



Industrial Property Code of Mozambique
Approved by Decree No. 18/99 of May 4, 1999

TABLE OF CONTENTS

Table with 3 columns: Title, Article, and Page Number. It lists the structure of the Industrial Property Code, including Title I (General), Title II (Industrial Property Rights Regime), and various sections and subsections with their corresponding article and page numbers.



Subsection II: Rights of Employees  
 Within the Scope of Employment ..... 31  
 Remuneration of the Inventor ..... 32  
 Concept of Employee ..... 33  
 Communication of the Invention..... 34  
 Period of Validity..... 35  
 Employees and Salaried Staff ..... 36  
 Non-Limitation of Rights ..... 37  
 Inventor’s Right ..... 38

Section III: Patent Application  
 Subsection I: Requirements for Admissibility of Application  
 Applicant and Place of Application..... 39  
 Content of the Application ..... 40  
 Compulsory Information in the Application ..... 41  
 Description of the Invention..... 42

Subsection II: Patent Claim  
 Structure of the Claim ..... 43  
 Scope of Protection ..... 44  
 Defective Descriptions of Claim ..... 45

Subsection III: Unit of Invention  
 Unit of Invention..... 46

Section IV: Right of Priority  
 Subsection I: Period  
 Benefit of the Period ..... 47  
 Assignment of the Right of Priority ..... 48  
 Claims for Multiple Priorities ..... 49

Subsection II: Information about Foreign Applications  
 Foreign Applications for Patents or Similar Rights of  
 Protection ..... 50

Subsection III: Filing and Examination  
 Date of Filing ..... 51  
 Examination of the Patent Application..... 52

Subsection IV: Protection and Publication  
 Publication ..... 53  
 Provisional Protection ..... 54

Section V: Award of Patents  
 Subsection I: Constitution and Modification  
 Award of a Patent..... 55  
 Modification of the Patent..... 56

Subsection II: Refusal with the Opportunity to Rectify  
 Failure to Indicate the Inventor ..... 57  
 Failure to Provide Translation..... 58  
 Refusal on Ground of Complexity of Initial  
 Application..... 59

Subsection III: Actions by Applicant  
 Withdrawal of the Application ..... 60  
 Transformation of the Patent Application ..... 61

Section VI: Rights Conferred by the Patent  
 Subsection I: Rights of Proprietors of Patents  
 Period of Validity of the Patent..... 62  
 Rights of Proprietors of Patents ..... 63  
 Limits on the Rights Arising under the Patent ..... 64  
 Rights Arising by Virtue of Prior Use..... 65  
 Regional Patent ..... 66



Subsection II:	Assignment of a Patent	
	Assignment of Patents.....	67
	Co-Ownership of Patents .....	68
Section VII:	Exploration of the Patent	
Subsection I:	Conditions of Use of the Patent	
	Obligation to Exploit.....	69
	Compulsory License .....	70
	Objection Against Failure to Exploit.....	71
	Proof of Exploitation of a Patent.....	72
Subsection II:	Dependence	
	Dependent Patents.....	73
Subsection III:	Annulment of the patent	
	Legitimacy to Request Annulment.....	74
	Effects of Annulment .....	75
	Period to Contest.....	76
Chapter II:	Utility Model	
	Requirements .....	77
	Application of Provisions in Respect of Patents .....	78
	Procedures for Utility Models.....	79
	Duration .....	80
	Rights Conferred by Registration.....	81
	Transformation of Utility Model Applications.....	82
Chapter III:	Industrial Designs and Models	
Section I:	Rights of Proprietors	
	Requirements .....	83
	Rights Conferred by Industrial Designs and Models.....	84
	Rights of Employees .....	85
	Right of Priority .....	86
Section II:	Application and its Effect	
	Application.....	87
	Filing and Examination of the Application .....	88
	Provisional Protection .....	89
	Registration and Publication .....	90
Section III:	Registration	
	Duration .....	91
	Rights Conferred by Registration.....	92
	Effects of Registration.....	93
	Annulment of the Registration .....	94
Chapter IV:	Trade Marks	
Section I:	Grant	
	Requirements .....	95
	Types of Trade Mark.....	96
Section II:	Registration	
	Application.....	97
	Documents to be Submitted with the Application.....	98
	Single Registration .....	99
	Priority .....	100
	Examination .....	101
	Publication .....	102
	Opposition.....	103
	Scope of Protection .....	104
	Duration and Renewal of Protection .....	105
	Assignment .....	106
	Right to Apply for Registration.....	107
	Rights Conferred by Registration.....	108
	Cancellation of Registration.....	109



	Well-Known Trademark .....	110
Section III:	Special Registration	
	Special Registration Process .....	111
	Declaration of Intention to Use .....	112
Section IV:	International Registration	
	Right to Register .....	113
	Application for Registration.....	114
	Renunciation of Protection.....	115
	Amendments to Register .....	116
	Publication .....	117
	Objections .....	118
	Procedural Formalities .....	119
	Refusal to Register .....	120
Chapter V:	Trade Names and Insignias	
Section I:	Trade Names and Insignias	
	Subject Matter of Names and Insignias.....	121
	Right to a Name and Insignia.....	122
	Composition of a Name .....	123
	Composition of an Insignia .....	124
	Exclusions from Protection .....	125
	Rights Conferred by the Name or Insignia.....	126
	Inalterability.....	127
	Application for Registration of Name and Insignia.....	128
	Protection of Trade Name .....	129
Section II:	Documents Accompanying the Application	
	Documents Accompanying the Application.....	130
	Publication .....	131
	Time Limit for Objections .....	132
	Subsequent Formalities .....	133
	Modification of Name or Insignia .....	134
	Forfeiture .....	135
	Transferability.....	136
Chapter VI:	Appellations of Origin and Geographical Indications	
	General Principles.....	137
	Rights Conferred by Registration.....	138
	Regional Demarcation.....	139
	Application for Registration.....	140
	Grounds for Refusal to Register.....	141
	Duration of Registration.....	142
	Forfeiture .....	143
	Non-Transferability of the Right.....	144
Chapter VII:	Indications of Source	
	Applicable Provisions .....	145
	False Indications of Source .....	146
Chapter VIII:	Logotypes	
	Applicable Regime.....	147
	Proof of the Existence of Entity .....	148
Chapter IX:	Awards	
Section I:	General Provisions	
	Conditions for Admissibility.....	149
	Ownership of Awards .....	150
	Application for Registration.....	151
Section II:	Use and Transfer	
	Use of Awards.....	152
	Transfer .....	153



Section III:	Extinction of the Registration	
	Annulment.....	154
	Forfeiture .....	155
Title III:	Industrial Property Infractions	
Chapter I:	Infractions	
Section I:	General Principles	
	Infractions .....	156
Section II:	Types of Infractions	
	Unfair Competition .....	157
	Infringement of the Exclusive Right in an Invention ....	158
	Infringement of Exclusive Rights of Models and Designs.....	159
	Illegal Use of a Trade Mark .....	160
	Illegal Use of an Award .....	161
	Infringement of the Rights of Use of a Name or Insignia.....	162
	Use of Unlawful Trade Mark .....	163
	Improper Use of a Logotype .....	164
	Improper Use or Indication of Private Rights .....	165
	Recidivism .....	166
	Application of Fines.....	167
	Actualisation of Fines .....	168
Section III:	Seizure of Merchandise or Goods	
	Imported Goods or Goods for Export.....	169
	Piracy .....	170
Section IV:	Inspection	
	Competent Authority.....	171
	Procedures.....	172
Section V:	Appeals	
	Principles .....	173
	Judicial Appeal.....	174
	Prescription .....	175
Title IV:	Fees	
	Consideration .....	176
	Fee Periods.....	177
	Reduction of Fees.....	178
	Exemption from Fees .....	179
	Suspension of Fees.....	180
	Allocation of Fees .....	181
	Actualisation of Fees.....	182
	Payment of Fees .....	183
	Rights of State.....	184
Title V:	Official Industrial Property Agents	
	Official Industrial Property Agents .....	185
	Defence of Private Interests .....	186
	Offices.....	187
	Exercise of Duties .....	188
Title VI:	Final and Transitional Provisions	
	Provisional Administration of Industrial Property .....	189
	Industrial Property Bulletin.....	190
	Contents of Bulletin .....	191
	Bulletin Index.....	192
	Distribution of the Bulletin .....	193

ANNEX I



Whereas it is desirable to create conditions favourable to technological development in the country and access to new industrial, commercial and service related techniques, in order to stimulate national and foreign investment through the protection of industrial property;

Whereas fundamental role that industrial property rights play in the life of commerce and in competition as instruments for transferring knowledge and new technology, is recognised;

Whereas it is necessary to promote inventive activity in country and transfer of technology by selectively adopting rules that are suited to the economic reality in the country;

Considering the important role of regional and international institutions involved in research, examination, investigation, information on the state of technology and documentation on matters of industrial property, as well as the benefits of technical training for national personnel;

Therefore, it has become imperative to regulate the interests of private individuals involved in industrial and commercial activity and in the provision of services by establishing a legal and institutional framework to protect Industrial Property Rights under the conditions and limits set out in the Industrial Property Code of Mozambique, and by repressing all acts contrary to fair competition, honest practices and customs in industry, commerce and the provision of services, thereby also protecting the consumer against risk of error, counterfeit, confusion and fraud in goods, services and businesses.

In these terms, under provisions of article 79 and article 153.1(e) of Constitution of Republic, Council of Ministers decrees:

**1.** The Industrial Property Code of Mozambique, which is attached hereto and is an integral part of this decree, is hereby approved.

**2.** Decree 30679 of 24 August 1940, enacting Industrial Property Code and brought into force in Mozambique by Edict (Portaria) 17043 of 20 February 1959, together with all legislation that is contrary to provisions of the Industrial Property Code of Mozambique, is hereby repealed.

**3.** This decree shall enter into force sixty days after its publication.

Approved by the Council of Ministers. Let it be published.

