

Mozambique Country Report

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REGIONAL TRAINING WORKSHOP ON PROPERTY
ADMINISTRATION SYSTEM (IPAS) FOR TRADEMARK EXAMINERS

IN COOPERATION WITH THE COMPANIES AND INTELLECTUAL
PROPERTY AUTHORITY (CIPA) OF BOTSWANA

WITH THE ASSISTENCE OF THE JAPAN PATENT OFFICE (JPO)

GABORONE, BOTSWANA, JULY 10 TO 14, 2017

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Country Background

- GDP in 2015 – **USD 14.807 Billion**
- Population in 2016 – **28.751,362**
- Important Industries/Economic Activities
 - **Agriculture**
 - **Extractives**
 - **Manufacturing**
 - **Services**

The IPI was created by Decree no 50/2003. Its under the Ministry of Industry and Commerce

- Introduction

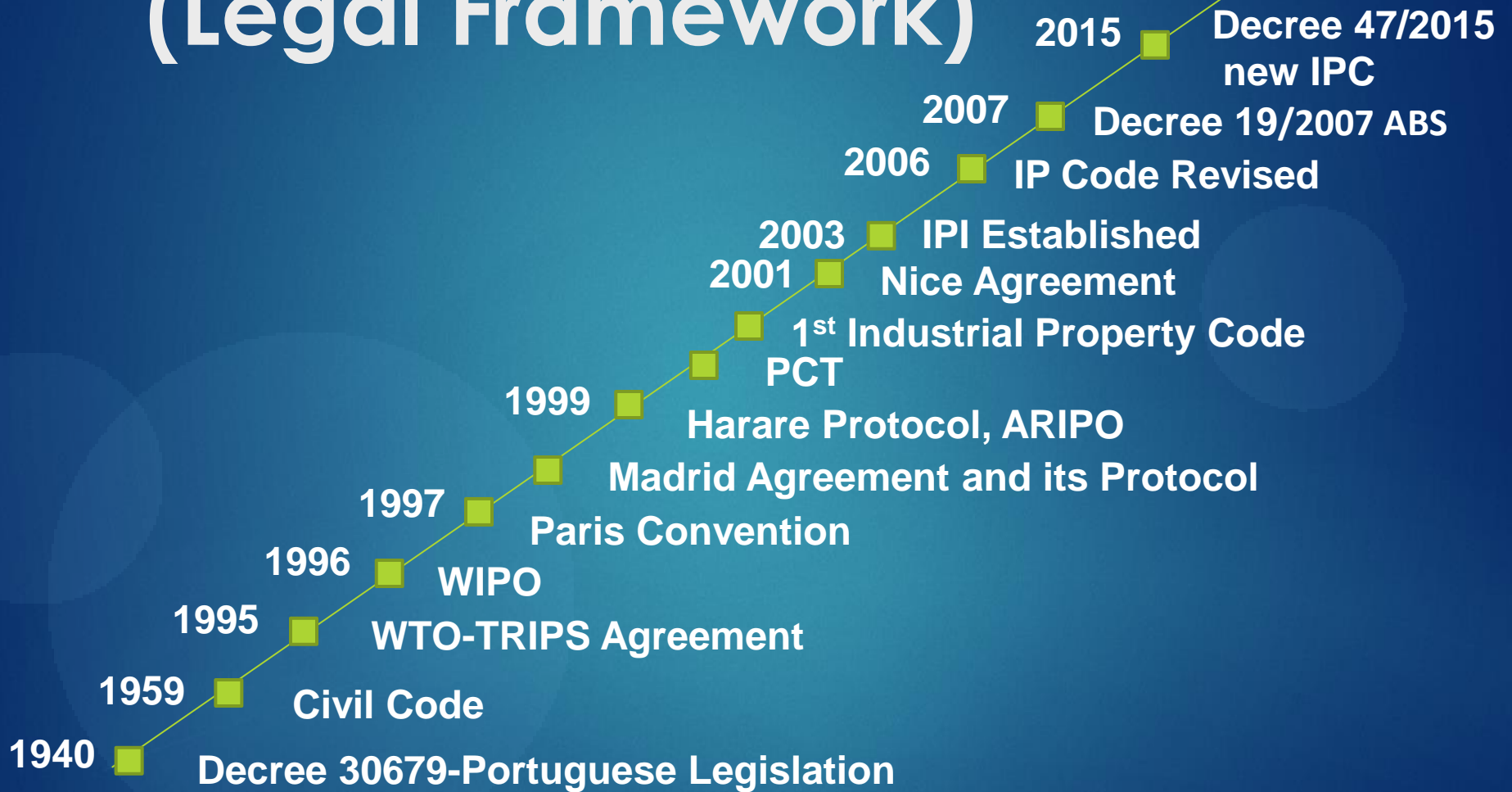


The Industrial Property Institute (IPI)

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- ▶ IPI is the main institution responsible for the administration and management of IP in Mozambique.
- ▶ IPI is the office that represents the country at WIPO and ARIPO.
- ▶ The office cooperates with all other offices such as the INLD, INAC, Ministry of Science and Technology, Ministry of Agriculture, Ministry of Health, Customs, and many other stakeholders.
- ▶ The office operates now with a total staff of 46 employees but the goal is to have a total number of 70.
- ▶ It has a Director General and 3 directorates, namely, trademark and patents, management and finance and finally the IT and communications.

