

[Emblem of the Republic of Mozambique]

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1. INTRODUCTION

With globalization, and our current information society, the appreciation and promotion of creativity, innovation and competitiveness are vital to progress. Global dynamics have already highlighted the crucial importance of intellectual property (IP) in achieving this goal – the intellectual property system being a cross-cutting area that focuses on the appreciation of human ideas, thereby promoting the competitiveness, progress and development of nations.

Mindful of this, the Government of Mozambique is introducing a basic legal and institutional framework for the regulation and administration of intellectual property, while the various bodies with responsibility in the matter have carried out a wide range of actions in this area.

Mozambique has not yet, however, come up with a common vision to inspire this framework, and this has led to some problems in harmonizing the sector.

As the country needs to be equipped with this fundamental tool for injecting dynamism into the intellectual property system, the Government of Mozambique has included the approval of an Intellectual Property Strategy as one of the goals in its five-year plan.

The Intellectual Property Strategy represents the vision that the government and others active in the system – such as the intellectual property management institutes, scientific research institutes, universities, innovators, rights holders and their representative bodies, economic agents and civil society in general – have for Mozambique, and the mechanism best suited to serving the country's interests in terms of its economic, social, technological, scientific and cultural development.

The Intellectual Property Strategy takes into consideration the main national, regional and international instruments guiding Mozambique's development, such as Agenda 2025, the Expanded Program for the Reduction of Absolute Poverty (PARPA), the Government's Five-Year Plan, the Millennium Development Goals, the New Partnership for Africa's Development (NEPAD) and the various policies and strategies of the relevant sectors in the sphere of

intellectual property, in particular the Policy on Science and Technology, the Strategy for Science, Technology and Innovation, the Industrial Policy and Strategy, the

Rural Development Strategy, the Policy on Traditional Medicine, the Cultural Policy, and the Strategic Plan on Education and Culture.

Agenda 2025 defines “*Education, Science and Technology as vehicles for improving the knowledge of the population and raising the quality of human resources*”. In addition, this important document suggests that “*scientific research and development must give priority to matters that directly meet the need for solutions to the problems facing the country, such as, inter alia, disease and the production of drought-resistant seeds.*”

Point 223 of the PARPA recommends as follows: “*for Science and Technology (S&T) to play a strategic role, a fully developed national S&T system needs to be established. Such a system would include, for example, policy guidelines and strategies for public and private institutions that generate knowledge (i.e., scientific research), that transform knowledge into products, services and solutions (i.e., the results of innovation), that develop human resources (for example, the education sector), that direct and coordinate the system (i.e., Ministry of Science and Technology) and also the roles, relationships and links between the players within the S&S system which must be set up and properly maintained so that it will function as it needs to*”.

Mozambique’s Science, Technology and Innovation Strategy states that “*fair access to Science and Technology is the constitutional right of all Mozambicans, irrespective of their geographical location. We will therefore improve our mechanisms for disseminating science and technology, the fruits of scientific research and technology transfer*” and “*... knowledge is the primary resource for production in Mozambique and the key to reducing poverty is the application of knowledge*”. To attain this objective, the Strategy stipulates that an appropriate economic and institutional regime must be set up, to provide a suitable incentive scheme for the creation, adaptation, dissemination and use of new and existing knowledge.

As a guiding , in drawing up this strategy the method used was that of a logical framework based on identifying first the main problems and setting strategic goals for achieving the objectives defined. For each objective defined, specific aims and actions were established, which need to be implemented in order to attain these objectives.

To this end, consultations were held at the provincial and national level, involving a variety of State institutions, local communities, scientific research institutes, universities, artists, economic agents and civil society in general.

These consultations consisted in workshops and work meetings aimed at:

- a) Canvassing the views of the abovementioned agents on relevant matters that must underpin the strategy, in particular constraints, opportunities and challenges;
- b) Pooling ideas on how to implement the strategy effectively; and
- c) Collecting information for drafting a framework that reflects the diagnosis of the current situation.

In addition, a study was conducted on the current situation of intellectual property and current levels of knowledge and use, with support from the World Intellectual property Organization. The findings of the study were important for diagnosing the situation of intellectual property in Mozambique and helped identify the problems deserving more attention in the actions to be decided on and carried out in the future.

2. BACKGROUND

The Intellectual Property Strategy fits in with the efforts being made by the Government of Mozambique to stimulate Research and Development (R&D), the industrialization of our country, cultural creativity, an appreciation of local resources and local creativity and, in this context, the establishment of a legal and institutional framework increasingly designed to stimulate and consolidate the strengthening of IP in Mozambique.

These efforts are the concrete result of the commitment given by the Mozambican State which, in the Constitution of the Republic, enshrined rules and principles on the right to creativity and to the protection of property created by the mind – rules and principles that were then embodied in a range of legal instruments establishing the legal regime governing the grant and protection of copyright and related rights, on the one hand, and industrial property, on the other, together with accession to the principal regional and international legal instruments on IP.

In the context of these efforts, and mindful of the fact that IP constitutes one of the most important supports for research and development (R&D) activities likely to encourage the innovation necessary for the competitiveness of enterprises, the government – reaffirming its commitment to stimulate creativity and protect the fruits of this creativity using mechanisms to ensure the allocation of rights to exclusive enjoyment and the punishment of unfair competition, including piracy and infringement – intends to consolidate the existing institutional framework.

Conscious, too, that the creation of these mechanisms is not in itself a guarantee of the establishment of an efficient system, the government recommends the adoption of an IP strategy that, in line with the country's needs and priorities and the resources available, is designed to produce the best solutions for development and, above all, for fighting absolute poverty.

With this in mind, the Government of Mozambique has already taken a series of initiatives designed to produce a legal and institutional framework and has undertaken a series of concrete actions with a view to establishing and developing the intellectual property system.

Over recent years, the government has endeavored to lay the foundations for an intellectual property system in the country, consisting essentially of the following:

- a) The creation of a national legal and institutional framework;
- b) Accession to the main international instruments relating to intellectual property; and
- c) Accession to the main regional and international organizations active in this sphere.

This, then, is the background to the Intellectual Property Strategy, a document setting guidelines for the actions to be undertaken in order to set up an intellectual property system as a tool for stimulating progress in Mozambique.

3. OVERVIEW OF INTELLECTUAL PROPERTY IN MOZAMBIQUE

3.1. Brief historical summary

The legal and institutional framework of the IP system was established in Mozambique during the colonial era. As a result, the system for administering it was centralized in what was then the capital, so the whole process of granting IP rights and protection was handled in Portugal, in compliance with the legislation in force at that time.¹

Then, as now, IP was dealt with in two main categories, matching the two main traditional areas: intellectual property in the strict sense, better known as copyright and related rights, and industrial property.

With the independence of Mozambique in 1975, the presuppositions on which the system had been based ceased to exist, and the legislation then in force, which had become inapplicable, fell into disuse. This gave rise to a lengthy period in which there was no mechanism or system in Mozambique for protecting IP.

It should be noted, however, that the economic system adopted by the Constitution of the Popular Republic of 1975, which was centrally based, did not promote private initiative, as the State had a three-fold role: as planner, regulator and producer. At that period, therefore, the lack of an IP system was irrelevant.

In 1986 the government introduced the Economic Recovery Program (Programa de Reabilitação Económica, PRE) which, among other strategies, established the need for external funding via the World Bank (WB) and the International Monetary Fund (IMF). Cooperation with these institutions was to have a significant influence on the dynamics of the Mozambican economy, for example by starting the privatization of enterprises and other forms of State participation in the economy, and legal reform including reform of the Constitution itself.

¹ See Decree No. 30.679 of 24 August 1940 approving the Industrial Property Code which was extended to what were then overseas provinces, including Mozambique, through Order No. 17043 of 20 February 1959 and the Code on Copyright and Related Rights, approved by Decree No. 46.980 of 27 April 1966, also extended to the former overseas provinces, including Mozambique, by means of Order No. 679/71 of 7 December 1971.

1990 brought the second Constitution of the Republic of Mozambique since independence. It provided for indirect intervention by the State, which now ceased to be the main economic agent and became an agent promoting and regulating the economy, and it laid down the principle of private initiative (pursuant to Article 97(c)); it recognized the right to private property (Article 86), to free enterprise and to investment both within Mozambique and abroad (Articles 107 and 108 respectively).

3.2. Legal framework

3.2.1. Concerning copyright and related rights

The following are Mozambique's legal instruments in the sphere of copyright:

- Law on copyright and related rights - Law No. 42/01 of February 27, 2001;
- Regulation on the compulsory affixing of seals to phonograms - Decree No. 27/2001 of September 11, 2001;
- Regulation on implementation and feasibility rules in Decree No. 27/2001 of September 11, 2001 - Ministerial Order No. 8/2003 of January 15 2003.

Mozambique has acceded to the following international instruments on the subject:

- The Berne Convention for the Protection of Literary and Artistic Works of 1886, revised by the Paris Text of July 24, 197 and amended on October 2, 1979, to which Mozambique acceded by means of Resolution No. 13/97 of June 13, 1997;
- The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), Annex to the Marrakesh Agreement which set up the World Trade Organization.

3.2.2. Concerning industrial property rights

In legal terms, industrial property was regulated by the Portuguese Industrial Property Code, approved by Decree No. 30679 of August 24, 1940 and extended to the other overseas provinces of the time by Order No. 17043 of February 20, 1959.

Furthermore, the Civil Code approved by Decree-Law No. 47344 of November 25, 1966 and extended to the overseas provinces of the time by Order No. 22869 of December 18, 1967,

referred to the protection of intellectual property and established some basic principles. The Constitution of the Republic of 2004 recognized the right to property and the right to freedom of scientific, technical, literary and artistic creation and protects the rights inherent in intellectual property (Article 94).

In addition to these programmatic rules, the Mozambican government has acceded to a number of regional and international organizations active in the sphere of intellectual property, in particular the World Trade Organization, the World Intellectual Property Organization and the African Regional Intellectual Property Organization.

Given this background, the legal system needed intellectual property to be regulated domestically. This was the context for the approval, by Council of Ministers Decree No. 18/99 of May 4, 1999, of the first Industrial Property Code, which constituted the first instrument in post-independence Mozambique for regulating the system for administering industrial property. The Industrial Property Code was revised and today consists of Council of Ministers Decree No. 4/2006, of April 12, 2006.