The Prime Minister,

PASCOAL MANUEL MOCUMBI



## The Industrial Property Code of Mozambique

### TITLE I GENERAL

#### Chapter I General Provisions

#### SECTION I DEFINITIONS

##### Definitions

1. For the purposes of this law, the terms set out below shall be understood to have the following meanings:

*a)* industrial property: a set of rights including manufacturing trade mark, trade mark, service trade mark, invention patents, utility models, industrial designs and models, business names and insignias, logotypes, geographical indications, appellations of origin and awards;

*b)* patent: a right granted for the protection of an invention;

*c)* invention: an idea that finds a practical solution to a particular technical problem. The invention may be a product or a process or it may consist of both a product and a process;

*d)* utility model: a new invention which involves an inventive step and is capable of industrial application, namely, utensils, instruments, tools, apparatuses or parts thereof, containers and other objects which meet the aforementioned prerequisites;

*e)* industrial design or model: any set of lines or colours or any three dimensional form, whether associated with lines or colours or not, provided that such set or form gives a special feature to an artisanal or industrial product and may serve as a model for the industrial or artisanal manufacture thereof, and that it attracts visual attention and is visually appreciated;

*f)* trade mark: any distinctive, manifestly visible or audible sign, which is capable of graphic representation and which permits the goods and services of one enterprise to be distinguished from those of another, consisting of words, including personal names, designs, letters, numbers, sounds, product shape or packaging;

*g)* establishment name and insignia: the name or designation which identifies or distinguishes a particular business establishment;

*h)* trade name: a firm or company name or expression identifying an individual or a corporate body;



i) appellation of origin: the geographical denomination of a country, a region or a particular place used to designate a product originating therein and whose qualities or characteristics are attributable exclusively or essentially to that geographical place, including either natural or human factors, or both;

j) geographical indication: the name of a region, a particular place or, exceptionally, a country, used to designate or identify a product originating in that region, place or country and whose reputation is determined by the special characteristics of that geographical location;

k) logotype: a composition consisting of letters, whether associated with designs or not, where the resulting combination presents a specific configuration that is sufficiently distinctive and characteristic to be linked to a given entity offering goods or services;

l) award: a decoration of merit attributed by a government, namely, medals, codes, pecuniary prizes or prizes of any other nature, obtained at official or officially recognized exhibitions, fairs and competitions, whether they take place within the country or abroad; certificates of analysis and codes of praise, issued by a State laboratory or authority or by organisations qualified to do so and, generally, any other prize or display of an official nature.

## SECTION II GENERAL PRINCIPLES

### Objective

2. This Code establishes special regime for industrial property rights and obligations on the basis of concession of patents for inventions and utility models, the registration of trade marks, designs, industrial models and business names, and the repression of the infringement of industrial property rights.

### Subject Matter Scope

3. Industrial property shall apply to industry and commerce proper, namely, fishing, agricultural, forestry, livestock and extractive industries, to all natural or manufactured products and to services.

### Scope of Eligibility

4.—1. This Code shall apply to all individual and corporate persons, whether they are Mozambicans or nationals of countries of the International Union for the Protection of Industrial Property, hereinafter referred to as the Union, under the terms of the Paris Convention of 20 March 1883 and revisions thereof, and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement); all without reference to requirements of domicile or establishment, without prejudice to special provisions relating to jurisdiction and procedure contained in the domestic legal order.





2. Nationals of countries that are not members of the Union or the TRIPS Agreement, who are domiciled or who have an effective commercial or industrial establishment in the territory of a country that is a member country, shall be treated as nationals of member countries.

3. As regards any other foreigners, the provisions of conventions entered into between Mozambique and the respective countries or, in the absence of such a convention, the rules on reciprocity shall apply.

### SECTION III ADMINISTRATION OF INDUSTRIAL PROPERTY

#### Competent Authority

5. An office to be established by the Council of Ministers shall be responsible for the administration of industrial property and shall regulate its own organisational structure and functioning, under the oversight of the Ministry of Industry and Trade.

#### Registration

6.—1. The industrial property administration office shall register industrial property rights in accordance with the appropriate procedural rules.

2. When an application for the registration of a patent, mark, model, design or other industrial property right is filed, the number, the date and time of receipt, the name and address of the applicant and his representative, if any, and the legal category of the industrial property in question, shall all be noted in accordance with the legal procedures.

#### Verification of Applications

7.—1. When an application is filed, officers in charge of receiving documents shall restrict themselves to verifying that the applications are correctly addressed, that they are duly signed, confirming the amounts of fees to be paid and that all documents referred to in the application are attached thereto.

2. Notice shall be given of any omissions that are noted subsequently.

#### Forms

8. Applications shall be filed using the appropriate forms prescribed by the industrial property administration office.



### Proof of Industrial Property Rights

**9.—1.** Industrial property rights shall be documented by certificates of title of patents, trade marks, models and designs and by the registration certificates for the various categories of industrial property rights.

2. Proprietors of the various types of rights may be issued with certificates similar in content to the title instruments issued for patent, model, design or registration, as proof of those rights before the courts and other official bodies.

### Certificates of Filing

**10.—1.** Certificates of filing shall be issued in time to be delivered on the day following the day on which the application was filed, and shall be duly signed by the director of the administration office.

2. In addition to the signature of the director of the administration office, the aforementioned certificates shall bear a seal that clearly identifies the administration office.

### Certificates of Title

**11.—1.** Certificates of title of the industrial property rights established by the present code shall be delivered to interested parties sixty days after the expiry of the time limit allowed for the lodging of claims, appeals or, where a claim or appeal has been lodged, after the final sentence has been pronounced.

2. Delivery shall be to the proprietor or his representative and documented by a receipt.

3. Certificates of title shall be signed by the director of the administration office and sealed as mentioned in clause 2 of the preceding article.

### Content of Certificates

**12.—1.** The certificates of title referred to in the preceding article shall identify, with precision, the right they proof namely:

- a) trade mark;
- b) patent;
- c) logotype;
- d) utility model;
- e) industrial model;
- f) design;
- g) business name and insignia;



- h) award;
  - i) appellation of origin; and
  - j) geographical indication.
2. The responsible Ministry shall approve the form of the certificates.

#### SECTION IV TRANSMISSIBILITY OF INDUSTRIAL PROPERTY RIGHTS

##### Right to Transfer

- 13.—1. Industrial property rights are transmissible *inter vivos* and *in mortis causa*.
2. All transfers of rights, co-titling, charges or encumbrances shall be endorsed on the certificate of title.
3. *Inter vivos* transfers shall be in writing and require the express consent and notarised signature of the proprietor.
4. Rights arising from applications to register names, insignias, logotypes and awards may only be transferred, gratuitously or for consideration, together with the commercial or industrial establishment to which they are linked, save as agreed otherwise.
5. Where a name, insignia or logotype features the individual, firm or company name of the owner of the establishment or of his representative, there must be express contractual provision for the transfer thereof.

#### SECTION V EXTINCTION OF INDUSTRIAL PROPERTY RIGHTS

##### Forms of Extinction

- 14.—1. Industrial property rights shall be extinguished by:
- a) surrender by the proprietor;
  - b) annulment;
  - c) nullity;
  - d) lapse or expiry of renewal periods;
  - e) revocation.
2. A declaration of nullity may result from a decision rendered by the industrial property administration office.



#### Surrender

**15.** Industrial property rights may be surrendered by express declaration made in writing by the proprietor, or his especially empowered representative, and addressed to the industrial property administration office.

#### Annulment

**16.—1.** Industrial property rights may be wholly or partially voidable.

2. Only persons who have an interest as established by this law shall be entitled to assert the voidability of a right and must do so within five years from the date on which the certificate of title was issued.

3. For the purposes of the preceding clause, the following persons shall be entitled to assert the voidability of a right:

a) a person who proves that the right belongs to him;

b) a person who has a right founded on priority or on some other legal title, where such right was disregarded when the industrial property right was awarded.

4. When filing an application for annulment, the applicant may demonstrate that he has an interest in having the right revert to him provided that he meets the legal requirements.

#### Nullity

**17.—1.** Industrial property rights awarded contrary to the provisions of this Code are null.

2. Annulment of the registration shall be effective from the date on which the application was filed.

#### Forfeiture

**18.** Once the period for which the right was awarded has expired, the right shall, unless renewed be forfeit automatically.

#### Revocation

**19.** An industrial property right shall be revoked when the proprietor fails to pay the fees prescribed under this Code.



TITLE II  
INDUSTRIAL PROPERTY RIGHTS REGIME

**Chapter I**  
**Invention Patents**

SECTION I  
PATENTABILITY

Requirements for Patent Ability

**20.** An invention shall be patentable if it is new, if it involves an inventive step and if it is capable of application in industrial uses.

Novelty

**21.** An invention shall be considered new where it has no precedent with reference to the state of the art.

State of the Art

**22.** State of the art shall consist of everything that has been made available to the public in Mozambique or in any other part of the world, orally, by use or by any other means, prior to the date of filing or, as the case may be, the date of priority of the patent application in which the invention is claimed.

Inventive Step

**23.** An invention shall be considered to involve an inventive step where, to a person skilled in the art, the invention is not obviously part of the state of the art.

Application in Industrial Uses

**24.** An invention shall be considered capable of industrial application where the subject matter of the invention may be manufactured or used in all types of industry, including agriculture.

Invention not Deprived of Novelty

**25.—1.** Where inventions have been disclosed during the twelve months preceding the date of filing or the date of priority of the patent application, they shall not be considered state of the art in the following cases:

*a)* where the disclosure of the invention was promoted by the inventor or his successors in title at official or exhibitions officially recognised by the Government under the terms of



the Paris Convention signed on 22 November 1928 as revised in respect of international exhibitions;

b) where disclosure was a result of any unethical, manifest act committed by third parties against the inventor or his successors in title.

2. As regards case provided for in paragraph a) of this article 25, the inventor shall make a written declaration, at time of filing of the application, that the invention was effectively exhibited and he shall prove this fact within three months from date of filing.

*Subsection I*  
*Exclusion from Patentability*

Exclusion from Patentability

**26.—1.** The following shall not be considered inventions for purposes of this Code:

- a) theoretical and scientific principles;
- b) discoveries that make known or reveal something which already exists in nature, notwithstanding that it was previously unknown to man;
- c) systems, plans, rules and methods for the exercise of purely intellectual activities for playing games or business activities;
- d) computer programmes;
- e) forms of presentation of computers;
- f) aesthetic creations and artistic or literary works;
- g) surgical, therapeutic or diagnostic treatment methods applicable to human or animal bodies. The products, substances or compositions used in any such methods may be patented; and
- h) substances obtained for nuclear transformation.

2. The following are excluded from patent protection:

- a) that which is contrary to principles of morality and custom, security and public order and health;
- b) all or part of living beings, although microbiological processes and products obtained therefrom may be patented.



SECTION II  
OWNERSHIP OF INVENTION

*Subsection I*  
*Principles*

Right to Patent

27. The right to the patent shall belong to the inventor or to his successors in title.

Presumption of Title

28. In absence of evidence to the contrary, it shall be presumed that the applicant is entitled to the award of the patent.

First to File Rule

29.—1. Where two or more persons have created the same invention independently of one another, the right to patent shall belong to the person who first and validly presents application, as of the date of filing thereof or when priority, if any, is claimed.

2. In case of an agreement prior to the invention, all such persons may figure as applicants in the application for the patent.

3. In absence of an agreement on the ownership of patent, inventors may submit their dispute to arbitration or judicial decision.

Co-Ownership

30. Where the invention is created jointly by two or more persons, all or some of them may submit the application for the patent, with an express indication of this qualification by all of them.

*Subsection II*  
*Rights of Employees*

Within the Scope of Employment

31.—1. Where the inventor is a salaried worker or an employee, the right to the patent shall, in the absence of more favourable contractual provisions, be defined as follows:

a) where the invention was created as part of the performance of an employment contract involving an inventive step, or under which the effective functions of the employee were part of a study or research contract strictly entrusted to him, then the patent shall belong to the employer;



b) where the invention is part of the activity of the enterprise or company or other corporate body, then such legal entity shall have exclusive right to the patent, if it so wishes.

#### Remuneration of the Inventor

**32.—1.** In the cases provided for in paragraph *a)* of clause 1 of the preceding article, the employee shall be entitled to the remuneration agreed under the particular employment contract. In the cases provided for in paragraph *b)* of the same article, there shall be equitable remuneration.

