania. The discourse goes beyond the traditional legal perspective on IP, viewing it as a strategic business asset that influences market positioning, value creation, and competitiveness. Importantly, it advances the discussion by linking IP governance to broader development frameworks, including industrial policy, innovation systems, and financial inclusion. By highlighting structural, institutional, and awareness-related barriers, the article offers a detailed understanding of why MSMEs underuse IP systems. This enhances both academic research and policy discussions, especially in the development of targeted interventions that align IP systems with the practical needs of MSMEs in developing economies.

### **Areas for Future Research**

Notwithstanding this paper's contribution, further studies may be needed to integrate informal innovation systems, such as traditional knowledge and community-based innovations, into formal IP frameworks. Also, exploring IP as a financial asset, especially its use as collateral in Tanzania, can be a valuable addition. Sector-specific studies in agriculture, creative industries, and digital enterprises could provide tailored IP strategies. Cross-country comparisons within African jurisdictions would enhance understanding of best practices and regional harmonization, such as in the AfCFTA. Lastly, studying the role of intermediaries such as legal practitioners, incubators, and government agencies in facilitating MSMEs' access to IP systems would be beneficial.

### **Conclusion and Recommendations**

Evidence indicates an imbalance in the use of IPR by Tanzanian MSMEs. Most rely on trademarks for branding, but few create copyrightable works without monetizing them. Protection through patents or utility models is rare, even among innovative firms. This limits competitiveness: MSMEs protect their branding but often fail to secure technological advantages, leading to imitation, lower profits, and reduced innovation. The issue is not a lack of innovation but the undervaluation of its importance due to low awareness, skill gaps, complex procedures, and weak support. Without reforms, MSMEs stay focused on branding but remain vulnerable to tech theft. To address this, policies should include a dedicated MSME IP strategy that covers trademarks, copyrights, patents, utility models, and trade secrets to support Tanzania's development. Strengthening utility models and simplifying patent procedures are essential. Establishing IP clinics, training professionals, and creating one-stop IP advisory centers can improve support for MSMEs. Ultimately, boosting MSME competitiveness requires diversifying IP use beyond branding to technological, creative, and data assets, through coordinated policies that reduce costs, build skills, and embed IP into growth strategies.

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