To supplement domestic legislation, the government has ratified a series of regional and international instruments in the sphere of industrial property, in particular:

- The Harare Protocol of 1982, concerning the regional registration of patents, utility models and industrial designs through Resolution No. 34/99 of November 16, 1999;
- The Madrid Agreement of 1891 and its 1989 Protocol, on the international registration of marks, through Resolution No. 20/97 of August 12, 1997;
- The Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 1957, through Resolution No. 38/2001 of June 12, 2001;
- The Paris Convention of 1883, concerning the protection of industrial property, through Resolution No. 21/97 of August 12, 1997;
- The Patent Cooperation Treaty (PCT) of June 19, 1970 and its implementing regulation of January 1, 1993, concerning the international registration of patents and utility models, through Resolution No. 35/99 of November 1999;

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), Annex to the Marrakesh Agreement, which set up the World Trade Organization.

3.3. Institutional framework

3.3.1. General remarks

The establishment of the intellectual property system in Mozambique entailed accession to some regional and international organizations that were active in the sphere of intellectual property.

In this context, Mozambique is a member of the following organizations:

- The African Regional Intellectual Property Organization, through Resolution No. 34/99 of November 16, 1999;
- The World Intellectual Property Organization (WIPO), through Resolution No. 12/96 of June 18, 1996;
- The World Trade Organization, through Resolution No. 31/94 of September 20, 1994.

3.3.2. Concerning copyright

The following institutions were set up for the administration of copyright:

- The National Book and Disk Institute (INLD) through Order No. 119/75 of November 22, 1975 and Decree No. 4/91 approved the corresponding Organic Statute;
- The Mozambican Society of Authors (SOMAS).

The INLD has formed partnerships with various national and international bodies, in particular:

At the national level: the INLD has links with the Mozambican Society of Authors (SOMAS), the Mozambican Association of Musicians (AMMO), the Association of Writers of Mozambique (AEMO), the Industrial Property Institute (IPI), the Ministry of Health's Department of Traditional Medicine, the Ministry of Science and Technology (MCT), and the National Audiovisual and Cinema Institute (INAC).

3.3.3. Concerning industrial property rights

In 1995, the Central Industrial Property Department (DCPI) was set up under the National Industry Directorate, itself, in turn, tied to the Ministry of Industry and Trade (MIC), which played a key role in laying the foundations for the creation, by Decree 50/2003 of December 24,

2003, of the Industrial Property Institute (IPI). The IPI is a national public institution with legal personality and administrative and financial autonomy, whose mission is to assist in the drafting and implementation of policy and legislation on industrial property. In the sphere of industrial property rights, the creation of the IPI injected new dynamism not just in terms of consolidating the system but also in the context of training and dissemination.

4. THE IMPORTANCE OF INTELLECTUAL PROPERTY

4.1. Overall importance

Experience accumulated over time has demonstrated the cross-cutting importance and advantages of intellectual property. In particular:

- It stimulates creativity and innovation, by rewarding the work done by creators and innovators and safeguarding the intellectual property rights they have acquired;
- It promotes an appreciation of technical and scientific knowledge through its use in achieving the goals of national development;
- It attracts foreign investment through an effective legal system for the protection of intellectual property rights;
- It promotes the resolution of the local problems of communities through solutions provided by creators and researchers;
- It stimulates research and innovation based on the concrete reality of the country;
- It makes the country more attractive to researchers, preventing a brain drain and producing a "brain gain";
- It facilitates access to technological information and to the transfer and dissemination of technology;
- It facilitates the transfer and application of the knowledge produced in the universities and research institutes to industry and other major sectors;
- It generates income for the universities, research institutes and enterprises that produce knowledge;
- It protects investment in scientific research;
- It prevents the usurpation and illegitimate use of knowledge;
- It combats practices constituting unfair competition;
- It adds value to domestic products;
- It safeguards and preserves local knowledge, cultural expressions and folklore;
- It reinvigorates the cultural industry;
- It shows appreciation for the work produced by artists and rewards their efforts;
- It reassures, protects, promotes and benefits communities in the exploitation of traditional knowledge.

4.2. Particular economic importance of intellectual property

Nowadays, a country's economic development relies on knowledge and innovation. The countries that have grown rapidly in recent years are the ones that have invested most in education. Economic development, therefore, is possible only by investing in research and development and promoting human capital.

In an economy structured in this way, intangible goods are more valuable than tangible ones. This is where intellectual property rights fit in: as intangible goods *par excellence*, they are increasingly becoming a mechanism for accumulating and assessing wealth, and an essential tool for trade.

In addition to this, intellectual property rights help add value to products. To take geographical indications and appellations of origin as an example: lately, this intellectual property right has been used to add value to special products with specific characteristics, whose special nature derives from the fact that they are rare, that they come from a particular area and are the product of a combination of human factors (local traditional know-how), climatic conditions, etc. To acquire these products, consumers are prepared to pay a great deal more.

Appellations of origin and geographical indications can be used in Mozambique to promote products with special characteristics, such as, for example, Sofala Bank shrimp and pineapples, kid, capenta fish, penda trees, Chicoa de Tête, beans, peanuts from Niassa and Nampula, Moamba potatoes and Chókweto tomatoes, to give just a few examples.

The use of intellectual property, and in particular of appellations of origin and geographical indications, can make it possible to encourage typical local products, to add value to them, produce higher earnings for the farmers involved in producing them and attract investment for agro-processing, thereby transforming a small local product from a supplier of raw materials to an exporter of high-quality processed products, generating employment and thereby combating absolute poverty in the areas in which these products are produced, combating the rural flight to the cities, promoting the protection and appreciation of local cultural heritage and traditions and having a multiplier effect on the economies of rural areas.

We do not have reliable data on the contribution of Mozambique's cultural industry to GDP or job creation. Partial data on the sale of cultural products do, however, show a growing trend in the volume of business generated by this industry.

Sales trend (in millions of Mozambican Meticals)

Year	Units	Meticals	US dollars
1996	76.182	1.159	92.720
1997	135.267	3.059	244.720
1998	312.185	6.410	512.800
1999	375.244	6.311	504.880

Source: data supplied by Vidisco and Orion

5. VISION AND GOALS

5.1. Vision

The Mozambican government regards intellectual property as an instrument for stimulating and protecting creativity and innovation to promote the country's economic, scientific, technological and cultural development.

The Intellectual Property Strategy must therefore deal with the following aspects:

- Identifying and promoting solutions appropriate for solving local problems;
- Increasing the appreciation of Mozambican creators, innovators, scientists and artists;
- Stimulating the domestic economy through adding value to Mozambican production;
- Recognizing the role of traditional knowledge in solving communities' problems;
- Promoting Mozambican identity and an appreciation of local knowledge, promoting typical local products, dress, fashion and gastronomy;
- Protecting all forms of knowledge generated by Mozambicans and the use of this knowledge with a view to speeding up wealth generation, poverty reduction and the improvement of people's wellbeing;
- Facilitating the transfer of technology to speed up the country's progress.
- Encouraging the use of and access to the technological information available for promoting scientific and technological research and innovation.

5.2. Goals

In a knowledge society, development is possible only when the value of creativity and innovative ability is appreciated, through intellectual property. With this imperative in mind, the Government of Mozambique has created a series of tools for the operation of the IP system in this country.

The particular dynamic at work in this area at the national, regional and international levels, however, together with the day-to-day challenges it poses, calls for concerted action and a common vision and positioning by the various players in the intellectual property arena.

Overall goal:

To create the basic preconditions for promoting creativity, the results of scientific and technological research and local innovative capacity, thereby furthering the use of the intellectual property system for the benefit of the scientific, technological, economic, cultural and social development of the country.

Specific goals:

- To provide effective mechanisms for promoting the use of the IP system in Mozambique;
- To create mechanisms for harmonizing the legal and institutional framework for IP;
- To rationalize IP training, dissemination, promotion, safeguarding, institutional capacity-building and financing activities and ensure they are systematic;
- To further the integration of IP into all relevant sectors in the country, with a view to adding value to the products and services made available thereby;
- To promote and safeguard the technical solutions to local problems developed by local innovators;
- To promote an appreciation of local creativity, through the creation of mechanisms for protecting and rewarding innovators, creators and artists and safeguarding their creations;
- To ensure that the various players in the system receive rewards commensurate with the benefits provided by IP;
- To harmonize visions, missions and policies and enable IP to be incorporated into all sectoral strategies and actions carried out by the public and private sectors for the benefit of the development of Mozambique;
- To create a mechanism for linking, consultation, coordination and communication between the institutions and with the various players in the IP system;
- To make available, to both the public and private sectors, the knowledge and legal basis that are a necessary support for activities entailing the transfer of technology (buying and selling), making it possible to negotiate Mozambique's interests in better conditions and on the basis of international law.

6. STRATEGIC FRAMEWORK AND STRATEGIC AREAS

The cross-cutting nature of the intellectual property system means that it must be incorporated into all areas of the country's social, economic, scientific and cultural life. Correctly applied and used, it will invigorate all sectors and stimulate creativity, innovation and progress in Mozambique.

There is an urgent need to take immediate action to improve the dissemination of IP and its gradual incorporation into all sectors. In the medium term it will be necessary to lay the foundations for ensuring that training, at all levels, encourages the promotion of ideas and that economic agents add value to their products by incorporating IP into production, as well as creating a body of intangible property. In short, there is a need to create an intellectual property culture in Mozambique.

The main strategic areas in which concrete action will be undertaken to galvanize the IP system in Mozambique have been identified as follows:

- Dissemination;
- Education;
- Scientific and technological research;
- Innovation and competitiveness in industry;
- Traditional knowledge and biodiversity;
- Creativity and development of the cultural industry;
- Administration of the intellectual property system.

6.1. Dissemination of intellectual property

In parallel, all government sectors need to understand and take on board the importance of intellectual property for stimulating economic, cultural, scientific and technological development. An understanding of the fundamental importance of intellectual property will result in its being incorporated into governmental activities that involve IP and will create the conditions for the strategic use of intellectual property for the benefit of the country. It will, moreover, allow greater safeguarding of intellectual property rights by the relevant institutions, such as the judicial system, the police and customs.

To this end, there is an urgent need to undertake thorough awareness-raising work in all government sectors and production sectors and throughout civil society in general, to demystify the intellectual property system and turn it into a development tool.

A strategic goal is:

To ensure the adequate dissemination of intellectual property.