2. The amount of the equitable remuneration may be established by arbitration, if the parties have not made any other provision or if there is disagreement as to the amount

3. The amount of the remuneration may be stipulated before or after the invention is obtained.

4. In case of failure to remunerate the employee in full within the agreed time limit, due to a supervening event there shall be an agreement to reschedule the outstanding payments, in accordance with applicable legislation or business practices.

5. In case of failure to pay the employee after an agreement has been made pursuant to the preceding clause, the employer shall forfeit his rights.

#### Concept of Employee

**33.** For the purposes of this Code, an employee shall be understood to mean any person who undertakes to perform work, the subject of which is an inventive step, for an employer, whether under direct legal subordination or not.

#### Communication of the Invention

**34.—1.** The inventor shall inform the employer of his invention, in writing with recorded delivery, within six months from the date when the invention was completed. The employer shall thereafter have six months within which to exercise his rights in respect of the invention.

2. If the obligations prescribed by this article have not been fulfilled by the end of the aforementioned period, the defaulting party shall forfeit his rights.

#### Period of Validity

**35.** Every invention shall be deemed to have been created during the performance of an employment contract when the patent is applied for during the year following the date on which the inventor leaves the employment of the enterprise or company.





### Employees and Salaried Staff

**36.** These provisions shall apply to the employees and salaried staff of the State, autonomous public services and administrative bodies.

### Non-Limitation of Rights

**37.** The rights conferred on the inventor under this article may not be limited by contract nor may they be surrendered beforehand.

### Inventor's Right

**38.** The inventor shall have the right to be mentioned as such in the application for the patent and in the patent certificate, unless he expressly renounces this right.

## SECTION III PATENT APPLICATION

### *Subsection I Requirements for Admissibility of Application*

#### Applicant and Place of Application

**39.—1.** The application may be filed by the applicant himself or by his agent who is domiciled, headquartered or has his business establishment in Mozambique.

2. The agent must be qualified in terms of the regulations to be enacted on this matter, and he may represent more than one applicant.

3. The application shall be filed with the industrial property administration office, either directly or by correspondence.

#### Content of the Application

**40.—1.** The patent application shall contain the following:

- a) letter of application;
- b) report;
- c) one or more claims;
- d) drawings, where necessary;
- e) abstract.

2. When the application is filed, it must be accompanied by proof of payment of prescribed fee.



3. The application documents shall either be written in Portuguese or be accompanied by an official translation.

#### Compulsory Information in the Application

**41.**—1. The letter of application for patent shall contain following particulars:

a) the name, nationality and identification of the applicant, the inventor or his successor in title, or applicant's agent;

b) the title of invention.

2. Where the applicant is not inventor or his successors, the application shall contain a declaration justifying applicant's right to the patent.

#### Description of the Invention

**42.**—1. The report shall describe the invention sufficiently clearly and completely to enable a competent technician to execute the invention. The report shall indicate at least one mode of execution of the invention of which the applicant has knowledge, on the date of filing or, in the case of claim of priority, on the date of priority of the application.

2. Claims shall be clear and concise and shall be based entirely on the descriptive report.

3. Drawings shall be furnished when they are necessary for understanding the invention.

4. The abstract shall be for the purposes of technical information only and shall not determine scope of protection for the invention.

#### *Subsection II Patent Claim*

#### Structure of the Claim

**43.**—1. The definition of the technical characteristics of invention shall be in two parts: an introductory part that mentions the known technical characteristics and another part, that sets out the technical characteristics for which protection is claimed.

2. The claim shall be clear and concise and shall be based entirely on the description.

#### Scope of Protection

**44.** The patent claim or claims shall define the scope of protection for the invention described.



### Defective Descriptions of Claim

45. Before an application containing incomplete or inaccurate descriptions or claims of the invention may be refused, applicant shall be given a period of two months within which to present a new description or claim.

#### *Subsection III Unit of Invention*

##### Unit of Invention

46.—1. A letter of application shall not request more than one patent, nor shall one patent be requested for more than one invention.

2. Several inventions contemplated in such a way as to form a single concept of invention may be included in same application.

3. The applicant may modify application or divide it into two or more applications before the examination stage, provided that the modification does not go beyond the information included in the initial application.

4. Each division of an application shall benefit from the date of filing and the date of priority, if any, in respect of the initial application.

### SECTION IV RIGHT OF PRIORITY

#### *Subsection I Period*

##### Benefit of the Period

47.—1. A person who has duly filed an application for a patent in any country of the Union or any member country of the International Trade Organisation (ITO), shall, for a period of twelve months, enjoy a right of priority. The applicant must invoke this right of priority and provide evidence of the prior application, certified by the administration where the application was filed.

Where the application was made in a foreign language, he shall provide an official translation thereof.

2. The applicant must claim the right of priority in the application and request that the director of the industrial property administration office grant him a period of time within which to submit the evidence referred to in clause 1. The period granted shall not be less than two months.



3. Where the aforementioned period expires before the applicant has met the requirements, the claim for a right of priority shall be treated as not having been done.

4. The right of priority shall attach only to matters contained in the prior application and a claim for a right of priority in respect of matters introduced after the initial application shall not be valid, without prejudice to the provisions of article 45.

#### Assignment of the Right of Priority

**48.** As regards an assignment of a right of priority, documentary evidence of the assignment shall be presented within one hundred and eighty days from date of filing, or, as the case may be, within sixty days from the date of filing in the industrial property administration office, dispensed the consular legalization with the country of origin.

#### Claims for Multiple Priorities

**49.** An applicant may claim multiple priorities on the basis of applications made in different countries. Alternatively, the multiplicity of applications may be due to the fact that application claimed contains matters that were not included in the application whose priority is claimed, provided that there is a single invention under the terms of this Code.

### SUBSECTION II

#### INFORMATION ABOUT FOREIGN APPLICATIONS

##### Foreign Applications for Patents or Similar Rights of Protection

**50.—1.** The applicant shall inform the industrial property administration office of the date and number of every application for a patent or other right of protection filed in any other country in respect of the same invention applied for in Mozambique. The applicant shall also furnish the following:

- a)* a copy of any communication received by the applicant in relation to the results of investigations or examinations carried out abroad;
- b)* a copy of the patent or other right of protection awarded on the basis of the foreign application;
- c)* a copy of any final or provisional decision to refuse or grant the foreign application;
- d)* a copy of any decision to award a patent or other right of protection awarded on the basis of the foreign application.

2. If the provisions of this article 50 are contravened and bad faith is proven, a declaration of non-existence of the application may be issued by the director of the industrial property administration office, upon whom the burden of proof shall lie.



SUBSECTION III  
FILING AND EXAMINATION

Date of Filing

**51.**—1. The director of the industrial property administration office shall give as the date of filing the date on which the application was received, provided that at the time of receipt, the application contains:

- a) an express or implicit indication that an award of a patent is sought;
- b) information establishing the applicant's identity; and
- c) a patent which, at first sight, appears to be a description of an invention.

2. Where the application refers to drawings that are not included in the application, the director of the industrial property administration office shall invite the applicant to provide such drawings.

Where the applicant responds to the invitation, the director of the industrial property administration office shall give as the date of filing the date on which the drawings are received. Otherwise, the date of filing shall be the date of receipt of the application and any reference to the said drawings shall be treated as non existent

Examination of the Patent Application

**52.**—1. Once a date of filing has been given, the industrial property administration office shall examine the application, confirming whether or not it meets the conditions set out in this Code and the provisions of the regulation in respect hereof.

2. The examination of the application shall include the requirements of form specified in the provisions referred to in the preceding clause 1. The director of the industrial property administration office shall award the patent once it has been confirmed that all the legal requirements prescribed by this article have been met, failing which, he shall refuse the application. Thus, the application shall be refused where it is not made in the proper form.

3. The industrial property administration office shall notify the applicant if the application has been refused.

*Subsection IV*  
*Protection and Publication*

Publication

**53.**—1. The industrial property administration office shall publish a notice in the industrial property bulletin, with a transcript of the summary description of the patent.



2. The notice shall be published only after ninety days have elapsed since the date of filing or the date of priority.
3. The publication may be done earlier at the express request of the applicant.
4. After the application has been published, any person may obtain a copy of the claims, description and drawings pertaining to the application for the patent.
5. Publication of the application may be done earlier at the request of the applicant.

#### Provisional Protection

**54.** An application for protection shall provisionally confer upon the applicant, from the date of the publication referred to in the preceding clauses, the protection that he would receive on being awarded the right.

### SECTION V AWARD OF PATENTS

#### *Subsection I Constitution and Modification*

#### Award of a Patent

**55.** When a patent is awarded, the director of the industrial property administration office shall instruct the office of which he is in charge to carry out the following acts within a period of 30 days:

- a) Publish the award of a patent;
- b) Deliver to the applicant a patent award certificate and a copy of the patent;
- c) Register the Patent;
- d) Supply copies of the patent to the interested public, upon payment of the prescribed fee.

#### Modification of the Patent

**56.** The director of the industrial property administration office may, at the request of the proprietor of the patent, make modifications designed to limit the scope of the protection granted, provided that the publication of the patent shall not, by virtue of such a modifications, be broader than that given in the initial application on the basis of which the patent was awarded.



*Subsection II*  
*Refusal with the Opportunity to Rectify*

Failure to Indicate the Inventor

- 57.**—1. Failure to indicate the inventor may be rectified within a period of ninety days.  
2. In the case of a divided application, the period shall be sixty days.

Failure to Provide Translation

**58.** Failure to provide a translation into Portuguese of description and claims of the invention may be rectified within a period of ninety days.

Refusal on Ground of Complexity of Initial Application

**59.**—1. Where the initial application is complex, the director of the industrial property administration office shall invite the applicant to divide the application within a period of one hundred and eighty days.

If the applicant disregards the invitation and does not provide any observations on the rectification required, the application shall be refused.

2. Where the applicant makes observation and the director of industrial property administration office does not accept these, then the applicant shall be given a further period to comply with the invitation extended to him.

*Subsection III*  
*Actions by Applicant*

Withdrawal of the Application

**60.** The applicant may at any time withdraw his patent application. For this purpose he shall submit a written declaration, with the agreement of all co-applicants, if any, and all holders of real property rights, security interests or licenses who are registered with the competent entity.

Transformation of the Patent Application

**61.** An applicant for a patent may, at any time prior to the examination of the application, change the application for a patent into an application for a utility model.



SECTION VI  
RIGHTS CONFERRED BY THE PATENT

*Subsection I*  
*Rights of Proprietors of Patents*

Period of Validity of the Patent

**62.** The patent shall be valid for a period of twenty years from the date of filing.

Rights of Proprietors of Patents

**63.—1.** Under reservation of and without prejudice to the other provisions of this chapter, the proprietor of a patent shall enjoy the following exclusive rights in respect of his invention:

- a) to exploit the patented invention;
- b) to grant or dispose of the patent;
- c) to enter into contracts licensing the exploitation of the invention; and
- d) to oppose the improper use of the patent.