Historical Background (Legal Framework)



Present National IP Legislation

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- ▶ Industrial property code of 2006, replaced by IP Code of 2015 (Decree of Council of Ministers n° 47 of 31 December 2015).
- ▶ Regulation for the exercise of IP Agent (Decree of Council of Ministers n° 19 of 4 May 1999).
- ▶ Copyright law n° 4 of 27 February 2001.
- ▶ Constitution of the Republic of 2004 (includes an express provision stating that IP must be protected).
- ▶ National Policy for Traditional Medicine (Decree of Council of Ministers n° 11 of 14 April 2004).

Present National IP Legislation... Continued

- ▶ New Plant Varieties Protection (Decree of Council of Ministers n° 58 of 26 December 2006).
- ▶ National Strategy for Intellectual Property 2007-2018 (Approved by Council of Ministers in August 28, 2007).
- ▶ Regulation on Geographical Indications and Appellations of Origin (Decree of Council of Ministers n° 21 of 3 June 2009).

Ratified International IP Instruments

- ▶ 1994 – TRIPS and WTO (Resolution of Council of Ministers n ° 31 of 20 September 1994).
- ▶ 1996 – WIPO Treaty (Resolution of Council of Ministers n ° 12 of 18 June 1996).
- ▶ 1997 - Madrid Agreement of 1891 and Madrid Protocol of 1989 for the international registration of trademarks (Resolution of Council of Ministers n ° 20 of 12 August 1997).
- ▶ 1997 – Paris Convention of 1883 for the protection of industrial property (Resolution of Council of Ministers n ° 21 of 12 August 1997);

Ratified International IP Instruments...Continued

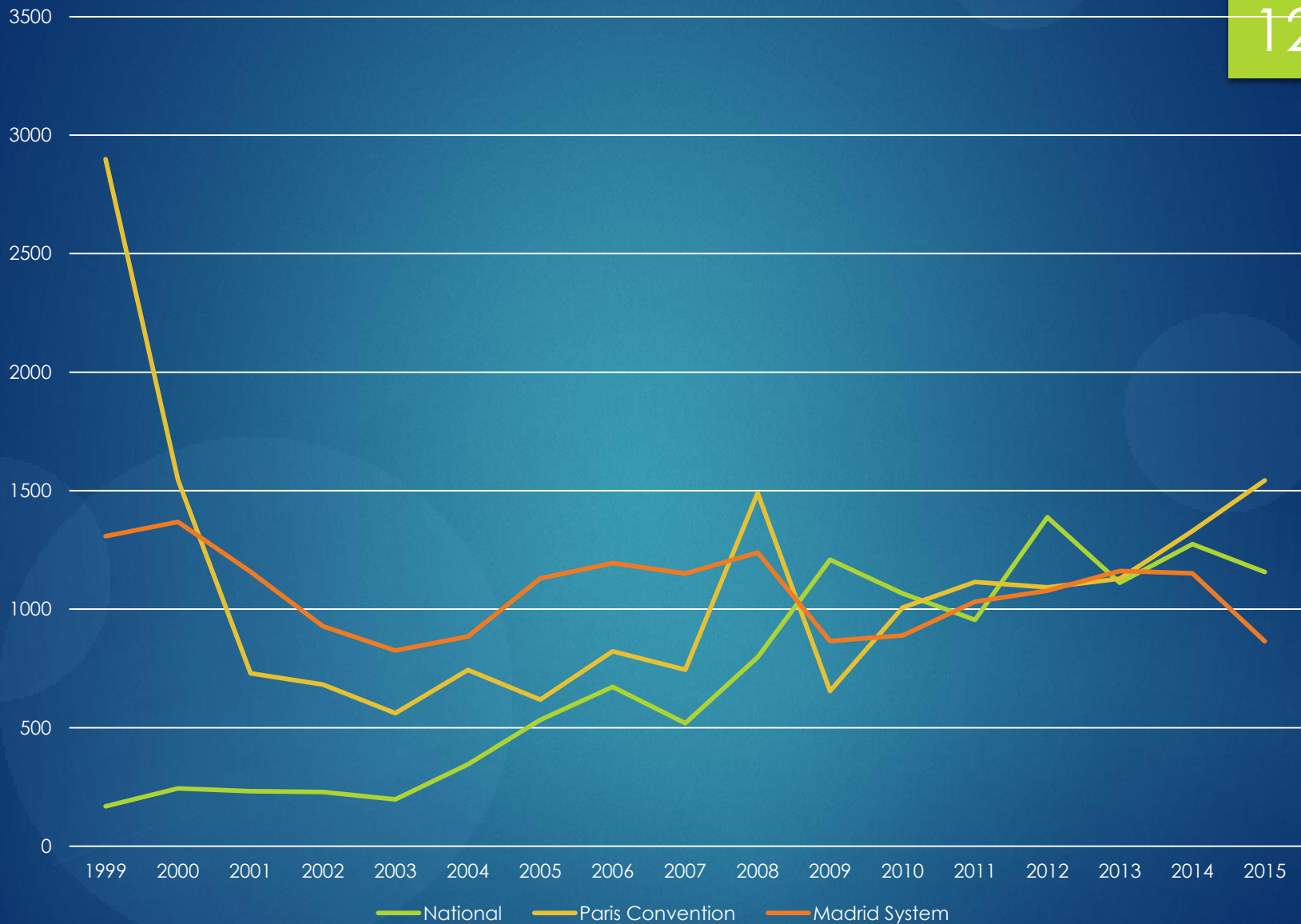
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- ▶ 1999 – ARIPO and Harare Protocol of 1982 for the regional registration of patents, utility models and industrial designs (Resolution of Council of Ministers n ° 34 of 16 November 1999).
- ▶ 1999 - Patent Cooperation Treaty – PCT of 1970 (Resolution of Council of Ministers n °35 of 16 November 1999).
- ▶ 2001- Nice Agreement of 1957 for the international Classification of products and services for international registration of trademarks (Resolution of Council of Ministers n° 38 of 12 June 2001).
- ▶ 2013 – Bern Convention for copyright (Resolution of Council of Ministers n ° 13 of 13 June 1997, in force only in November 2013).