To achieve this goal, the following actions must be carried out:

- Conduct a study on the use of intellectual property in Mozambique and the public perception of its importance, and design a more appropriate dissemination system;
- Adopt effective mechanisms for demystifying intellectual property, and for its dissemination and use for the benefit of the whole of a society and for the development of the country;
- Introduce an Intellectual Property Day for Mozambique;
- Conduct intellectual property awareness-raising campaigns, including events (workshops, seminars, talks, conferences, etc.) on intellectual property throughout the country and in all sectors (both public and private);
- Set up consultation services offering information and technical assistance on how to obtain, manage, market and safeguard intellectual property rights;
- Produce and disseminate informative material on intellectual property;
- Produce publications containing intellectual property legislation and annotated versions or interpretative guides to the laws, to facilitate the understanding and handling of IP;
- Produce a specialized review on intellectual property; and
- Create a single portal for information on intellectual property.

6.2. Education and intellectual property

The intellectual property system provides the tools for the appropriation and exclusive economic exploitation of intangible property. This being so, there is a need to educate creators and innovators about the value of their creations and the opportunity for them to generate wealth using their intellectual efforts.

A culture of accumulating and economically exploiting intellectual property, including

knowledge, must be built from the earliest stages of education and at all levels. Education on intellectual property must be included in the national education system, with content adapted to suit each level: primary, secondary, vocational technical education and higher education.

Mass education on intellectual property will make it possible to have, in the medium and long term, a people aware of the value of their own creativity and innovation and of the rights they have over their own creations. This awareness will stimulate a culture of innovation and allow it to take root throughout the country, thereby contributing to rapid economic, social, cultural, scientific and technological development.

Mainstream the teaching of intellectual property, including IP content at the different levels of education

This goal will be achieved through the following actions:

- Introduction of teaching on the intellectual property culture and incentives to creativity as early as primary school;
- Introduction of extracurricular activities that stimulate children's creativity;
- Introduction of alternative methodologies for teaching the natural sciences, especially mathematics and physics, in order to create a love of these subjects and in this way create a basic capacity for innovation in the country;
- Promotion of science competitions, competitions for inventions, innovation awards, Olympiads, etc.
- Promotion of innovation fairs involving all schools;
- Introduction of intellectual property subject-matter into the vocational training curriculum, to encourage a culture of innovation in trainees and a realization of the value of the product generated by them;
- Introduction into university curriculums of suitable training programs on intellectual property, adapted to each field.

6.3. Scientific and Technological Research

The strategic use of intellectual property will make it possible to acknowledge the intellectual effort made by those generating knowledge, and to reward them, thereby stimulating them to carry out more research and attracting others to become involved in this noble activity.

The present situation, however, does not offer these advantages, mainly because of the following:

- The scant knowledge of IP law;
- The lack of an effective system for safeguarding IP rights arising from the fruits of scientific research;
- Inadequate mechanisms and incentives for stimulating research;
- The flight of high-level researchers to other activities, to the detriment of the development of scientific research;
- Poor interaction between the media and scientific and technological research institutes in the dissemination of research results;
- Poor interaction in research processes between the repositories of local knowledge and scientific researchers, preventing research into local phenomena and availability to help solve major local problems;
- Insufficient linking between the different scientific research institutes and universities and between them and the users of the products of research;
- Lack of links between research institutes and the production sector, preventing the application of research results in the latter and restricting its capacity for innovation;
- The lack of financial resources for funding research in science, innovation and technology;
- The absence of an incentive system for research and for disseminating research findings;
- In research and higher education institutes, the dearth of highly qualified staff and the lack of a policy on sharing the benefits resulting from the exploitation of intellectual property rights;
- The failure to appreciate and exploit intellectual property rights commercially; and
- The lack of a system for promoting and exploiting IP rights commercially, or for transferring technology to the production sector in research institutes.

As a result of these factors there is a lack of incentives for research and, consequently, little scientific production, or little dissemination of it. This situation would be overcome if the full

potential offered by intellectual property for promoting and stimulating creativity, scientific research and innovation were utilized.

In its efforts to develop the country and fight poverty, the government has requested the research institutes to play a leading role in the search for solutions to the various problems facing Mozambique.

Using the intellectual property system would benefit the results of research, leading to the generation of resources that would help reward researchers and provide research institutes with increasingly plentiful funds with which to pursue their noble mission.

Once this process has got under way, greater innovation and creativity will emerge, together with more solutions to people's problems and, consequently, greater wellbeing, a reduction in absolute poverty, and economic, scientific, technological, social and cultural development. For this situation to come about, the following strategic goals need to be achieved:

6.3.1. Raise awareness among researchers and research institutions about the importance of intellectual property in the appreciation of the fruits of their work

This objective will be attained by means of the following actions:

- The development of awareness-raising programs on the importance of intellectual property in the promotion of the fruits of research;
- Training for researchers, to enable them to make strategic use of intellectual property in promoting their research findings, and awareness-raising on their rights;
- Setting up of units to provide information and technical assistance on how to obtain, manage, market and safeguard the intellectual property rights of researchers; and
- The production and dissemination of informative material on intellectual property.

6.3.2. Develop policies and programs on intellectual property in universities and research institutes

Higher education institutions and research institutes should equip themselves with basic tools for disseminating and using the intellectual property system to achieve recognition, appreciation,

rewards and the safeguarding of the intellectual property rights related to research results. These institutions could achieve this aim by means of the following strategic actions:

- Policy development and the clear regulation of recognition, ownership, mechanisms for reward and benefit-sharing and the administration and marketing of intellectual property rights in technology and the innovative products it has generated;
- Setting up internal structures for promotion, management, marketing, assistance with obtaining intellectual property rights and technology transfer; and
- Promoting the transfer of the technology generated to the production sector, for a fair reward.

6.3.3. Introduce incentive programs to combat or reduce the flight of scientific researchers, innovators and creators to other countries or sectors.

The creation of an attractive platform for researchers through the use of the intellectual property system would not just prevent the flight of Mozambican researchers, it would also attract talented foreign researchers to this country.

Researchers would be given recognition and rewarded for their inventive efforts through the following strategic actions:

- The clear definition of intellectual property rights to assist them in policies on and the regulation of intellectual property in education and research institutes;
- The creation of a system for sharing the benefits resulting from the marketing of research results and the creation of a mechanism for rewarding researchers;
- The creation of programs to support researchers in developing the results of their research (such as for the development of prototypes, for example) and marketing them, including legal assistance for drafting and negotiating contracts for the transfer of technology;
- The creation of mechanisms to facilitate the application and marketing of research results in the production sector;
- The development of programs and measures to facilitate the acquisition of intellectual property rights by researchers.

6.3.4. Introduce incentive programs devoted to Mozambican scientists in the diaspora in order to create synergies with Mozambican scientists working in Mozambique, for the scientific and technological development of the country.

The more attractive research and working conditions offered by more developed countries, and even some neighboring countries, leads some Mozambicans to go and live in these countries. Some of these citizens have technical skills of an extremely high level, and international recognition, which would be useful in some sectors in this country. Mozambique may not, however, be in a position to attract and retain these talented people. Considering the patriotic spirit that characterizes the people of Mozambique, they may be interested in contributing in some way or other to the progress the country has demonstrated.

This aim will be achieved by means of the following strategic actions:

- Introducing a program of incentives for the transfer of technology managed by the researchers in such a way as to be used in Mozambique, ensuring, for this purpose, full respect for the intellectual property rights relating to this technology;
- Introducing mechanisms for technical assistance in the negotiating contracts for the transfer of this technology to the country;
- Introducing incentive programs to encourage Mozambican scientists in the diaspora to collaborate on education and scientific research projects and on technological development in Mozambique.

6.3.5. Providing support and scientific and technical assistance to innovators

A system of innovation can only have an effect and contribute to the country's progress if it is backed up by an organized body of innovators. And the innovators, moreover, must be able to rely on the support of the government and the private sector in carrying out its noble task. This support may consist in financial support for putting the innovators' ideas into practice, but it may also consist in scientific and technical assistance from research institutes and the production sector for developing prototypes and testing the results obtained by the innovator. Finally, innovators will need technical assistance with marketing the results of their creative efforts, in particular in drafting contracts for the transfer of technology, and negotiating these contracts.

This aim will be achieved by means of the following strategic actions:

- Incentives for creating associations of innovators which will be able to watch over the interests of their members;
- Introducing structures and mechanisms to support local innovators in the acquisition, protection, management and marketing of intellectual property rights;
- Training and information activities for innovators on the strategic importance of intellectual property in promoting creativity;
- Setting up financing systems for local innovators to enable them to develop their ideas;
- Introducing mechanisms for linking with the production sector to develop prototypes and test and implement the products of innovation;
- Incentives for creating circles of interest at the local level, which will provide working conditions (with their own tools) and pool expertise in such a way as to promote innovative capacity and the transfer of knowledge to the younger generation;
- Fairs, exhibitions and prizes for local innovators prioritizing simple solutions that solve the problems faced by local communities.

6.3.6. Giving incentives for using patent information and technological information services

Eighty per cent of the technological information in circulation in the world can be obtained by consulting patent databases: the fact is, the exclusive right to use a patent and exploit it economically does not prevent third parties – once they have received due authorization from the owner – to access the patent and benefit from it.

It should also be borne in mind that many patents fall into the public domain through the lapsing of their protection. These patents, however, still contain useful technology and can be exploited without the need to apply for any kind of authorization from their owner.

Consulting the innumerable patent databases and strategically using the information obtained from them can produce technology that is useful for driving forward research in the institutions devoted to this, and in Mozambican enterprises. Furthermore, technological solutions suitable for solving local problems may be developed, based on the technology produced by these patents.

The patent information in the various databases of many countries can be used in the process of training technicians in training institutes, enabling them to become familiar with the “state of the art” of technology in a range of spheres of knowledge.

It should also be mentioned that a considerable amount of this information may be obtained free of charge through the use of information and communications technology.

It is therefore of the utmost importance to use the technological information from patents strategically for the purposes of training, research and production in Mozambique. This aim will be achieved by means of the following strategic actions:

- Making the various sources of technological information in the country available, facilitating consultation of the relevant files and incentivizing its availability via the platforms provided by the new information technology;
- Setting up services and structures for technological information and dissemination, together with regional and district libraries to disseminate technological knowledge;
- Incentivize the introduction of international networks for technological information to Mozambique;
- Develop free, public training programs on access to technological information platforms for students, researchers and innovators, in particular, and for institutions of higher education and research institutes, in general;
- Offer incentives for using technological information and adapting it to meet local needs;
- Incentivize the training of highly qualified Mozambicans who are specialized in producing and using technological information and who are specialized, in particular, in drawing up patents.