2. All the rights set out in this article may be exercised by third parties expressly authorized to do so by the proprietor of the patent.

3. For the purposes of this Code, the exploitation of a patented invention shall be understood to mean any of the following acts, when the patent was awarded for a product:

- a) manufacture, import, offer for sale, sale and use of the product;
- b) retention of the product, for the purposes of the sale, offer for sale, or use thereof;
- c) where the patent was awarded for a process;
- d) use of the process;
- e) carrying out any of the acts referred to in paragraph a) of the preceding clause in respect of a product derived directly from the use of the process.

Limits on the Rights Arising under the Patent

**64.—1.** The following shall not be within the scope of the patent:

- a) acts related to a patented invention for the purposes of scientific research;
- b) acts related to products placed on the market in Mozambique by the proprietor of the patent or so placed with the proprietor's consent;





c) the use of products on board foreign aircraft, vehicles or ships entering Mozambican airspace, territory or territorial waters temporarily or accidentally.

#### Rights Arising by Virtue of Prior Use

**65.**—1. Protection shall be afforded under the provisions of the following clause to acts carried out in good faith by any person who, at the date of filing of the patent application or, as the case may be, the date of priority, uses or carries out effective, material preparatory acts for the manufacture of the product or the process of the invention claimed in an application for a patent.

2. A third party who in good faith carries out the acts described in the preceding clause, is conferred the right to exploit the patented invention.

3. The right of prior users referred to in this article may be voluntarily transferred to the enterprise or company where the preparatory acts or use of the product or the process subject to the patent were carried out.

#### Regional Patent

**66.** A patent awarded by a Regional Industrial Property Organization, of which Mozambique is a designated State, shall have the same effect as a national patent.

#### *Subsection II*

#### *Assignment of a Patent*

#### Assignment of Patents

**67.** The proprietor of a patent, or his successors in title, may assign the patent by public (notarial) deed. The assignment shall be effective as against third parties once it has been registered.

#### Co-Ownership of Patents

**68.**—1. In the absence of agreement between co-proprietors of a patent, the co-proprietors may, separately, assign their rights, exploit the patented invention and take judicial action against persons who exploit the invention without their consent.

2. However, a patent license agreement shall require the consent of all the co-proprietors of the patent.



SECTION VII  
EXPLORATION OF THE PATENT

*Subsection I*  
*Conditions of Use of the Patent*

Obligation to Exploit

**69.**—1. The proprietor of a patent is under an obligation to, directly or indirectly, exploit his patented invention and market the products obtained in order to supply the needs of the market.

2. Exploit action shall commence within three years after the date on which the patent was awarded, or within four years after the application was filed.

3. Failure to exploit the invention within the prescribed periods shall result in the granting of a compulsory license by the proprietor to a third party.

Compulsory License

**70.**—1. The invention may be exploited under authorization given by the responsible Ministry, without the consent of the proprietor of the patent, including use of the patent by the Government or by third parties, in the following instances:

*a)* When a potential user has endeavored to obtain the consent of the proprietor of the patent under reasonable commercial conditions and negotiations have been unsuccessful for a reasonable time, and where the proprietor does not agree to transfer the use of the patent;

*b)* Use of the patent in a case of emergency or in any other circumstances of extreme urgency, either of an economic or a social nature, or for the development of other sectors that are vital to the national economy, when the circumstances so require.

2. The application for a compulsory license addressed to the industrial property administration office shall be accompanied by evidence that the proprietor of the patent received a request from the applicant for a contractual license and that the applicant failed to obtain the license under negotiated commercial conditions within a reasonable time.

3. The provisions of clause 2 shall not apply to cases of national emergency or other circumstances of extreme urgency referred to in paragraph *b)* of the preceding clause.

4. In all cases referred to in clause 1, the industrial property administration office shall immediately inform the proprietor of the patent about the grounds for using the patent.

5. The proprietor of the patent shall be given adequate remuneration, which shall be adjusted according to each particular case, taking into account the economic value of the authorization.



6. The extent and duration of this use shall be limited to the purposes for which it was authorized.

7. The use provided for under the terms of this article shall not be exclusive and shall not be the subject of an assignment of exploitation. In the case of an enterprise, the authorization will be granted upon the transfer of the enterprise or corporate purpose under which the patented invention is exploited.

8. The exploitation of the invention by a third party or by a legal entity designated by the Government shall be aimed predominantly at supplying the market in Mozambique.

#### Objection Against Failure to Exploit

71. The proprietor of the patent may at any time oppose an application by a third party for a compulsory license, on the basis of facts that show that the failure to observe the law was not attributable to him.

#### Proof of Exploitation of a Patent

72.—1. Proof of exploitation shall be by means of an official certificate, which shall be issued by a competent entity in the area in question.

2. The exploitation certificate shall be issued at the request of the proprietor of the patent or his agent within three months from the date of the request and it shall indicate expressly that the invention is being exploited.

3. The certificate shall be issued on the condition that manufacture is taking place at the industrial establishment that uses the invention and that there is effective marketing and sale of the object of invention.

#### *Subsection II Dependence*

#### Dependent Patents

73.—1. For the purposes of compulsory licenses, the exploitation which relies necessarily on using the object of a prior patent is considered a dependent patent.

2. A process patent may be considered dependent upon the respective process patent. Likewise, a product patent may be considered dependent upon the process patent.

3. When the above circumstances occur, the right to obtain a compulsory license for the dependent patent shall be precluded.



*Subsection III  
Annulment of the patent*

Legitimacy to Request Annulment

**74.** Any person having a legitimate interest may, at any time while a patent is valid, initiate a court action for the annulment of the patent or, where the proprietor of the patent is not the inventor or his legal successor, on the following grounds:

*a)* that the object claimed as an invention does not constitute an invention under the terms of article 23 of this Code;

*b)* that the object is not described in such a way that it may be executed by a competent technician and does not correspond to the claim.

Effects of Annulment

**75.** The final decision to annul the patent shall be registered under the terms of this Code and shall be effective against third parties as of the date of its registration.

Period to Contest

**76.** The period within which an action of annulment may be contested by the proprietor of the patent shall be sixty days.

**Chapter II  
Utility Model**

Requirements

**77.** Every new invention that is capable of industrial application shall be eligible for protection as a utility model.

Application of Provisions in Respect of Patents

**78.** Excepting the provisions of the preceding article, the provisions in respect of patents for inventions shall be applicable, with the necessary adaptations, to utility models and to applications in respect thereof, provided that such provisions are not incompatible with the specific nature of utility models.

Procedures for Utility Models

**79.** The procedural processes for patent applications shall be applicable in respect of utility models, with the necessary adaptations.



#### Duration

**80.** The duration of utility models shall be ten years from the date of filing, with the possibility of renewal.

#### Rights Conferred by Registration

**81.** The articles of this Code in respect of patents shall be applicable, subject to necessary adaptations.

#### Transformation of Utility Model Applications

**82.** Prior to the award of a utility model protection, the applicant may, on a one time basis, transform the utility model application into a patent application. In such a case, the applicant shall benefit from the date of filing of the initial application, upon payment of the corresponding fee.

### Chapter III Industrial Designs and Models

#### SECTION I RIGHTS OF PROPRIETORS

#### Requirements

**83.—1.** The following constitute prerequisites for the protection of industrial designs and models:

*a)* they shall not have been disseminated either inside or outside the country, by means of publication in a tangible form, nor used in any other way, prior to the date of filing or, as the case may be, the date of priority of the application for registration;

*b)* they shall not be contrary or offensive to the code, the public order, morality or custom.

2. For the purposes of paragraph *a)*, the following shall not be considered new:

*a)* an industrial design or model which has already been subject to a prior registration, albeit null or lapsed, whether inside or outside the country;

*b)* that which has been described in publications in such a way as to make it capable of being known and worked by experts in the area of specialty;

*c)* an industrial design or model used in a well-known manner or which has in any way entered the public domain.



### Rights Conferred by Industrial Designs and Models

**84.—1.** Rights conferred by industrial designs and models shall belong to the author thereof, or to his successors in title.

2. Where various persons are the author of the same industrial design or model, then they shall own the right in common;

3. Where various people have, independently of one another, created the same industrial design or model, the right shall belong to the person who first files a valid application as of the date of filing or the date of priority, as the case may be.

### Rights of Employees

**85.** The provisions of article 31 of this Code shall apply, with the necessary adaptations, to models and designs created by employees pursuant to their employment contracts.

### Right of Priority

**86.** A person who has duly filed an application for an industrial design or model in any country of the Union under the Paris Convention for the protection of industrial property, or in any member country of the TRIPS Agreement, shall enjoy a right of priority to apply for registration in Mozambique.

## SECTION II APPLICATION AND ITS EFFECT

### Application

**87.—1.** The application for registration of an industrial design or model shall be filed with the industrial property administration office.

2. The application shall consist of a letter of application accompanied by designs, photographs or other graphic images that adequately represent the object incorporating the design or model, together with proof of payment of the corresponding fee. The applicant may also include an example of the object incorporating the design or model.

3. Where the applicant is not the inventor, the application shall include a statement justifying the applicant's right to register the industrial design or model.

4. While the application is pending, the applicant may withdraw it any time.

### Filing and Examination of the Application

**88.—1.** The date of filing shall be the date on which the application was received, provided that, at the time of filing, the corresponding fee was paid and the application was



included the name of the applicant and an example of the object incorporating the industrial design or model, or a graphic image thereof.

2. Once a date of filing has been given, the industrial property administration office shall examine the application to verify that it meets all the conditions set out in article 83 of this Code.

#### Provisional Protection

**89.**—1. The application for an industrial design or model shall provisionally confer upon the applicant, from the date of the publication referred to in the preceding clauses, the protection that he would receive upon being awarded the right.

2. The protection afforded under the preceding clause shall be applicable prior to the date of publication, in relation to any person who has notice of the filing of the application.

3. Judicial sentences in respect of actions instituted on the basis of provision protection shall not be pronounced prior to the definitive award or refusal of the industrial design or model.

4. If, on the expiry of the period referred to in the preceding clause, no objection has been lodged, the industrial property administration office shall grant the right sought.

#### Registration and Publication

**90.**—1. The industrial property administration office shall within sixty days publish a notice on the filing of the application in the industrial property bulletin.

2. The publication referred to in the preceding clause may be done earlier at the express request of the applicant.

3. After publication has taken place pursuant to clause 1, any person may, during a period of sixty days, request a copy of the corresponding claims, descriptions and drawings.

### SECTION III REGISTRATION

#### Duration

**91.**—1. The registration of an industrial design or model shall be valid for a period of 7 years commencing from the date of registration.

2. On the expiration of the aforementioned period, an extension not exceeding three months may be granted, upon the payment of the respective renewal fee.



### Rights Conferred by Registration

**92.**—1. The exploitation of an industrial design or model registered in Mozambique, by any person other than the registered proprietor thereof shall require the proprietor's consent.

2. A registered industrial design or model confers upon its proprietor the right to prevent any third party from producing, manufacturing, selling or exploiting the object without the proprietor's consent.