Year	National Trademark	International Trademark		
		Paris Convention	Madrid System	
			Designated Office	Receiving Office
Via	National	Paris Convention	Designated Office	Receiving Office
1999	168	2899	1308	-
2000	244	1546	1368	-
2001	232	730	1158	-
2002	229	682	928	-
2003	197	561	825	-
2004	345	744	885	-
2005	533	618	1130	-
2006	672	822	1195	5
2007	519	745	1150	5
2008	797	1490	1239	15
2009	1209	655	866	3
2010	1066	1007	889	17
2011	955	1115	1032	-
2012	1388	1092	1078	2
2013	1112	1129	1161	-
2014	1274	1329	1151	15
2015	1157	1543	864	14
2016	1291	1002	1196	-
12 May 2017*				
TOTAL	13388	19709	19423	86

Trademark Applications from 1999 to 2015

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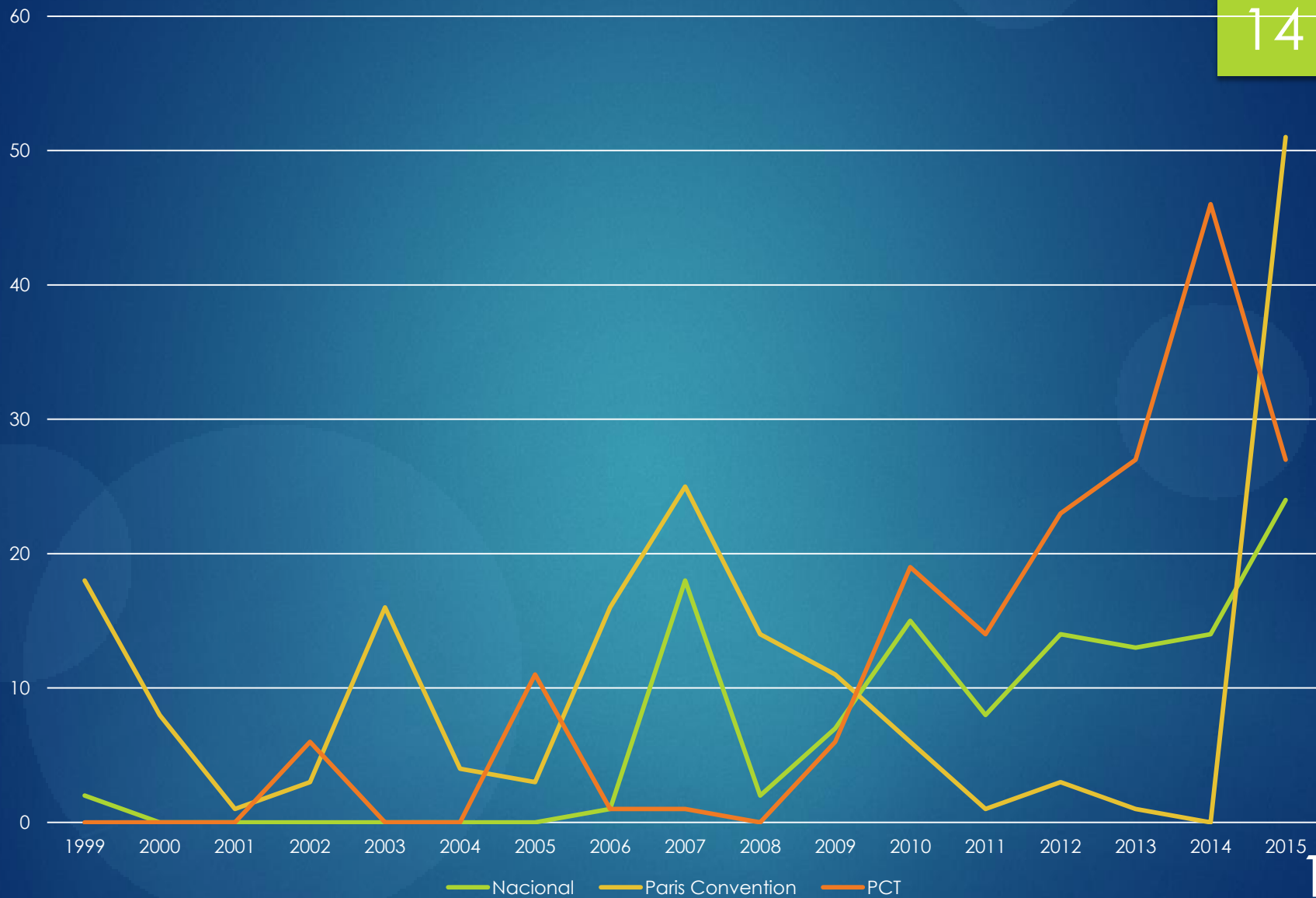


Year	National Patent	International Patent			
Via	Residents	Non Residents	PCT	HARARE	
				DO	RO
1999	2	18	0	0	
2000	0	8	0	111	
2001	0	1	0	212	
2002	0	3	6	275	
2003	0	16	0	192	
2004	0	4	0	201	
2005	0	3	11	241	
2006	1	16	1	307	
2007	18	25	1	336	
2008	2	14	0	343	
2009	7	11	6	276	
2010	15	6	19	314	
2011	8	1	14	418	
2012	14	3	23	481	
2013	13	1	27	544	
2014	14	0	46	581	
2015	24	51	27	561	
2016	8	15	17	446	
TOTAL	116	206	198	5838	2

Total: 6358

Patent Applications from 1999 to 2015

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Tools used on registration and examination Process

1. Data base:

- IPAS (Industrial Property Administration System),
- WIPO Global Brand Database,

2. Legislation:

- Industrial Property Code of Mozambique, Decree nº 47/2015 of December 31,
- Regulation on industrial and commercial licensing in Mozambique,
- Madrid Protocol and Regulation,
- Nice Classification (11^a edition),

Formal examination