6.4. Innovation and industrial competitiveness

The greatest challenge to Mozambique’s technological and industrial development is that of increasing its capacity for innovation and competitiveness.

The correct, efficient use of the tools provided by the intellectual property system may improve the competitiveness and capacity for innovation of Mozambican enterprises, adding value to the country's products and services.

A rapid analysis shows that Mozambique possesses a wealth of natural resources that are unique in the region – flora, fauna, sea, rivers, lakes – giving it great potential in terms of tourism and agricultural, livestock and fishery products.

His Excellency the President of the Republic of Mozambique, Armando Guebuza, has stated² that: “*(The) difficult conditions experienced by many Mozambicans contrast with the reality surrounding them, where we find, in turn, natural resources to be exploited for the betterment of their lives; we find a vast, diverse natural, historical and cultural heritage for the promotion of tourism and the development of a variety of economic and social activities, including cultural industries*”.

The secret of developing the country and providing for the wellbeing of the Mozambican people lies solely in the correct exploitation and full appreciation of these resources. Countries that are far less extensive, that are less fortunate in terms of natural resources and climatic conditions and that have a large population manage to produce more food, and even to export to needy countries like Mozambique. This fact shows that it is not enough to have natural wealth – it is necessary to use knowledge to tame nature and use it for the benefit of humankind.

In his communication, the President of the Republic underlined³ that “... *in some parts of the country we have an abundance of stone and clay – resources that are not much exploited for the improvement of domestic houses. In other areas of the country we are not sufficiently exploiting the opportunities for the emergence of small processing units for local production...*”.

² “Districts – the basis for boosting the fight against poverty”, communication presented at the ceremony for the inauguration of ministers, deputy ministers and provincial governors by His Excellency Mr Armando Guebuza, President of the Republic of Mozambique, February 14, 2005.

³ *Ibidem.*

Incorporating the tools provided by intellectual property can make it possible to realize the value of the country's vast natural potential, to add value to it and to generate the wealth necessary to provide for the wellbeing of its glorious people.

Concrete reality shows that, at present, the economic system, as a whole, has been trying to achieve results and to assert itself in the marketplace without using the intellectual property system. The results are obvious: poor productivity, scant value attached to products and services, absolute dependence on natural factors and on traditional factors of production.

In a knowledge society, traditional factors of production consisting essentially of tangibles – capital, machinery and manpower – no longer have the same importance as before. In a knowledge society, progress and the generation of wealth depend on and consist of intangibles – in other words, intellectual property rights. The use of some industrial property rights, such as certification marks, appellations of origin and geographical indications, can add value to competitive Mozambican products such as shrimp, some varieties of sea, river and lake fish, cashew nuts, pineapple, coconut, tobacco, crafts, gourmet products, etc.

The use of certification marks, appellations of origin and geographical indications for certain products with distinctive characteristics will make it possible to add value to them, to conquer markets and, consequently, to give a greater financial return to the communities involved in producing them. Increasing wealth in the areas of production of these products will help stabilize the population there, create job opportunities, reduce poverty and raise the living standards of the people there. In this context it will be necessary for each district, as a development hub, to try and identify products whose value may be increased through intellectual property rights and to create the conditions for promoting them.

Finally, recognizing and safeguarding intellectual property rights will attract foreign investment to Mozambique and keep it here. Technology transfer, research and innovation, and, consequently, the establishment of innovative foreign knowledge-based enterprises will be possible only if we have laid down the conditions for safeguarding their creations, and the rights arising from them.

Our domestic economy can be more productive, can be innovative and competitive. Mozambican products and services can acquire added value through the introduction and strategic use of the intellectual property system. Intellectual property can be used by those in the Mozambican economic world if the following strategic goals have been achieved:

6.4.1. Promoting the strategic use of intellectual property by economic agents

There is a need to instill an intellectual property culture in our entrepreneurs and all the relevant sectors. The accumulation of intangible property will enable entrepreneurs to make the products of their innovative efforts available, circulate them and market them in all security.

The strategic use of intellectual property in the domestic economy may become a reality if the following strategic actions are carried out:

- Develop concrete training on the mechanisms for creating, acquiring, managing, marketing and safeguarding intellectual property rights;
- Create incentives for potential users of the system to encourage the strategic use of intellectual property in developing enterprises;
- Technical assistance for enterprises in setting up internal structures for innovation and for the acquisition, safeguarding and management of the intellectual property rights they have generated.
- Set up appropriate public institutions, structures and mechanisms to support entrepreneurs in the acquisition, management, protection and marketing of intellectual property rights.

6.4.2. Adding value to domestic production

Failure to make strategic use of intellectual property hampers the creation of incentives for potentially innovating enterprises. These enterprises therefore do not have the capacity for innovation.

Failure to incorporate intellectual property into our products and services makes the latter less valuable to the consumer and to the market in general. This aim will be achieved by means of the following strategic actions:

- Identifying the most competitive Mozambican products at the national and international levels and incentivizing the use of marks, appellations of origin and geographical indications to highlight their qualities;
- Introducing incentives for enterprises and producers' associations to use the system of marks and industrial designs for identifying, distinguishing and disseminating their products and attracting and keeping their customers;
- Analyzing which typical products have a competitive advantage and incentivizing their identification and appreciation through the use of certification marks, appellations of origin and geographical indications;
- Supporting the business community in setting up internal research and innovation systems for the ongoing improvement of their technology and the quality of their products; and
- Promoting an appreciation of Mozambican production and adding value to it through incentives to small processing industries.

6.4.3. Prioritizing and incentivizing local technical solutions

There is a pressing need for innovators to find technical solutions to local problems. The development of local technical solutions will lead to the production of appropriate technology. Furthermore, it will also save foreign currency which can be allocated to other priority activities.

The Mozambican legal system already has a mechanism for recognizing and safeguarding simple, rapid and inexpensive technical solutions – utility model patents.

The development of simple, inexpensive technology can be incentivized by means of the following strategic actions:

- Incentivizing innovation, by promoting the development of simple technology and safeguarding it by granting utility models;
- Incentivizing the adaptation of the technology to meet specific local needs and the
- recognition, safeguarding and rewarding of inventors by granting utility models;
- Holding fairs and competitions on simple, useful technology; and
- Introducing mechanisms to facilitate the acquisition and safeguarding of rights in utility models, and payment for them.

6.4.4. Encourage the development of the district as a basis for incorporating intellectual property into local products

The government has identified the district as the basis for planning the country's economic, social and cultural development. The incentives provided by the government for the districts are designed to give them useful tools for triggering their development, using their existing resources to promote self-sufficiency.

In this context, each district, as a development hub, will need to analyze its own potential in terms of typical local products and those with the greatest competitive advantage.

This aim will be achieved by means of the following strategic actions:

- Analyzing and registering typical local products and promoting an appreciation of them through the granting of intellectual property rights, in particular certification marks, appellations of origin and geographical indications;
- Setting up programs to develop a product associated and identified with each district, and promoting its dissemination and protection, certifying it with a local mark or appellation of origin or geographical indication;
- Incentivizing the setting up of local structures responsible for identifying, industrializing and marketing typical local products and encouraging an appreciation of them, using certification marks, appellations of origin and geographical indications to add value to them;

- Promoting festivals, including typical ones drawing on local traditions, culture and history, linked to fairs for marketing typical local products, including typical local gourmet products, on local menus and tourism routes, safeguarding them and promoting an appreciation of them by identifying them through the use of intellectual property rights, in particular certification marks, appellations of origin and geographical indications;
- Promoting typical local dress and fashion, adding value to them and promoting their protection through the use of marks and industrial designs or mechanisms for safeguarding folklore;
- Incentivizing the protection and development of local techniques for local production through industrial secrets and other appropriate industrial property rights; and
- Promoting innovation fairs for agro-industrial, inshore fishing, oil, weaving, gourmet and other typical products and incentivizing the protection of these products through the conventional intellectual property system or traditional knowledge.

6.4.5. Stimulating the strategic use of intellectual property by small and medium-sized enterprises (SMEs) as a way of incentivizing competitiveness and innovation

Over 95 % of Mozambique's industrial base is made up of micro, small and medium-sized enterprises. These enterprises have a reduced capacity for innovation and competitiveness. Given the forthcoming challenges of regional integration, it is vitally important for SMEs to be equipped with a capacity for innovation and competitiveness in order to tackle these.

The strategic use of intellectual property represents a decisive tool for attaining this objective.

Mozambican SMEs have already shown some signs of innovation. For example, almost all the industrial designs registered in the country come from this sector. Where other industrial property rights are concerned, however – including marks – foreign enterprises clearly predominate.

Mozambican SMEs can increase their capacity for innovation by using intellectual property rights, in particular marks, industrial designs and utility models.

In short, the strategic use of intellectual property is the key to the success of the efforts at innovation and competitiveness made by Mozambican SMEs. This aim will be achieved by means of the following strategic actions:

- Organizing training and information on the strategic importance of using intellectual property to promote innovation and competitiveness in SMEs;
- Incentivizing interaction between research institutes and SMEs to allow the transfer and application of knowledge to the production sector, thereby promoting innovation;
- Supporting the parties in negotiating and regulating their relationship, in particular as regards the ownership of rights and sharing any profits from marketing, etc.;
- Stimulating technology transfer between innovators and SMEs, and among SMEs, through the promotion of and mutual respect for intellectual property rights; and
- Incentivizing the use of technological information by the SMEs, in particular patents, to boost their capacity for innovation.

6.5. Traditional knowledge and biodiversity

Africa is one of the richest continents when it comes to biodiversity. Its extensive territory boasts a wide ecological variety, reflected in an infinite abundance of plant and animal species in the most diverse natural habitats, ranging from deep forest and savannah to arid zones and deserts, its temperate and tropical climatic conditions giving rise to tremendous diversity and endemism.

World studies have revealed the richness and usefulness of existing plants and animals. According to these studies, over two-thirds of the species of plants in the world (35,000 of which have medicinal value) are native to developing countries. The studies also show that at least 7,000 of the medicinal components used in conventional medicine derive from plants. In the pharmaceutical industry, natural products contribute between 25 and 50 per cent of total sales.

It is estimated that in the sub-Saharan region there are more than 40,000 species of plants, of which over 4,000 species are used as medicinal plants. This natural wealth, however, is not well known, or exploited: fewer than 10 per cent of species have been studied and their therapeutic potential assessed.