3. In addition to the rights referred to in the preceding clauses, the registered proprietor of an industrial design or model shall be entitled to institute judicial proceedings against any person who makes a counterfeit of the design or model or who carries out preparatory acts in respect thereof without the proprietor's consent.

### Effects of Registration

**93.** A design or model registered by a regional organization of which Mozambique is a designated State, shall have the same effect in Mozambique as an industrial design or model registered under this Code, unless the industrial property administration office has notified the organization of a decision under which the registration is not effective in Mozambique.

### Annulment of the Registration

**94.**—1. Any interested person may request the court to annul the registration of an industrial design or model.

2. The court shall annul the registration if the applicant is able to prove that one of the conditions prescribed under this Code has not been met, or if the registered proprietor of the industrial design or model was neither the inventor nor his successor.

## Chapter IV Trade Marks

### SECTION I GRANT

#### Requirements

**95.** The prerequisites for protection of a trade mark are:

a) it shall be distinguishable from the goods or services of other enterprises, duly recognized under the terms of this Code;

b) it shall not be contrary to or offend against the law, public order, morality and custom;





c) it shall not be capable of inducing error in consumers or the public in regard to the specific characteristic elements of the good or service with which the trade mark is connected, namely, the geographical origin, the nature or the characteristics of the goods or services in question;

d) it shall not reproduce, imitate or contain elements of armorial bearings, flags, emblems, abbreviations or other official symbols belonging to a State or intergovernmental organization created by international or regional convention, save as authorized by such State or organization;

e) it shall not be identical or similar to a trade mark or trade name that is well-known in Mozambique, to the point of being misleading about identical or similar products or services belonging to another enterprise; nor shall it constitute a translation of a well-known trade mark or trade name registered in Mozambique for goods and services that while not identical or similar to those for which protection is sought, there is a possibility that the use of the mark or trade name would be detrimental to the goods or services for which protection is sought;

f) it shall not be identical to a trade mark which has already been registered or has an earlier date of filing or priority, belonging to a different proprietor, for similar products or services bearing the trade mark for which protection is sought and which is capable of inducing error or misleading.

#### Types of Trade Mark

**96.—1.** For the purposes of this Code, the following are considered types of trade mark:

a) collective trade mark: a mark which is so designated in the application and which distinguishes the origin or any other common characteristic, including the quality of goods or services of different enterprises that use the trade mark under the supervision of the registered proprietor;

b) certification trade mark: one that identifies services which, though used by persons other than the proprietor of the trade mark, guarantee the particular characteristics or qualities of the services in which the trade mark is used;

c) base trade mark: one which identifies the commercial or industrial origin of a series of goods or services produced by an enterprise carrying out multiple activities or by a group of enterprises;

2. The following persons shall have the right to register a collective trade mark:

a) corporate bodies to whom a trade mark of certification or guarantee has been legally attributed or conceded and who may apply it to certain and pre-determined qualities of the goods or services;

b) Corporate bodies who supervise, control or certify economic activities in order to distinguish the products of such activities or products which originate in certain regions, in



accordance with the corporate aims of such bodies and the terms of their articles of association or charter.

3. The right to register a base trade mark shall belong to the enterprise carrying out multiple activities or the group of enterprises that use or intend to use it for their goods or services.

4. The entities referred to in the preceding clause shall endeavor to include in their articles of association provisions relating to the right to use the mark, the conditions under which it shall be used and the rights and obligations of users in the event of usurpation or counterfeit.

5. Decisions that modify the regime governing the base trademark shall be communicated to the industrial property administration office within one month by the management of the entity that owns the trademark.

## SECTION II REGISTRATION

### Application

**97.**—1. The application for registration of a mark shall be made in Portuguese using the proper form. The application shall be filed at the industrial property administration office together with payment of the corresponding fee, a copy of the trademark and a list of the goods or services for which registration of the trademark is sought.

2. The goods and services shall be numbered according to the categories under international classification.

3. Where the application claims a priority, the industrial property administration office may require a certified copy of the previous applications.

### Documents to be Submitted with the Application

**98.**—1. The following documents shall be attached to the letter of application:

- a) two graphic images of the trademark;
- b) one photo lyth or similar support;
- c) Authorisation from the proprietor of the foreign trademark for whom the applicant is an agent or representative in Mozambique;
- d) authorisation from the person, not being the applicant, whose name, firm, company name, insignia or image feature in the trademark;
- e) Authorisation to include in the trademark any flag, armorial bearings, hallmark, coat of arms or emblem of a State, municipality or other public or private bodies, whether national



or foreign, official badges, seals or signets related to inspection or guarantees, private emblems or denominations of the red cross or any other similar organisation;

f) award Codes or other distinctions referred to or reproduced in the trademark, which are not considered awards according to the specific concept set out in this Code;

g) a valid certificate of registration evidencing the right to include in the a trademark the name or any other reference to particular rural or urban real estate, and authorisation to do so from the proprietor, where he is not the applicant; and

h) authorisation from the previous registered proprietor and the exclusive to license holder, if any, save as otherwise provided for in the contract.

2. Where the trademark contains inscriptions in characters that are not well known, the applicant shall submit a transliteration shall submit a transliteration and, if possible, a translation of such inscriptions.

### Single Registration

**99.** Each trademark used for the same product or service shall be registered once only.

### Priority

**100.—1.** The application may contain a claim, under the terms defined in the Paris Convention, for priority of a national registration over an earlier registration. The industrial property administration office may require the applicant to submit a duly certified copy of the earlier application.

2. Once the certification has been confirmed, the application shall have the effects provided for under the Paris convention.

3. In the absence of the certification referred to in clause 1, the application shall be considered null.

4. While the application is pending, the applicant may withdraw it at any time, by means of a formal written request addressed to the industrial property administration office.

### Examination

**101.—1.** The examination of the application by the industrial property administration office shall verify that the application meets the requirements prescribed in article 95 of this Code.

2. On the expiration of the period within which objections may be lodged, or when discussions have ended, the industrial property administration office shall proceed to analyse the application process file. This analysis shall consist, principally and obligatorily, of an examination of the trademark to be registered and a comparison thereof with trademarks already registered for the same goods or services or for similar or like goods or services.



Thereafter, this analysis shall be recorded in the process file and the application shall be submitted for decision. The decision may be the award, refusal or provisional refusal of the application.

3. The decision shall be issued within sixty days from the date of publication of the application in the industrial property bulletin.
4. Registration shall be allowed when, after examination, it is determined that there are no grounds either for any objection made against the registration or otherwise, for the refusal of the registration.
5. Registration shall be refused when it is determined valid that there are grounds for the objection.
6. Registration shall be provisionally refused when examination has revealed a ground for refusal while any objection, if made, has been considered to be without grounds.
7. The applicant shall be notified immediately of the provisional refusal.
8. The applicant shall respond to the notice of provisional refusal within thirty days, failing which the refusal shall become final.
9. On receiving the applicant's response, if the industrial property administration office concludes that the refusal was unfounded or that the objections raised have been remedied, then it shall issue the decision within thirty days from the date on which the response was received.
10. If the applicant's response does not result in the alteration of the assessment, then the provisional refusal shall become final.
11. The applicant shall be notified of the final decision to award or refuse the registration.

#### Publication

**102.** Once all the requirements have been met, the industrial property administration office shall immediately publish the application in the form in which it was accepted.

#### Opposition

- 103.—1.** Any person who feels that he would be prejudiced by the award of a trademark, may, within sixty days, oppose the award of the trademark.
2. The opposition shall contain supporting factual and legal documentation.
  3. The industrial property administration office shall send a copy of the opposition to the applicant, and shall give the applicant notice that any response must be submitted within a period of thirty days.



4. Should the applicant fail to respond within the prescribed period, the application shall be treated as withdrawn.

5. After all interested parties have been heard, the director of the industrial property administration office shall decide on the outcome of the opposition and shall notify the interested parties of his decision.

6. The decision may be appealed.

#### Scope of Protection

**104.**—1. The proprietor of a registered mark shall enjoy the right to protection against the use of identical or similar symbols for goods or services that are capable of misleading consumers of such goods or services.

2. In the event of the use of such symbols as are referred to in the preceding clause, and provided that such use was in good faith, the industrial property administration office may require the complainant to produce proof of use prior to the registration.

3. The protection shall be effective as of the date of filing of the application.

#### Duration and Renewal of Protection

**105.**—1. Protection of a mark shall last for a period of ten years, as from the date of filing of the application.

2. The protection referred to in the preceding clause may be renewed for further periods of ten years each, upon payment of the respective renewal fee.

3. The period for payment of the renewal fee referred to in the preceding clause may, subject to payment of a surcharge, be extended for a period of six months.

#### Assignment

**106.**—1. The proprietor of a registered mark shall be entitled to transfer the mark, either together with or without the entity to which the mark pertains.

2. The transfer of the right afforded under article 104 shall observe the principle enshrined in article 13.

#### Right to Apply for Registration

**107.** Industrialists, manufacturers, traders, farmers, craftspeople, other producers who provide services and economic associations are entitled to apply for the registration of a mark.



### Rights Conferred by Registration

**108.**—1. Registration of a trademark gives the proprietor the right to the exclusive use of the trademark. Third parties are thereby not allowed to use in the course of business, without the consent of the proprietor of the mark, identical or similar symbols for goods or services which are identical or similar to those in respect of which the mark was registered, where such use would be susceptible of causing confusion.

2. The provisions of the preceding clause shall not affect the protection afforded to good faith users of the mark, provided that such use has occurred since prior to the date of filing or priority of registration in the country.

3. The right referred to in the preceding clause shall not be afforded to persons who had notice of the registration and failed to raise an objection to the registration within the sixty days following the date of publication thereof.

4. The registered proprietor of a mark shall be entitled to bring judicial proceedings against a person who infringes upon his rights, including by the commission of preparatory acts.

5. Rights afforded by registration do not encompass acts in respect of articles launched in Mozambique by the proprietor or with the proprietor's consent.

### Cancellation of Registration

**109.**—1. Any interested party may request the cancellation of a registered mark by application to the industrial property administration office.

2. Failure to meet any of the conditions required for protection of the mark shall constitute grounds for the cancellation referred to in the preceding clause.

3. Failure to use the mark for an uninterrupted period of at least three years up to one month prior to the submission of the request may also constitute grounds for cancellation.

4. However, a request for cancellation shall be refused where it can be proved that the failure to use was not intentional or was not due to any act attributable exclusively to the proprietor of the mark.

### Well-Known Trademark

**110.** A trademark is considered well-known when it is well-known among the interested public as a result of promotion of the mark. Such mark shall enjoy the protection afforded under the terms of the Convention of Paris for the protection of industrial property and under the TRIPS Agreement.



SECTION III  
SPECIAL REGISTRATION

Special Registration Process

**111.**—1. An applicant for registration of a trade mark, being a Mozambican national or domiciled or established in Mozambique, who wishes to secure protection for the same trade mark, under the terms of the Madrid Agreement and Protocol concerning International registration of trade marks in States that have acceded or come to accede to the Agreement and Protocol, shall include in the application a request for such prior examination of the application.

2. Such applications for registration shall be published as soon as possible in the separate section of the industrial property bulletin after the director of the industrial property administration office has studied and decided upon them, taking into account the period of priority.