- Verify if the application is duly drafted (completion of the form, classification of NICE, signatures, legitimacy to promote the act of registration, payment of fees), art. 11 CPI,
- Language of application, art. 12 CPI (Portuguese), not to be confused with the signal
- Request, art. 123 CPI (to affix a mark to an activity that effectively does),
- Instruction of the application, art. 125, (permit, company registration certificates, power of attorney, graphic representation of the sign, authorization of the foreign trademark holder for the national registration effect),
- Uniqueness of Registration, art. 126, (The same trade mark for the same product or service may only be registered).

Nacional System



To verify in the database, generic and descriptive marks, graphic, phonetic and conceptual similarity with earlier, well-known marks, symbols of the State with other signs or industrial property rights (articles 121, 122, 123, 124, 134 CPI):

- Distinctiveness.
- No annoyance to the law and moral
- Non-inducement to error.
- Non-reprinting / imitation of State symbols or organizations.
- No identity / similarity.
- No previous.
- Not generic.

International System

WIPO/OMPI

Registered

Provisional
Refusal

12 months for response

- Bring IPI services to the users of the provinces;
- Increase the volume of requests and registries of these regions.
- Contributing to the fight against counterfeiting and other illicit acts against IP.
- Coordination between the different institutions dealing with the matter;
- Protection of IP in the digital age,

The physical expansion of IPI will be materialized through the opening of Central and North Regional Delegations (Beira and Nampula).

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OBRIGADO/ THANK YOU