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This probably explains why, despite the huge potential of the African continent in terms of genetic resources, it does not yet contribute much: out of 2,000 species sold, two-thirds come from Europe, followed by Asia, with a high percentage, sharply on the increase. African and Latin-American species have yet to be identified and better exploited.

In recent times, however, there has been growing interest on the part of pharmaceutical companies and foreign researchers – most of them Western – in exploiting this potential and local knowledge about the use of these plants and their therapeutic properties.

The countries and local communities that possess these genetic resources, and the knowledge about them, should benefit from their exploitation. Instead, it has been seen that, on the contrary, local population groups have been manipulated into revealing this knowledge without receiving adequate compensation, while unrestrained exploitation has put these resources in danger of extinction.

Regulating the exploration of these resources and sharing benefits with the local people is a fundamental tool for preventing abuse.

In addition, traditional knowledge – especially in the sphere of traditional medicine, in Mozambique and undoubtedly also in many other countries where this practice can be observed – is an area whose access is restricted to practitioners. It is handed down – solely among its practitioners – in ways that do not follow conventional patterns and are shrouded in great mysticism.

This makes it difficult to identify this kind of knowledge, to use it for the benefit of humankind, to industrialize and market it, and to protect it.

The trend up to now has been that the holders of this knowledge believe in mystical forms of protection, as any protection at the level of IP could result in their magic secrets becoming known. This idea, moreover, emerges from the position taken by PROMETRA, an organization whose aim is to promote traditional medicine and which acknowledges that the only form used by its practitioners is secrecy, not just because they are not familiar with IP mechanisms, but simply because none of them is disposed to reveal their treatment processes to others.

Against this background, the international community has made a number of attempts to overcome this difficulty, such as the United Nations Convention on Biological Diversity, some rules contained in the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the efforts made by the World Intellectual Property Organization's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. At the regional level we can highlight the Andean Pact on a Common Regime on Access to Genetic Resources of 1996, of which Bolivia, Colombia, Ecuador, Peru and Venezuela are members. The African Union had already produced a draft law which has been used by several countries as a source of domestic legislation on this issue. In November 2006 in Maputo, the African Regional Intellectual Property Organization (ARIPO) in turn launched a debate on a draft "legal instrument on the protection of traditional knowledge and expressions of folklore". Some countries have already issued domestic legislation on traditional knowledge, folklore, genetic resources and the sharing of benefits, such as Bangladesh, Brazil, Chile, Colombia, Costa Rica, Ethiopia, India, Kenya, Malawi, Paraguay, Peru, the Philippines, Portugal, South Africa, Uruguay, and Venezuela.

Recently, through its Genetic Heritage Management Council, Brazil published Resolution No. 23/2006 of 28 December 2006, which provides that: "*The granting of industrial property rights by the relevant authorities, on a process or product obtained from a sample of a component of our genetic heritage, shall be conditional on the observance of this provisional measure, and applicants must indicate the origin of the genetic material and of the relevant traditional knowledge, where appropriate.*"

In Mozambique, the following steps have been taken:

- accession to the World Trade Organization and, consequently, the incorporation into domestic legislation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS);
- the ratification, through Resolution 2/94 of 24 August 1994, of the United Nations Convention on Biological Diversity;
- the approval of the Policy on Traditional Medicine through Council of Ministers Resolution No. 11/2004 of 14 April 2004;
- the current debate on the draft “*Law on Traditional Medicine*”;
- the current debate on the draft “*Regulation on access to and the sharing of the benefits deriving from genetic resources and associated traditional knowledge*”.

In terms of institutional framework, the question of traditional knowledge remains a cross-cutting issue and a range of sectors have introduced mechanisms to deal with it, such as:

- The Department of Traditional Medicine in the National Health Institute, under the Ministry of Health;
- The National Commission on Sustainable Development, under the Ministry of the Environment;
- ARPAC, the Cultural Heritage Archive, under the Ministry of Education and Culture;
- The associations of practitioners of traditional medicine such as Anmetramo, Prometra, Avemetramo, etc.

The intellectual property system could represent the best means of incentivizing the identification of traditional knowledge and the granting of rights in it and, consequently, the introduction of mechanisms for sharing benefits and recompensing the holders of this kind of knowledge. These measures could stimulate collaboration between the holders of traditional knowledge and researchers, thereby leading to a more extensive analysis of the existing potential of traditional knowledge about resources and contributing to knowledge of them, their industrialization and their use for the benefit of humanity.

Collaboration between the holders of traditional knowledge, researchers and industry, meanwhile, would lead both to the rational use of these resources, preventing them from being plundered, and to the adoption of measures to conserve them, while at the same time ensuring compensation for the project and communities possessing this knowledge.

The granting of intellectual property rights to the holders of traditional knowledge would, moreover, facilitate the safeguarding of these same rights. This could be done by using the rights in traditional intellectual property, taking into account the source of the genetic resources and the holders of traditional knowledge at the time of granting the rights in traditional intellectual property, or setting up a “sui generis” protection system.

Overcoming the above-mentioned constraints and freeing intellectual property to play its true role in protecting biodiversity and traditional knowledge and promoting their identification and exploitation and the sharing of the benefits deriving from genetic resources and the knowledge associated with it, will be possible by achieving the following strategic goals:

6.5.1. Disseminating the intellectual property system and raising awareness of it among the holders of traditional knowledge

Raising awareness of intellectual property among the holders of traditional knowledge will enable them to see the value and potential of the knowledge they have, and the protection that IP could provide.

The possibility of appropriating these rights through the intellectual property system and the compensation that may be paid to knowledge holders can be an optimal incentive to disseminating traditional knowledge and using it for the purpose of research, industrialization and marketing.

The strategic use of intellectual property will allow the exploitation of Mozambique’s potential in terms of genetic resources and associated knowledge.

This aim will be achieved by means of the following strategic actions:

- Disseminating the intellectual property system and the mechanism for safeguarding biodiversity in local communities, where necessary and possible using the national/local language;
- Promoting empowerment and awareness-raising programs on the importance of intellectual property and its positive impact on the appreciation of local knowledge;
- Producing informative material on the intellectual property system, the advantages to its strategic use by project and local communities and the gains arising from this;
- Training the relevant people in local communities on the use and strategic management of intellectual property for the benefit of local development;
- Introducing training programs on traditional knowledge into curriculums in relevant areas;
- Empowering and supporting communities in negotiating with institutions or enterprises prospecting genetic resources and traditional knowledge so as to protect their interests effectively and ensure that they benefit.

6.5.2. Establishing an effective legal framework for promoting and safeguarding genetic resources and traditional knowledge

As has already been amply demonstrated, the international trend is to create a solid legal framework designed, essentially, to acknowledge the value of genetic resources and associated traditional knowledge, to grant intellectual property rights over this knowledge, and to put in place effective mechanisms for sharing the benefits deriving from the exploitation of these rights. A number of countries have already introduced legislation on this and are already reaping the rewards of the system.

Establishing an effective legal framework for promoting and safeguarding intellectual property calls for the ratification of various international legal instruments, accession to the relevant international organizations, introducing domestic legislation and setting up institutions to

coordinate and harmonize actions in this sphere. This aim will be achieved by means of the following strategic actions:

- Revising, introducing and harmonizing legislation on the safeguarding, preservation and capitalization of genetic resources;
- Ratifying the relevant international instruments on the safeguarding of genetic resources and traditional knowledge;
- Encouraging Mozambique's accession to the international organizations relevant for safeguarding genetic resources and traditional knowledge;
- Introducing mechanisms for recognizing and developing the intellectual property rights of individuals and local communities possessing traditional knowledge;
- Promoting policies and legislation to allow access to and the fair and equitable sharing of the benefits resulting from the exploitation of genetic resources, and the associated traditional knowledge, at the level of local communities.

6.5.3. Encouraging the acquisition and safeguarding of intellectual property rights by local communities

The strategic use of intellectual property rights can increase the value and promote the exploitation of genetic resources and associated knowledge, while at the same time ensuring that local communities own these rights, and generating the resources necessary for compensating these communities.

This aim will be achieved by means of the following strategic actions:

- Incentivizing the acquisition of intellectual property rights by local communities and ensuring their protection;
- Developing model contracts and memorandums of understanding on the exploitation of intellectual property rights that safeguard the interests of local communities and the fair sharing of benefits;
- Introducing monitoring mechanisms to allow and impose the legal acquisition of traditional knowledge;

- Where genetic resources or traditional knowledge are used, making it a duty to reveal their source in order to obtain intellectual property rights.

6.6.3. Promote research on and the identification, stock-taking, industrialization, exploitation and marketing of genetic resources and associated traditional knowledge. Draw up and implement a National Research and Innovation Agenda for the sustainable use of Mozambique's genetic biodiversity resources and associated traditional knowledge.

No full inventory has yet been made of Mozambique's rich genetic heritage, and only 10 per cent of these resources have effectively been studied. Similarly, the holders of traditional knowledge associated with these resources exploit only a tiny proportion of them. There is therefore an urgent need for more research, to enable them to be exploited for the benefit of humankind.

This aim will be achieved by means of the following strategic actions:

- Stock-taking and the registration and localization of genetic resources;
 - Promoting research in the field of genetic resources and associated traditional knowledge;
 - Promoting research into and the dissemination of results deriving from traditional knowledge;
 - Setting aside fields for the multiplication of plants to prevent their extinction and ensure their preservation and use for a long time to come;
 - Creating sacred spaces to be used as training centers in which traditional knowledge can be practiced and handed down between generations;
 - Incentivizing collaboration between the holders of traditional knowledge and researchers and industry, to allow natural products to be transformed into more effective products of higher quality;
 - Including holders of traditional knowledge in research teams;
 - Regulating the process of selling the products resulting from traditional knowledge, and creating their own spaces for them, with specialized, qualified staff;
 - Regulating access to medicinal plants and safeguarding species in danger of extinction;
- and

- Setting up Traditional Medicine Centers with a view to promoting rational, monitored, regulated use and promoting interactions between traditional and conventional medicine.

6.5.4. Promoting, monitoring and controlling the exploitation traditional knowledge in Mozambique

The exploitation of genetic resources and associated traditional knowledge is an issue that involves a variety of national institutions and civil society. For these resources to be efficiently identified and exploited, an awareness of all the players involved must be developed and a mechanism for dialogue and linking, on the options that best meet the concerns of all, must be created. There is an urgent need, above all, for a specialized and technically competent national body to develop the best mechanisms for promoting and safeguarding genetic resources and associated knowledge. This aim will be achieved by means of the following strategic actions:

- Setting up a national body responsible for managing and exploiting genetic resources and associated traditional knowledge;
- Stimulating community involvement and participation in projects to exploit traditional local knowledge; and
- Empowering individuals and communities to develop advocacy on this issue at the local level.