3. Claims by any person who believes himself to be prejudiced by the registration may be filed during a period of one month following the date of publication in the industrial property bulletin.

4. If the application is granted, the applicant shall proceed to make the corresponding application for international registration within sixty days of the decision.

5. Where international registration is not sought within the prescribed time limit, the national registration shall be forfeited.

6. The final decision to award or refuse the application including the bulletin in which the notice of award or refusal will be published shall be communicated to the applicant.

Declaration of Intention to Use

**112.**—1. Every five years commencing from the date of registration<sup>1</sup>, a declaration of the intention to use the mark shall, together with payment of renewal fees, be submitted to industrial property administration office, failing which, the mark will be presumed to be used.

2. The declaration referred to in the preceding clause shall be submitted during the course of one year period which commences six months before and ends six months after the expiration of the seven' year period to which it refers.

3. Trade marks in respect of which the declaration has not been submitted shall not be enforceable against third parties and the registration may be declared forfeited if any interested party so requests.

4. Where forfeiture has been neither requested nor declared, the registration shall be considered fully effective again, provided that the proprietor of mark can prove that he is using the mark.



5. In case of an international registration, the time limit for submitting declaration of intention to use shall commence from the date of national registration.

6. In the event of an extension subsequent to registration, the declaration shall not be required until seven' years have elapsed from the date of the extension.

#### SECTION IV INTERNATIONAL REGISTRATION

##### Right to Register

**113.**—1. The proprietor of a registered mark, being a Mozambican national or domiciled or established in Mozambique, may obtain protection for the trade mark under the terms of the Madrid Agreement concerning international registration of trade marks in States that have acceded or come to accede to Agreement.

2. Applicants for registration of trade marks, being Mozambican nationals or domiciled or established in Mozambique, may obtain protection for the mark under the terms of the Protocol of the aforementioned Agreement in States that have acceded or come to accede to the Protocol.

##### Application for Registration

**114.** The application for international registration, using the appropriate form for this purpose, shall be submitted to the industrial property administration office.

##### Renunciation of Protection

**115.** The proprietor of an internationally registered mark may at any time renounce the protection for his mark, in whole or part, in any one or several contracting countries, by means of a simple declaration submitted to the industrial property administration office, for subsequent notification to International Bureau.

##### Amendments to Register

**116.**—1. The industrial property administration office shall notify International Bureau of all changes to national trade marks that may affect international register in order to record changes as well as to publicise and notify other contracting countries which have afforded protection.

2. No application in respect of transfer of a trade mark to persons without the legal capacity required for international registration shall be considered.





### Publication

**117.** A notice shall be published in the industrial property bulletin about any application for protection in Mozambique, in order to afford persons who consider that such protection would be prejudicial to them and give them the opportunity to lodge objections.

### Objections

**118.** Any objections must be lodged within a period of sixty days from date of publication of industrial property bulletin containing the notice.

### Procedural Formalities

**119.—1.** The provisions in respect of national registration shall govern the registration of international trade mark.

2. The provisions applicable to international registration and the Madrid Agreement and Protocol shall govern subsequent terms of the registration procedure.

### Refusal to Register

**120.** Protection in Mozambique of a mark that is the subject of international registration shall be refused when there would be grounds to refuse a national registration of the mark.

## **Chapter V Trade Names and Insignias**

### **SECTION 1 TRADE NAMES AND INSIGNIAS**

#### Subject Matter of Names and Insignias

**121.** The subject matter of a business insignia and a trade name is the establishment itself and the purpose is to afford an exclusive designation and identity.

#### Right to a Name and Insignia

**122.** All persons having a legitimate interest, namely, agricultural and livestock farmers, industrialists, traders and, in general, all business people domiciled or established in Mozambique, are entitled to a name or insignia by which their establishments may be identified or recognized.

#### Composition of a Name

**123.** The following may constitute names of establishments:



- a) invented or specific names;
- b) historical names, except where their use would be offensive or lead to an interpretation that differs from their true meaning;
- c) the name of the property or location of the establishment, when such is admissible or contains a distinctive feature; and
- d) the individual, firm or company name or the pseudonym or nickname of the proprietor.

#### Composition of an Insignia

**124.**—1. The insignia of an establishment may consist of any external sign composed of figures or designs, whether simple or combined with the names or denominations referred to in preceding clause or with other words or divisions, provided that combination has, as a distinctive and characteristic element, a specific form or shape.

2. The ornamentation of façades and other parts of shops, warehouses or factories that are exposed to the public, as well as the colours of a flag, may likewise constitute an insignia that perfectly individualises identification of the particular establishment.

#### Exclusions from Protection

**125.**—1. The following shall not be protected:

- a) an individual, firm or company name belonging to a third party, except with consent of that third party or where it is demonstrated that the use of the name is legitimate;
- b) expressions pertaining to establishments whose name or insignia are registered in favour of another person.

#### Rights Conferred by the Name or Insignia

**126.**—1. The registration of the name or insignia of an establishment guarantees the ownership and right to exclusive use thereof, without prejudice to provisions of article 8 of the Paris Convention.

2. So long as registration remains valid, the owner of establishment or company to which the name or insignia refers shall have the right to add the words “registered name” (“nome registado”) or “registered insignia” (“Insignia registada”) or the initials “NR” or “IR” to their name or insignia.

#### Inalterability

**127.** For the duration of the registration, the name and insignia must remain unaltered in their composition and form. Otherwise, the registration will be forfeited. However, the



materials with which the name or insignia are made or on which they are placed and the place where they are displayed in the establishment may be altered.

#### Application for Registration of Name and Insignia

**128.**—1. The application to register the name and insignia of an establishment shall be submitted in the form for this purpose and addressed to the director of the industrial property administration office.

2. The application shall contain:

a) the individual, firm or company name of the proprietor, nationality, domicile and location of the establishment;

b) the name or insignia for which registration is sought.

3. The application shall contain two graphic images of the insignia in the form of photocopies or drawings, printed in the space designated for that purpose.

4. The registration of an insignia that includes reference to any awards shall be subject to prior registration of these.

5. Where the proprietor has other establishments, he may use the registered name and insignia in respect of such establishments, without need for any further registration.

#### Protection of Trade Name

**129.** Notwithstanding any other legislative or regulatory provision establishing a duty to register trade names, such names are protected against any unlawful act committed by third parties before or in the absence of such registration.

## SECTION II

### DOCUMENTS ACCOMPANYING THE APPLICATION

#### Documents Accompanying the Application

**130.** The following documents shall be attached to application:

a) a real property registration certificate or other title showing that the applicant is the legitimate title holder of the establishment;

b) a photo lith or similar supporting material;

c) a graphic image of the insignia; and

d) a name and insignia in respect of the name or insignia to be registered (*certidão negativa*).



### Publication

**131.** Once the application has been submitted and provided there is no legal impediment, notice of the application shall be immediately published in the industrial property bulletin in order to give the opportunity to file an objection by any person who considers that the registration would be prejudicial to him.

### Time Limit for Objections

**132.** The period within which objections may be lodged shall be sixty days from the date of publication of the bulletin containing the application.

### Subsequent Formalities

**133.** On expiration of period within which objections may be lodged and when any discussions have ended, industrial property administration office shall decide whether to allow or refuse the registration of the name or insignia of the establishment.

### Modification of Name or Insignia

**134.** The name or insignia of the establishment may be modified at the request of interested party. The procedural formalities set out in the preceding clauses shall be followed.

### Forfeiture

**135.** In addition to the basis for forfeiture set out in article 18 of this Code, the registration of a name or insignia shall be forfeit;

- a) by reason of closure or liquidation of establishment to which it pertains;
- b) by failure to use the registered insignia or name for period of three consecutive years.

### Transferability

**136.** The ownership of name or insignia may be transferred only when the establishment to which the name or insignia pertains is also transferred at the same time.

## **Chapter VI** **Appellations of Origin and Geographical Indications**

### General Principles

**137.—1.** Once an appellation of origin and a geographical indication have been registered, they are the common property of the residents or persons established in the

geographical area in question and may be used by any person who carries out a productive activity characteristic of that area.

2. The right referred to in the preceding clause may be exercised without reference to the value of the operation or the nature of the products and it shall apply to all products that are characteristic of and originate in the geographical area in question.

#### Rights Conferred by Registration

**138.**—1. After registration, the proprietors of the right to the appellation of origin or geographical indication shall enjoy the exclusive use thereof. They shall be entitled to prevent use by any third parties which would distort or mislead the public about the true geographical origin of the product and, in general, prevent any use which constitutes an act of unfair competition.

2. The right referred to in the preceding clause shall prevail in cases where an indication of the true geographical origin of the product is accompanied by corrections, expressions, graphic arrangements or any other presentation susceptible to mislead the purchaser.

#### Regional Demarcation

**139.** Where the geographical area to which an appellation of origin or geographical indication pertains does not have demarcated boundaries, then such boundaries shall be declared by the authority of that areas, officially recognized as such and responsible for the territorial jurisdiction and type of production therein, taking into account custom and practices as well as the paramount interests of the national and regional economy.

#### Application for Registration

**140.**—1. The application for registration of an appellation of origin or geographical indication shall be submitted on the form for this purpose and addressed to the director of the industrial property administration office. The application shall contain:

- a) the name of the individuals and the public and private legal entities with capacity to obtain registration;
- b) the name of the product or products, including the appellation of origin or geographical indication;
- c) the traditional conditions or regulations for the use of the appellation or the indication and the boundaries of the particular geographical area.

#### Grounds for Refusal to Register

**141.** Registration of appellations of origin or geographical indications shall be refused where:



- a) the application is made by somebody who has no legitimate right to do so;
- b) elements contained in the definitions in article 1(g) and (h) are missing;
- c) the subject of the application is reproduction or imitation of a previously registered appellation or indication;
- d) it may mislead public with regard to the nature, quality or geographical origin of the particular product;
- e) it constitutes an infringement of industrial property rights or copyright or, in general, may lead to unfair competition.

#### Duration of Registration

**142.** The appellations of origin and geographical indications are protected for an indefinite period of time. Their ownership is protected by application of measures prescribed for false descriptions, which are applicable even prior to registration.

#### Forfeiture

**143.** The registration shall be forfeit on the request of an interested party, when the appellation of origin or geographical indication is transformed into a simple generic description of a manufacturing process or of a particular type of product known only by reference to the appellation or indication. Excepted from this provision are mineral waters and other products whose geographical name of origin is subject to special rules of protection and supervision.

#### Non-Transferability of the Right

**144.** Ownership of appellation of origin or geographical indication is, in principle, not transferable, except in cases where the law provides otherwise.

### Chapter VII Indications of Source

#### Applicable Provisions

**145.** The provisions in respect of appellations of origin and geographical indications shall be applicable to indications of source, with necessary adaptations.

#### False Indications of Source

**146.—1.** The use of an indication of source that does not represent true origin of the product in question is forbidden.



2. The penalties provided for in this code and other applicable legislation in respect of the unlawful use of trade mark or trade names shall be applicable to the use of false indications of the source of a product.

## **Chapter VIII Logotypes**

### Applicable Regime

**147.** The rules applicable to insignias shall be applicable to logotypes, with the necessary adaptations.

### Proof of the Existence of Entity

**148.** The existence of the entity whose logotype is in question, and the justification for the elements contained in the logotype or the expressions attached thereto shall be proved by means of any documentary proof of the existence of the entity in question.

## **Chapter IX Awards**

### SECTION I GENERAL PROVISIONS

#### Conditions for Admissibility

**149.** An award must be registered before it can be attached to any mark or name or insignia of an establishment, or before it can be used for goods or services other than those in respect of which the award was given.

#### Ownership of Awards

**150.** The award shall be property of the person to whom it was attributed for whatever reason, that is, to industrialists, commercial traders, farmers and other economic agents.

#### Application for Registration

**151.—1.** Proprietors of awards referred to in the preceding article or representatives thereof may apply to the director of the industrial property administration office for the registration of the award.

2. The application referred to in preceding clause shall contain following particulars:

a) the individual, firm or company name, the nationality and the domicile or place of business of the proprietor of award;



- b) the awards that are subject of the application and entities that granted them;
- c) the products or services in respect, of which awards were granted;
- d) name of establishment, goods or services in respect of which the award would be used.

## SECTION II USE AND TRANSFER

### Use of Awards

**152.** A person who has legitimately acquired an award may use it even prior to its registration. However, words “registered award” (“*recompensa registada*”) or the letters “R.A.” or other similar expression may accompany a reference or copy of the award only after the award has been registered.

### Transfer

**153.** The ownership of an award may be transferred only in accordance with the legal formalities required for the transfer of the goods to which award pertains or to which it is ancillary.

## SECTION III EXTINCTION OF THE REGISTRATION

### Annulment

**154.—1.** The registration of an award shall be annulled when respective award is annulled.

2. The entities referred to in article 1(j) of this Code may legitimately request the annulment of an award.

3. The annulment to which this article refers shall occur when it is discovered *a posteriore*, that award was obtained by unlawful means.

### Forfeiture

**155.—1.** A registration shall lapse when the award to which it pertains is revoked.

2. The right to use award is extinguished when the registration is forfeit.





TITLE III  
INDUSTRIAL PROPERTY INFRACTIONS

**Chapter I**  
**Infractions**

SECTION I  
GENERAL PRINCIPLES

Infractions

**156.**—1. For purposes of this Code infractions are acts directed at obtaining advantages, to the detriment of others, or misleading consumer public in respect of industrial property rights of products, services and establishments protected under terms of this Code.

2. For purposes of provisions of the preceding clause, the following acts are considered infractions:

- a) unfair competition;
- b) infringement of the exclusive right in an invention;
- c) infringement of the exclusive rights pertaining to industrial models and designs;
- d) illegal use of a mark;
- e) illegal use of an award;
- f) infringement of the rights of use of a name or insignia;
- g) use of unlawful trade mark;
- h) illegal use of a logotype;
- i) improper use of private rights.

SECTION II  
TYPES OF INFRACTIONS

Unfair Competition

**157.**—1. Every act contrary to the good practices and customs of industrial, commercial or service activity shall constitute an act of unfair competition.

2. A person who does any of the following shall commit the infraction of unfair competition:

- a) commits acts likely to create confusion, in any form, with regard to the establishment, goods, services or industrial or commercial activities of a competitor;



*b)* gives false statements or information in the course of business, in such a way as to discredit the establishment, services or the industrial or commercial activity of a competitor;

*c)* misleads the public in the course of business regarding the nature, method of manufacture, characteristics, capacity for use or quantity of goods, or regarding indications of source or the appellations of origin of goods and services;

*d)* uses directly or indirectly a false description in regard to the source of a good or service, or the identity of the producer, manufacturer or commercial trader;

*e)* uses directly or indirectly a false or imitation appellation of origin even where the true origin is indicated or where the appellation is accompanied by expressions such as genre, type, method, imitation or other similar expressions.

3. A person who commits the infraction of unfair competition shall be liable to pay a fine 50 to 100 million Mozambican Metical.

#### Infringement of the Exclusive Right in an Invention

**158.**—1. A person who does any of following commits the infraction of infringing the exclusive right in an invention:

*a)* produces goods that are the subject of a patent for invention or utility model without permission from the proprietor thereof;

*b)* uses the means or process that is the object of a patent for invention without permission from the legitimate proprietor;

*c)* proceeds with publication of a patent for invention without permission from the legitimate proprietor.

2. A person who commits the infraction of infringing the exclusive right in an invention shall be liable to pay a fine of 40 to 90 million Mozambican Metical.

#### Infringement of Exclusive Rights of Models and Designs

**159.**—1. A person who does any of the following commits the infraction of infringing the exclusive rights in utility models and industrial designs:

*a)* uses utility models and industrial designs without permission from the proprietor thereof;

*b)* reproduces utility models and industrial designs without permission from the proprietor thereof;

2. A person who commits infraction of infringing exclusive rights in models and designs shall be liable to pay a fine of 15 to 50 million Mozambican Metical.



### Illegal Use of a Trade Mark

**160.**—1. A person who does any of the following commits the infraction of illegal use of a trade mark:

- a) reproduces the trade mark totally or partly without permission from the proprietor thereof;
- b) uses the trade mark to identify products or services other than those of the proprietor of the trade mark without the proprietor's permission;

2. A person who commits the infraction of illegal use of a trade mark shall be liable to pay a fine of 50 to 100 million Mozambican Metical.

### Illegal Use of an Award

**161.**—1. A person who does any of the following commits the infraction of illegal use of an award:

- a) displays the award on his products or services without permission from the legitimate proprietor of the award;
- b) reproduces the award totally or partly without permission from the legitimate proprietor.

2. A person who commits the infraction of illegal use of an award shall be liable to pay fine of 10 to 35 million Mozambican Metical.

### Infringement of the Rights of Use of a Name or Insignia

**162.**—1. A person who does any of following commits the infraction of infringing the rights of use of a name or insignia;

- a) uses the name or insignia without permission from the legitimate proprietor;
- b) alters the name or insignia without permission from the legitimate proprietor.

2. A person who commits the infraction of infringing the rights of use of a name or insignia shall be liable to pay a fine of 5 to 10 million Mozambican Metical.

### Use of Unlawful Trade Mark

**163.**—1. A person who does any of following commits the infraction of use of unlawful trade marks:

- a) uses a trade mark to identify his goods or services when the application for registration of the trade mark was rejected by the competent authority;
- b) uses trade marks with expressions or images that are contrary to this code and to public order or morals;



c) sells or offers for sale goods or items bearing forbidden trade marks.

2. A person who commits infraction of use of unlawful trade marks shall be liable to pay a fine of 50 to 100 million Metical.

#### Improper Use of a Logotype

**164.** A person who illegally uses a registered logotype shall be liable to pay a fine of 5 to 10 million Mozambican Metical.

#### Improper Use or Indication of Private Rights

**165.** A person who is the proprietor of industrial property rights and uses his rights for products or services other than those to which protection was afforded shall be liable to pay a fine of 20 to 40 million Mozambican Metical.

#### Recidivism

**166.—1.** Recidivism in respect of infractions provided for in this code shall be punishable by a fine, the minimum and maximum amounts of which shall be increased three times.

2. Recidivism is when a person who has been subject to penalties in respect of the infractions set out in this code commits same infraction again.

#### Application of Fines

**167.** The fines provided for in this Code shall be defined in a joint diploma issued by the Minister of Industry and Trade and the Minister of Planning and Finance.

#### Actualisation of Fines

**168.** The amounts of the fines provided for in this Code shall be actualised by a joint code issued by the Minister of Industry and Trade and the Minister of Planning and Finance.

### SECTION III

#### SEIZURE OF MERCHANDISE OR GOODS

##### Imported Goods or Goods for Export

**169.—1.** Goods, which have been imported or are in the process of being exported, and which have, directly or indirectly, been delivered bearing false indications of source or appellations of origin, or displaying unlawfully used or counterfeited trade mark, shall be seized by the customs authorities.



2. Seizure shall be on the initiative of the customs authority, who shall immediately give the interested party notice to produce evidence that no offence has been committed under the terms of this Code.

3. The injured party shall be entitled to seek interim relief to avoid damages arising from the import of counterfeit goods.

4. In case of noxious products or goods that in any way endanger public health, the court shall order their destruction.

#### Piracy

**170.**—1. Proprietors of trade mark and other industrial property rights may report evidence of counterfeiting in respect thereof to the General Inspectorate of Industry and Trade.

2. The General Inspectorate of the Ministry of Industry and Trade shall act together with the industrial property administration office to evaluate the veracity of evidence.

3. The counterfeiting of trade mark and other industrial property rights shall be determined through expert examination and investigation by industrial property administration office.

4. Once the counterfeit has been confirmed, the General Inspectorate of Industry and Trade shall remit the case to the competent court.

#### SECTION IV INSPECTION

##### Competent Authority

**171.**—1. The General Inspectorate of Industry and Trade shall be responsible for supervising industrial property matters in business establishments and services with regard to the repression of counterfeiting and unfair competition.

2. The General Inspectorate of Industry and Trade shall refer the determination of the commission of counterfeiting and unfair competition to industrial property administration office for the performance of the requisite special examinations.

##### Procedures

**172.**—1. Inspection shall be performed on business days, during business hours and only by duly authorised industrial property administration office personnel.

2. In the act of inspection, the inspection personnel shall identify themselves by producing their credentials. Otherwise, the subject of the inspection shall be entitled to refuse to submit to the inspection.



3. In event of an unjustified refusal by the entity subject to inspection, the inspection authority shall serve a writ containing an express description of the proof of the refusal, for the purposes of the application of penalty prescribed in this code, or other more grave penalty as the law may prescribe.

## SECTION V APPEALS

### Principles

**173.** Decisions about industrial property rights under this Code may be appealed judicially, with suspensive effects.

### Judicial Appeal

**174.** The interested party may, under the terms of the law, lodge a judicial appeal against a decision taken under the terms of this Code.

### Prescription

**175.** The right to judicial appeal shall lapse after ninety days.

## TITLE IV FEES

### Consideration

**176.—1.** As consideration for the protection of the rights governed by this Code, the interested party shall be liable to pay certain scheduled fees upon his request for the performance of the corresponding act by industrial property administration office.

2. Fees shall be established according to the type of right to be protected in accordance with table annexed to this Code.

3. The amount payable in respect of each application for registration shall include, in addition to the scheduled amount, a service charge and the cost of publication.

4. No act submitted for registration and subject to the payment of fees shall be considered registered until corresponding fees have been paid.

### Fee Periods

**177.—1.** Fees shall be paid on a yearly basis at the end of which the scheduled acts shall be subject to the payment of a renewal or revalidation fee.



2. Proprietors of rights shall be given a minimum thirty day advance notice of the expiry of period for the payment of the renewal, revalidation and other annual fees.

3. The lack of such notice may not be relied upon as justification for non payment of fees by the scheduled date.

#### Reduction of Fees

**178.** Applicants for patents, models and designs, who are able to prove that they do not earn sufficient income to cover the costs of applications for maintaining their rights, may be entitled to an 80% reduction of all fees. Such reduction shall apply to the fees for the first five years and shall be subject to submission of a specific request prior to submission of the application in question.