6.6 Creativity and the development of the cultural industry

The Cultural Policy and Implementation Strategy⁴ defines culture as *“a complex set of ways of being, behaving and relating, from birth to death, and including the rituals that mark the principal stages in the process of social integration and socialization. Culture encompasses: creative aspects; the visual and performing arts; material aspects: clothing, architecture and work implements; the institutions: economic, social, political and military structures; philosophical aspects: ideas, beliefs and values.”*

⁴ Council of Ministers Resolution No. 12/97 of 10 June 1997.

This important instrument lays down, *inter alia*, the principle whereby “*economic and social development must have culture as its indispensable, permanent starting point and reference point*”.

The vast wellspring that is Mozambique’s cultural heritage can contribute to the development of the country. The cultural policy and the law on the legal protection of tangible and intangible goods belonging to the cultural heritage of Mozambique⁵ have already set out the bases for optimizing our cultural heritage.

Optimizing this area, however, will necessarily entail using the intellectual property system, in particular copyright and related rights.

The intellectual property system delivers optimization and protection to culture, incentives to à creativity among writers and performers, the strengthening and expansion of the collective management system encompassing copyright and related rights and the optimization and promotion of Mozambique’s cultural industry.

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In this context, intellectual property represents a tool for the implementation of the various national, regional and international policies and strategies on cultural development.

Culture, like other sectors, suffers from the general lack of knowledge about intellectual property and the role it can play in promoting national culture.

The strategic use of intellectual property in the sphere of music can ultimately lead to the rewarding of musicians’ creative efforts, thereby contributing to the development of the music industry. The fact is that recognition of copyright and/or the rights related to musicians is an essential tool for enabling musicians to claim not just ownership, but also the exclusive right to exploit these rights economically, so that musicians are paid a financial reward for the creative effort they have made.

⁵ Law No. 10/88 of 22 December 1988.

Consolidating and boosting the collective management system for copyright is vital to the continued enjoyment of the rights arising from artistic production. Expressions of folklore, local costume, crafts and the visual and performing arts need the intellectual property system in order to attain their fullest expression. The strategic use of intellectual property in this field allows the true value of these elements to be appreciated, and marketed, thereby ensuring their protection.

The policy cultural also addresses the appreciation of creative intellectual artists and the establishment of principles for the protection of intellectual property as one of the goals to be striven for in Mozambique.

Globalization and the introduction of new information and communications technology brings new challenges for the intellectual property system. The new technology makes the reproduction of any work of art easier and more faithful – as a result piracy is being seen throughout the country, by all citizens. Unfortunately, the fact of enjoying a work of art does not prevent its being enjoyed simultaneously by third parties, and the need to enjoy works of art – felt by all citizens – has led to a collective tolerance of piracy.

In reality, piracy is a crime and as such must be tackled. This being so, a radical change in people's mentality must be called for. Zero tolerance must be decreed for piracy, and the means of combating it introduced.

With a view to implementing these principles effectively and enabling intellectual property to act as an engine driving the appreciation, safeguarding and promotion of culture and the development of the cultural industry, the following strategic goals should be achieved:

6.6.1. Disseminating the intellectual property system to all sectors of society

Lack of knowledge about the intellectual property system and the advantages that may derive from its strategic use is a lost opportunity for the world of culture in Mozambique.

As has been seen with our country's vast natural resources, the existence of an enormous, rich cultural heritage in our country is not generating the resources necessary for promoting creativity, stimulating creators and the development of the cultural industry. The failure to use the intellectual property system is not a deliberate act of self-exclusion on the part of artists and creators, but results rather from their lack of knowledge of the system. The use of the intellectual property system can therefore be triggered only if its potential beneficiaries are made aware of its existence and usefulness.

This aim will be achieved by means of the following strategic actions:

- Disseminating the intellectual property system through events such as workshops, seminars, and debates in the media;
- Producing and disseminating information and promotional material on intellectual property;
- Promoting Mozambique's accession to the relevant international institutions together with its ratification of the fundamental legal instruments and dissemination of their content;
- Training those involved in the system, to empower them in the strategic use of intellectual property for promoting an appreciation of their creations and raising awareness of their attendant rights; and
- Collaborating with associations of creators and artists in disseminating intellectual property and a realization of its importance.

6.6.2. Stimulating creativity among authors and performers

To stimulate creativity it is necessary to give authors and artists opportunities to make strategic use of the intellectual property system and the practical economic advantages deriving from it. The stimulation of creativity must, however, be cultivated and promoted through activities capable of awakening the real value of cultural production and the creation of conditions and structures to promote talent. It must be accompanied by a recognition of the intellectual property

rights inherent in creativity, together with their acquisition, management, negotiation, marketing and protection.

This aim will be achieved by means of the following strategic actions:

- Support for the development in Mozambique of schools of art and technical colleges which will allow specific training in techniques and styles in literature, dance, music, sculpture, crafts and design;
- Competitions, fairs and exhibitions to disseminate cultural products;
- Support for authors and artists in the acquisition, management, negotiation, marketing and safeguarding of intellectual property rights;
- Empowering authors' and artists' associations to provide technical assistance to their members in exploiting their works economically; and
- Promoting mechanisms that ensure authors and artists receive a fair reward for the works they have created.

6.6.3. Strengthening and expanding the collective management system for copyright and related rights

The Law on Copyright⁶ provides that the powers to manage copyright and related rights may be exercised by their owner through the intermediary of a representative. The same law states that, to exercise these prerogatives, societies for the collective management of copyright may be set up. In reality, this provision merely confers legitimacy on an institution that was set up in May 2000 on the initiative of artists themselves – the Mozambican Society of Authors (SOMAS).

Under a system for the collective management of copyright, an independent and normally private body is given responsibility for supervising the economic exploitation of copyright and collecting the remuneration for the use of works on behalf of their legitimate owners.

⁶ Law No. 4/2001 of 27 February 2001.

When functioning properly, this system enables authors to enjoy the rights to which they are entitled without needlessly expending energy or resources and ensures they receive continual remuneration for their work.

This aim will be achieved by means of the following strategic actions:

- Consolidating the existing collective management society and enabling it to be active in all potential areas;
- Incentivizing the setting up of other collective management societies in areas where they are shown to be urgently needed;
- Activities to promote collective management societies so that all Mozambican authors and artists benefit from their services;
- Extending their services to all parts of the country;
- Encouraging Mozambican collective management societies to join and play an active part in regional and international organizations for the collective management of copyright;
- Ratifying any international instruments that may facilitate the smooth running of the system in Mozambique;
- Introducing relevant regulations and legislation to enable them to operate in Mozambique;
- Improving the system for managing collective management societies and equipping them with the means and resources they need for operating; and
- Extending the system for the collection of revenue to all relevant places.

6.6.4. Optimizing and promoting Mozambique's cultural industry

Mozambique's cultural richness is not being sufficiently exploited for the benefit of the country's cultural development or for the fight against poverty or the promotion of the wellbeing of Mozambican people. In this context, the principle set out in the cultural policy, whereby "*all citizens are equally entitled to take part in cultural life and to have access to the enjoyment of the benefits of culture and art*" remains a declaration of intent.

For the benefits of culture to improve the wellbeing of all the people of Mozambique, wealth creation must be boosted through the economic exploitation of the country's rich cultural heritage.

The key to achieving this aim is to bring cultural property within the framework of the intellectual property system, thereby promoting its appreciation and protection and, therefore, remuneration for the author, artist or community that owns it.

Generating wealth from cultural property and, as a result, creating a capacity for remunerating creators, will trigger a multiplier effect on the cultural industry.

This aim will be achieved by means of the following strategic actions:

- Establishing clear regulations promoting the encouragement of the cultural industry;
- Introducing mechanisms to ensure the acquisition, management, marketing and safeguarding of the intellectual property rights inherent in cultural products;
- Establishing an efficient system to combat the infringement of intellectual property rights, in particular through the practices of piracy and unfair competition;
- Developing an incentive system that will boost the development of the cultural industry;
- Incentivize the use of new technology in order to improve the quality of cultural products;
- Developing programs and incentives to encourage the export of cultural products; and
- Introducing the International Standard Book Number (ISBN) system.

6.7 Managing the intellectual property system

Intellectual property is a cross-cutting area that affects both the public and private sectors. In this context, there is an interest in coming up with a common vision and harmonious development within the sector.

Owing to the particular, specialized nature of this subject, different institutions and sectors deal with particular segments of intellectual property. This characteristic has historical origins and reflects a world trend that still prevails. And indeed, respecting the traditional segregation between industrial property and copyright, in Mozambique there are two institutions for dealing with these areas: the Industrial Property Institute and the National Book and Disk Institute. Emerging areas such as traditional knowledge have been the subject of work by the National Health Institute and the National Commission on Sustainable Development; folklore has been addressed by the ARPAC; while plant varieties, in turn, have been produced by private bodies and the Mozambican Institute of Agronomic Research and the Faculty of Agronomy of Eduardo Mondlane University.

The private sector and civil society, such as SOMAS and other artists' associations, industrial property agents, associations of practitioners of Traditional Medicine, etc. have also played a key role in developing these areas. In this context, there is an urgent need to set up a mechanism to link the various institutions and sectors with an interest in the area of intellectual property, to develop a common vision on the policies, legislation and actions needed in order to disseminate, safeguard and make strategic use of intellectual property for the benefit of Mozambique's economic, social, cultural, scientific and technological development.

With a view to developing a functional, efficient and effective mechanism for management and coordination in relation to the intellectual property system, there is a pressing need to achieve the following strategic goals:

6.7.1. Introduce inter-institutional mechanisms to coordinate and harmonize policies and legislation on IP

Developing a common vision on the strategic use of intellectual property and how to protect it may be done at two levels: among the public institutions, and between them and the private sector.

In this context, the government, in collaboration with the private sector concerned, can stimulate the drafting of policies and legislation on intellectual property. In addition, close collaboration between the intellectual property management institutes and the judicial system, the police and customs can increase the protection of rights and help combat their infringement. Collaboration and support from the sector will be decisive for the success of these actions.

This aim will be achieved by means of the following strategic actions:

- Setting up an interministerial commission to draft and harmonize legislation and policies on intellectual property;
- Introducing consultation mechanisms and forums for discussion between the institutions administering IP, the judiciary, scientific research institutes, higher education institutes, the private sector, official IP agents, associations of innovators and artists, NGOs and civil society, with a view to creating a space for dialogue between these players and then monitoring and assessing the level of implementation of the IP strategy, canvassing different views on the implementation of the IP strategy, policies and legislation; and
- Setting up an inter-sectoral commission to take action to combat infringement and piracy.

6.7.2. Ensuring institutional capacity-building and the training of staff in the intellectual property management institutes

The intellectual property system new and complex. As a result, it lacks resources and, especially, specialized technicians to deal with the subject. This situation calls for an effort on the part of these institutions to build up their capacity for managing the system.

The institutions administering intellectual property therefore need to invest in training human resources, in setting up appropriate infra-structure, including the use of the new information and communications technology, to ensure the efficient management of the system.

This aim will be achieved by means of the following strategic actions:

- Training staff in the intellectual property management institutes on the procedures for granting, safeguarding, managing and marketing intellectual property rights;
- Awarding study grants for the training of staff in the intellectual property management institutes on these matters, at post-graduate, master's and doctoral level;
- Setting up infrastructure for the smooth running of intellectual property management institutes ;
- Introducing new technology into the running of intellectual property management institutes;
- Encouraging increased autonomy in intellectual property management institutes;
- Extending the activities of the intellectual property management institutes to the whole country;
- Using the services of IP management institutes and making them available with the help of the new information technology; and
- Improving the system for managing intellectual property.

6.7.3. Adapting legal and coordination mechanisms to respond effectively in the fight against infringement and piracy.

Infringement and piracy are complex, and are intricately bound up with organized crime and terrorism. They cause great damage to creators, artists and entrepreneurs, and to the domestic economy as a whole. The State's response therefore needs to be organized, effective, and vigorous.

This capacity to respond can be achieved only if there is a system for linking and coordination at government level and between government and the relevant players in the economy and in civil society. Furthermore, in order to deter perpetrators, the legislative system must put in place legislation that heavily penalizes infringement practices.

This aim will be achieved by means of the following strategic actions:

- Adapting legislation by specifying heavy sanctions for infringements of intellectual property rights;

- Setting up an interministerial body to coordinate activities to combat infringement and piracy;
- Setting up a forum for linking with the private sector and civil society, one that will act as a platform for drawing up and harmonizing the policies, legislation and concrete actions needed to combat infringement and piracy;
- Training and awareness-raising on infringement and piracy, aimed at the entrepreneurial sector;
- Carrying out an in-depth study of the incidence of infringement and piracy in the domestic economy and effective mechanisms for combating them;
- Training staff involved in combating infringement and piracy, in particular technical staff in customs, the police and financial inspections; and
- Stimulating collaboration between the private sector and bodies specialized in combating infringement and piracy.

6.7.4. Stepping up the safeguarding of intellectual property rights

Safeguarding intellectual property rights calls for the full operation of the judicial system to settle disputes in this area. For this purpose, it is not enough to set up units specializing in intellectual property – there is also a need to raise the level of awareness in the judicial system both of the issue itself and of the damage it can represent for the Mozambican economy. This must be done at all levels, but prioritizing the specialization of several judges in intellectual property matters. The enforcement of intellectual property rights also requires constant inspection and monitoring, together with the identification and elimination of instances of the infringement of these rights. The bodies with authority in this sphere are the police, customs and the General Inspectorate of Finance. These bodies must also have the benefit of awareness-raising and training so that they are well informed when working in this field. Mechanisms must be introduced to enable them to act quickly whenever they detect an anomaly in the operation of the system.

Strengthening the system for safeguarding intellectual property rights therefore requires the setting up of specialized bodies, the clear allocation of authority, the training of specialized

technicians with an in-depth, detailed knowledge of subject and mechanisms to facilitate mobility and swift action in cases where infringements are detected.

This aim will be achieved by means of the following strategic actions:

- Raising awareness in the judicial system and among law enforcement agents on the importance of intellectual property and of safeguarding it;
- Training for bodies upholding intellectual property rights;
- Setting up a single judicial unit specializing in intellectual property, to ensure that disputes in this area are settled competently, vigorously and swiftly;
- Setting up specialized units or sections in the official bodies enforcing intellectual property rights, such as the police and customs, to deal with these issues; and
- Introducing mechanisms to enable the relevant official bodies to link up and coordinate their work to combat the infringement of intellectual property rights.

6.7.5. Ensuring the financial sustainability of the system

Implementing the IP Strategy has financial implications arising from the need to achieve the strategic goals described above. Here it is not our intention to ascribe numeric values, which will be analyzed in a separate document, but merely to set out elements of the strategy whose implementation will entail the use of financial resources. The public bodies responsible for the overall administration and management of IP have the same problems as those facing the public service as a whole. They are essentially cyclical problems, which have both a human resources and a financial aspect. The instruments establishing them show that their sources of income depend on financing from the State budget and income from license fees or income received in the context of protecting IP rights. The State budget is financed largely from external sources, which means that their inadequacy is predictable. License fees, in turn, are irregular, owing to the seasonal nature of the demand for IP services and, in the case of Mozambique, the relative scarcity of IP assets, with the result that very often the institutes themselves are struggling – in some cases they are still only being set up, so that they need structural investment and the staff they recruit are in need of training.

For all these reasons, the bodies administering IP still have a low financial and human capacity and, as the government has major financial handicaps, it cannot fully finance the actions envisaged as part of the IP strategy.

This aim will be achieved by means of the following strategic actions:

- Channeling a percentage of the budget to scientific and technological research and innovation, to institutional capacity-building in the bodies administering IP and to the implementation of the national strategy now to be developed;
- The bodies administering and managing IP must simplify their procedures, reduce the cost of registering IP rights and disseminate their activities to potential users of the IP system in order to increase their income;
- Higher education and scientific research institutes must set up enterprises (spin-off) to market the products resulting from their research activities, and to manage the gains and profits that will make their activities self-financing, improve infrastructure, increase remuneration and create other incentives for their researchers;
- Mobilizing funds from cooperation partners and support from the various international and regional organizations involved in the process of developing intellectual property worldwide, through the signing of protocols on the financing of scientific and technological research and innovation.

ANNEX I: Glossary

Intellectual property:⁷ rights relating to creations of the human mind, in particular:

- literary, artistic and scientific works,
- performances of performing artists, phonograms, and broadcasts,
- inventions in all fields of human endeavor,
- scientific discoveries,
- industrial designs,
- trademarks, service marks, and commercial names and designations, and
- protection against unfair competition and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

Intellectual property may be divided into:

1. **Industrial property:** a set of rights that includes trade marks, service marks, invention patents, utility models, industrial designs, trade names and establishment emblems, logotypes, geographical indications, appellations of origin and awards.
2. **Copyright:** a set of rights that includes literary and artistic works such as stories, poems and plays, films, musical works, painted works of art, photographs and sculptures, and architectural drawings. Rights related to copyright include the rights of performers to their performances, the rights of the producers of phonograms to their recordings and the rights of broadcasting organizations to their radio and television programs.

Patent: title granted for the protection of an invention.

Invention: an idea that makes it possible, in practice, to solve a particular technical problem. An invention may be a product or a process, or it may even consist simultaneously of both a product and a process.

⁷ We have adopted the definition of intellectual property given in Article 2(viii) of the Stockholm Convention of 1967, which set up the World Intellectual Property Organization (WIPO).

Utility model: an invention that gives an object, or part of an object, a configuration, structure, mechanism or arrangement that improves the functioning of a product or process.

Mark: any distinctive sign, visible to the eye, that identifies and distinguishes products and services from other, similar ones of a different origin, and that certifies their compliance with certain standards or technical specifications.

Industrial design: the plastic, ornamental form of an object or the ornamental set of lines and colors that is applied to a product, producing a new and original visual result in its external configuration, and that may be used as a type in industrial manufacturing.

Geographical indication: this is the geographical name of a country, or a city, region or locality in that country, which becomes known as a centre for the production, manufacture or extraction of a certain product or the provision of a certain service.

Appellation of origin is the geographical appellation of a country, or a city, region or locality in that country, which designates a product or service whose qualities or characteristics are due exclusively or essentially to its geographical environment, including natural and human factors.

Local or indigenous knowledge: all the knowledge from a place or traditional community resulting from intellectual activity and belonging to the tradition there, including know-how, techniques, innovation, practices and expertise. Traditional local knowledge forms part of the lifestyle of a community and is contained in the system of coded knowledge handed down from one generation to another.

Biodiversity: everything that lives in nature, such as plants, trees, insects, fish, animals and micro-organisms. Biodiversity therefore consists of the different species living alongside one another in the same space.

Science: knowledge or system of knowledge encompassing global truths and the functioning of general laws relating to the physical world and the phenomena in it, specially obtained and tested through research, using the scientific method.

Scientific research: all the work systematically done to expand knowledge, including knowledge of human beings, culture and society, together with the use of this knowledge in new applications, with the aim of improving quality of life.

Researcher: staff with the necessary skills and professional ability, engaged in a career of research, working on the design or creation of new knowledge, products, processes, methods and systems and in managing their respective projects.

Innovation: the development of new ideas, products or technology which could result in products or services.

Scientific discoveries and inventions: these include the development of new knowledge and technology as a result of scientific investigation and research.

Research and development (R&D): creative work systematically undertaken to increase our wealth of knowledge, including knowledge of the world we live in, of humanity, culture and society, and the use of this wealth for the invention of new applications.

Technology: the practical application of scientific knowledge, especially in a particular area, such as engineering or agriculture.