#### Exemption from Fees

**179.—1.** Applicants referred to in the preceding article, who can prove that they do not have the financial means to pay the costs of maintaining their rights, may be exempt from the payment of fees.

2. The director of the industrial property administration office shall be responsible for evaluating proof referred to in the preceding clause and issuing a decision on the request.

#### Suspension of Fees

**180.—1.** A patent filing or registration of a mark shall not lapse by reason of failure to pay periodic fees that fall due while a court action is pending in regard to the particular industrial property right, or while the right remains subject to judicial attachment or execution.

2. Notice of the final sentence that has been issued in respect of any of the actions referred to in the preceding clause, shall be published in industrial property bulletin.

3. Once notice referred to in the preceding clause has been published, all outstanding fees must be paid, without any surcharge, by applicable.

4. If all outstanding fees have not been paid before expiration of time limits applicable under this Code, the industrial property right in question shall be declared cancelled.

#### Allocation of Fees

**181.** The allocation of fees shall be defined in a joint Code issued by the Minister of Industry and Trade and Minister of Planning and Finance.



#### Actualisation of Fees

**182.** The amounts of fees set out in the annexed table shall be actualised by means of a joint Code issued by the Minister of Industry and Trade and the Minister of Planning and Finance.

#### Payment of Fees

**183.** The fees provided for in this Code shall be paid over to receiver of revenue of the respective tax area during month following that in which the fees were charged, by means of a special payment slip for treasury transactions.

#### Rights of State

**184.** Industrial property rights belonging to the State are subject to the formalities and charges pertaining to the application, award or registration and the renewals and revalidations thereof whether they are worked or used by the State or by any type of entity.

### TITLE V OFFICIAL INDUSTRIAL PROPERTY AGENTS

#### Official Industrial Property Agents

**185.** An official industrial property agent is a person who is recognised by the industrial property administration office as a legal agent, with legal training and competence to represent private interests in respect of industrial property rights.

#### Defence of Private Interests

**186.** Because of subject matter and private interests involved, official industrial property agents, in their capacity as legal agents, shall have suitable legal professional competence.

#### Offices

**187.** Official industrial property agents shall have offices licensed for the performance of their duties and shall have facilities and equipment to maintain private written or computerised records for research and data collection purpose.

#### Exercise of Duties

**188.** The Council of Ministers shall define the legal framework within which the official industrial property agents shall perform their duties.





TITLE VI  
FINAL AND TRANSITIONAL PROVISIONS

Provisional Administration of Industrial Property

**189.**—1. The Central Department of Industrial Property in the Ministry of Industry and Trade shall be responsible for the administration of industrial property until such time as the office provided for in article 5 has been established.

2. Under the terms of the preceding clause, the powers and authorities of the director of the industrial property administration office, provided for in this Code, shall be conferred upon the department head of provisional administration office.

Industrial Property Bulletin

**190.** The industrial Property Bulletin is hereby created and shall be published monthly.

Contents of Bulletin

**191.** The bulletin referred to in the preceding clause shall publish various legal acts pertaining to administration of industrial property, including:

- a) notices of applications for the different categories, claims, objections and others;
- b) notices of decisions;
- c) awards and refusals;
- d) renewals and revalidations;
- e) declarations of surrender;
- f) transfers;
- g) forfeited and lapsed rights;
- h) studies and reports on industrial property and topics related thereto;
- i) judicial decisions given on appeal or which establish jurisprudence on industrial property;
- j) charts and statistics;
- k) addresses of practicing official industrial property agents;
- l) notices and results of examinations of official property agents; and
- m) other acts and issues of which the public should be give notice.



### Bulletin Index

**192.** The administration office shall be responsible for producing, at the beginning of each year; an index of all matters contained in the issues of the bulletin published during the preceding year.

### Distribution of the Bulletin

**193.—1.** The bulletin may, on the basis of exchange, be distributed to educational establishments and interested national services, the World Intellectual Property Organisation, regional industrial property organisations, foreign industrial property services and other national or foreign entities.

2. The bulletin may also be acquired by any interested person, upon payment of the corresponding subscription fee or the single-issue price attached thereto.



## ANNEX I

## TABLE OF FEES

<b>1.</b>	<b>APPLICATION FOR REGISTRATION</b>	
1.1	<b>Invention patent</b> .....	3.600.000,00 MT
	Request for provisional protection .....	1.800.000,00 MT
1.2	<b>Utility Models</b> .....	600.000,00 MT
1.3	<b>Industrial models and designs</b> .....	600.000,00 MT
	a) For each additional model or design in the same application .....	120.000,00 MT
	b) Mediation in regard to patent license .....	3.000.000,00 MT
1.4	<b>Goods/service trademark</b>	
	a) Each category .....	800.000,00 MT
	b) International registration .....	7.200.000,00 MT
1.4.1	<b>Collective mark</b>	
	Each category .....	700.000,00 MT
1.4.2	<b>Certification mark</b>	
	Each category .....	600.000,00 MT
1.4.3	<b>Base mark</b>	
	Each category .....	1.200.000,00 MT
	Subsequent extension .....	3.600.000,00 MT
1.5	<b>Names, insignias, logotypes</b> .....	600.000,00 MT
1.6	<b>Appellations of origin, geographical indications</b> .....	400.000,00 MT
1.7	<b>Awards</b> .....	500.000,00 MT
<b>2.</b>	<b>SPECIAL PROCESS FOR REGISTRATION OF TRADE MARKS</b>	
	a) Application fee .....	5.000.000,00 MT
	b) 6 months extension surcharge for registration or renewal .....	50% of outstanding fee
	c) Revalidation .....	Triple the fee to be paid
<b>3.</b>	<b>PRESERVATION OF EXISTING RIGHTS</b>	
3.1	<b>Goods/service trade mark</b>	
	a) Renewal .....	800.000,00 MT
	b) 6 months extension surcharge for registration on renewal .....	50% of fee to be paid
	c) Revalidation .....	Triple the fee to be paid



<b>3.1.1 Collective mark</b>	
a) Renewal .....	700.000,00 MT
b) 6 months extension surcharge for registration or renewal .....	50% of fee to be paid
c) Revalidation Triple the fee to be paid .....	Triple the fee to be paid
<b>3.2.1 Certification mark</b>	
a) Renewal .....	600.000,00 MT
b) 6 months extension surcharge for registration or renewal .....	50% of fee to be paid
c) Revalidation .....	Triple the fee to be paid
<b>3.1.3 Base mark</b>	
a) Renewal .....	1.200.000,00 MT
b) 6 months extension surcharge for registration or renewal .....	50% of fee to be paid
c) Revalidation .....	Triple the fee to be paid
<b>3.2 Logotypes, awards, appellations of origin, geographical indications, names of business establishments</b>	
a) Renewal .....	Initial registration fee
b) 6 months extension surcharge for registration .....	50% fee to be paid
c) Revalidation .....	Triple the fee to be paid
<b>3.3 Patents</b>	
Annuities	
Second .....	850.000,00 MT
Third .....	1.050.000,00 MT
Fourth .....	1.200.000,00 MT
Fifth .....	1.500.000,00 MT
Sixth .....	1.600.000,00 MT
Seventh .....	1.850.000,00 MT
Eighth .....	2.000.000,00 MT
Ninth .....	2.300.000,00 MT
Tenth .....	2.600.000,00 MT
Eleventh .....	2.900.000,00 MT
Twelfth .....	3.200.000,00 MT
Thirteenth .....	3.450.000,00 MT
Fourteenth .....	3.700.000,00 MT
Fifteenth .....	3.950.000,00 MT
Sixteenth .....	4.250.000,00 MT
Seventeenth .....	4.650.000,00 MT
Eighteenth .....	4.850.000,00 MT



	Nineteenth .....	5.000.000,00 MT
	Twentieth .....	5.550.000,00 MT
	6 months extension surcharge for renewal .....	50% of fee to be paid
	Revalidation .....	Triple the fee to be paid
<b>3.4</b>	<b>Utility models</b>	
	Annuities	
	From first to fifth .....	600.000,00MT
	From sixth tenth .....	1.200.000,00MT
	From eleventh to fifteenth .....	2.200.000,00MT
	6 months extension surcharge for renewal .....	50% of fee to be paid
	Revalidation .....	Triple the fee to be paid
<b>3.5</b>	<b>Industrial models and designs</b>	
	Annuities	
	From first to fifth .....	600.000,00 MT
	From sixth to tenth .....	750.000,00 MT
	From eleventh to fifteenth .....	800.000,00 MT
	From sixteenth to twentieth .....	1.200.000,00 MT
	From twenty First onwards .....	1.500.000,00 MT
<b>4.</b>	<b>OTHER FEES</b>	
	a) Certificate .....	250.000,00 MT
	b) Patent, filing or registration certificate .....	250.000,00 MT
	c) Certificate of title .....	600.000,00 MT
	d) Transfer of international application .....	3.000.000,00MT
	e) Service charge .....	50.000,00 MT
	f) Industrial property bulletin .....	250.000,00 MT
	g) Initial costs of official Agents .....	1.500.000,00 MT
	h) Publication .....	300.000,00 MT
<b>4.1</b>	<b>Provision of services</b>	
<b>4.1.1</b>	<b>Searches</b>	
	a) Non-Computerised data:	
	Per search .....	200.000,00 MT
	b) Computerised data:	
	Per search with consultation of internal data bases .....	500.000,00 MT
	With consultation of external data bases .....	1.500.000,00 MT
	Per printed page of results .....	20.000,00 MT



4.1.2	<b>Authentication of results</b>	
	Per authenticated page .....	20.000,00 MT
4.1.3	<b>Copies of documents</b>	
	a) Fascicle of patents .....	50.000,00 MT
	b) Others, per A4 page .....	10.000,00 MT
4.1.4	<b>Information</b>	
	Per item of information requested in respect of a single file .....	20.000,00 MT
<b>5.</b>	<b>PUBLICATIONS</b>	
	Per publication of a notice of decision to award or refuse registration including examination .....	500.000,00 MT
<b>6.</b>	<b>ANNOTATIONS AND MODIFICATIONS</b>	
	a) Name, company name or other particular of applicant .....	50.000,00 MT
	b) Residence or principal place of business, when modification is a result of acts attributable to the proprietor or applicant .....	10.000,00 MT
	c) Deposit, addition or replacement of goods or services in registration applications .....	Fee as for application for registration of the same
<b>6.1</b>	<b>Transfer of license to work</b>	
	a) Invention patent .....	100.000,00 MT
	b) Utility model .....	100.000,00 MT
	c) Industrial model or design .....	100.000,00 MT
	d) Nationally registered mark .....	100.000,00 MT
	e) Prize .....	100.000,00 MT
	f) Name or insignia .....	100.000,00 MT
	g) Logotype .....	100.000,00 MT

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<sup>1</sup> Clause 1 of article 112 correctly refers 10 a renewal period of five years while clauses 2 and 6 of article 112 incorrectly refers 10 a seven year period. The correct period is five years.