ANNEX II: Intellectual Property Action Plan

STRATEGIC AREA I: DISSEMINATING INTELLECTUAL PROPERTY

Goals for 2012	Strategic Goal 1
Results anticipated by 2012	<p>To ensure the adequate dissemination of intellectual property</p> <ul style="list-style-type: none">• An understanding of the fundamental importance of intellectual property by all government sectors, production sectors and civil society in general, to back up the stimulation of economic, cultural, scientific and technological development.• Establishment of an intellectual property information and advisory system for all sectors, to support them in handling the generation, dissemination and transfer of knowledge and technology.
SHORT TERM Actions	<ol style="list-style-type: none">1. Conduct a study on the use of intellectual property in Mozambique and the public perception of its importance, and design a more appropriate dissemination system;2. Set up consultation services offering information and technical assistance on how to obtain, manage, market and safeguard intellectual property rights;3. Introduce an Intellectual Property Day for Mozambique;4. Conduct intellectual property information campaigns, including events (workshops, seminars, talks, conferences, etc.) on intellectual property throughout the country and in all sectors (both public and private);5. Produce and disseminate informative material on intellectual property;6. Produce publications containing intellectual property legislation and annotated versions or interpretative guides to the laws, to facilitate the understanding and handling of IP;7. Produce a specialized review on intellectual property;

8. Create a single portal for information on intellectual property.

MEDIUM TERM Adopt effective mechanisms for demystifying intellectual property, and for
Actions its dissemination and use for the benefit of the whole of society and for the
development of Mozambique

STRATEGIC AREA II: EDUCATION AND INTELLECTUAL PROPERTY

Goals **Strategic Goal 2**
for 2012 Mainstream the teaching of intellectual property, by including IP content at
the different levels of education

Results anticipated by 2012

- Educate creators and innovators about the value of their creations and the opportunity for them to generate wealth using their intellectual efforts.
- Include training on intellectual property in the national education system, with content adapted to suit each level: primary, secondary, vocational technical education and higher education.

SHORT TERM
Actions

1. Introduce teaching on the intellectual property culture and incentives to creativity as early as primary school;
2. Introduce extracurricular activities that stimulate children's creativity;
3. Introduce alternative methodologies for teaching the natural sciences, especially mathematics and physics, in order to create a love of these subjects and in this way create a basic capacity for innovation in the country;
4. Promote science competitions, competitions for inventions, innovation awards, Olympiads, etc.
5. Promote innovation fairs involving all schools.

MEDIUM TERM

Actions

- Introduce intellectual property subject-matter into the vocational training curriculum, to encourage a culture of innovation in trainees and an appreciation of the value of the product generated by them;
- Introduce suitable training programs on intellectual property, adapted to each field, into higher education curriculums.

STRATEGIC AREA III: SCIENTIFIC AND TECHNOLOGICAL RESEARCH**Goals
for 2012****Strategic Goal 3**

Raise awareness among researchers and research institutions about the importance of intellectual property in the appreciation of the fruits of their work

Results anticipated
by 2012

1. Existence of a mechanism to reward the intellectual effort made by the generators of knowledge.
2. Scientific community made aware of the importance of intellectual property.

SHORT TERM

Actions

1. Develop awareness-raising programs on the importance of intellectual property in the promotion of the products of research;
2. Training for researchers, to enable them to make strategic use of intellectual property in promoting their research findings, and awareness-raising on their rights;
3. Set up units to provide information and technical assistance on how to obtain, manage, market and safeguard the intellectual property rights of researchers;
4. Produce and disseminate informative material on intellectual property.

STRATEGIC AREA III: SCIENTIFIC AND TECHNOLOGICAL RESEARCH

Goals for 2012	Strategic Goal 4 Develop policies and programs on intellectual property in scientific research institutes and higher education establishments
Results anticipated by 2012	Creation of basic tools for disseminating and using the intellectual property system to achieve recognition, appreciation, rewards and the safeguarding of the intellectual property rights related to research results.
SHORT TERM Actions	<ol style="list-style-type: none">1. Develop policies and clear regulations on the recognition, ownership, mechanisms for reward and benefit-sharing and the administration and marketing of intellectual property rights in technology and the innovative products it has generated;2. Set up internal structures for promotion, management, marketing, assistance with obtaining intellectual property rights and technology transfer.
MEDIUM TERM Actions	<ol style="list-style-type: none">1. Promote the transfer of the technology generated to the production sector, for a fair reward.

STRATEGIC AREA III: SCIENTIFIC AND TECHNOLOGICAL RESEARCH.

Goals for 2012	Strategic Goal 5 Introduce incentive programs to combat or reduce the flight of scientific researchers, innovators and creators to other countries or sectors
Results anticipated by 2012	Creation of an attractive platform for acknowledging the results produced by scientific researchers, innovators and creators, and rewarding their

inventive effort.

SHORT TERM

Actions

1. The clear definition of intellectual property rights in line with the policies and regulations on intellectual property in education and research institutes;
2. Create a fair system for sharing the benefits resulting from the marketing of research results and the creation of a mechanism for rewarding researchers;
3. Create programs to support researchers in developing the results of their research (such as for the development of prototypes, for example) and marketing them, including legal assistance for drafting and negotiating contracts for the transfer of technology;
4. Create mechanisms to facilitate the application and marketing of research results in the production sector;
5. Develop programs and measures to facilitate the acquisition of intellectual property rights by researchers.

STRATEGIC AREA III: SCIENTIFIC AND TECHNOLOGICAL RESEARCH.

Goals for 2012	Strategic Goal 6 Develop policies and programs on intellectual property in institutes of higher education and research institutes
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Results anticipated by 2012 Having the basic tools necessary for disseminating and using the intellectual property system to achieve recognition, appreciation, rewards and the safeguarding of the intellectual property rights related to research results.

SHORT TERM

1. Develop policies and clear regulations on the recognition, ownership, mechanisms for reward and benefit-sharing and the administration

- Actions and marketing of intellectual property rights in technology and the innovative products it has generated;
2. Set up internal structures for promotion, management, marketing, assistance with obtaining intellectual property rights and technology transfer.
 3. Create enterprises that exploit the research results generated by themselves;
 4. Promote the transfer of the technology generated by the production sector, by means of fair rewards for it.

STRATEGIC AREA III: SCIENTIFIC AND TECHNOLOGICAL RESEARCH.

Goals for 2012	Strategic Goal 7 Introduce incentive programs devoted to scientists in the diaspora, so that they will take part in education and in the scientific and technological development of Mozambique
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Results anticipated by 2012 System of mechanisms and incentive programs to attract Mozambican scientists in the diaspora.

- SHORT TERM**
- Actions
1. Introduce a program of incentives for the transfer of technology managed by the scientists so that it is used in Mozambique, ensuring, for this purpose, full respect for the intellectual property rights relating to this technology;
 2. Introduce mechanisms for technical assistance in negotiating contracts for the transfer of this technology to the country;
 3. Develop alternative compensation packages for the transfer of this

technology to Mozambique;

4. Introduce incentive programs to encourage Mozambican scientists in the diaspora to collaborate on education and scientific research processes and on the technological development of Mozambique.

STRATEGIC AREA III: SCIENTIFIC AND TECHNOLOGICAL RESEARCH.

Goals for 2012	Strategic Goal 8 Incentivize the use of patent information and technological information services
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Results anticipated by 2012 Access to Mozambican and foreign patent databases. National database set up, with access for all users, both Mozambican and foreign.

SHORT TERM

Actions

1. Make the various sources of technological information in the country available, facilitating the consultation of this information in the relevant files and incentivizing its availability via the platforms provided by the new information technology;
2. Set up services and structures for technological information and dissemination, or regional and district libraries to disseminate technological knowledge;
3. Incentivize the introduction of international networks for technological information to Mozambique;
4. Develop free, public training programs on access to technological information platforms for students, researchers and innovators, in particular, and for institutions of higher education and research institutes, in general;
5. Offer incentives for using technological information and adapting it

to meet local needs;

6. Incentivize the training of highly qualified Mozambicans who are specialized in producing and using technological information and who are specialized, in particular, in drawing up patents.

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STRATEGIC AREA IV: INNOVATION AND INDUSTRIAL COMPETITIVENESS

Goals for 2012	Strategic Goal 9
Results anticipated by 2012	Provide support and scientific and technical assistance to innovators Technical assistance for innovators with marketing the results of their creative efforts, in particular in drafting contracts for the transfer of technology, and negotiating these contracts.
SHORT TERM Actions	<ol style="list-style-type: none">1. Incentives for creating associations of innovators which will be able to watch over the interests of their members;2. Introducing structures and mechanisms to support local innovators in the acquisition, protection, management and marketing of intellectual property rights;3. Training and information activities for innovators on the strategic importance of intellectual property in promoting creativity;4. Introducing mechanisms for linking with the production sector to develop prototypes and test and implement the products of innovation;5. Incentives for creating circles of interest at the local level, which will provide working conditions (with their own tools) and pool expertise in such a way as to promote innovative capacity and the transfer of knowledge to the younger generation;6. Fairs, exhibitions and prizes for local innovators prioritizing simple solutions that solve the problems faced by local communities.

MEDIUM TERM	7. Setting up financing systems for local innovators to enable them to develop their ideas.
Actions	

STRATEGIC AREA IV: INNOVATION And INDUSTRIAL COMPETITIVENESS

Goals for 2012	Strategic Goal 10 Promote the strategic use of intellectual property by economic agents
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Results anticipated by 2012	The strategic use of intellectual property by economic agents.
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SHORT TERM	<ol style="list-style-type: none"> 1. Develop concrete training on the mechanisms for creating, acquiring, managing, marketing and safeguarding intellectual property rights; 2. Create incentives for potential users of the system to encourage the strategic use of intellectual property in developing enterprises; 3. Technical assistance for enterprises in setting up internal structures for innovation and for the acquisition, safeguarding and management of the intellectual property rights they have generated.
Actions	

MEDIUM TERM	Set up appropriate public institutions, structures and mechanisms to support entrepreneurs in the acquisition, management, protection and marketing of intellectual property rights.
Actions	

STRATEGIC AREA IV: INNOVATION AND INDUSTRIAL COMPETITIVENESS

Goals for 2012	Strategic Goal 11 Add value to domestic production through the use of different forms of industrial property
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Results anticipated
by 2012

Increasing the competitiveness of Mozambican products with the greatest added value.

SHORT TERM

Actions

1. Identifying the most competitive Mozambican products at the national and international levels and incentivizing the use of marks, appellations of origin and geographical indications to highlight their qualities;
2. Introducing incentives for enterprises and producers' associations to use the system of marks and industrial designs for identifying, distinguishing and disseminating their products and attracting and keeping their customers;
3. Analyzing which typical products have a competitive advantage and incentivizing their identification and appreciation through the use of certification marks, appellations of origin and geographical indications;
4. Supporting the business community in setting up internal research and innovation systems for the ongoing improvement of their technology and the quality of their products; and
5. Promoting an appreciation of Mozambican production and adding value to it through incentives to small processing industries.

STRATEGIC AREA IV: INNOVATION AND INDUSTRIAL COMPETITIVENESS

**Goals
for 2012**

Strategic Goal 12

Prioritize and incentivize local technical solutions

Results anticipated
by 2012

Creation of a system of incentives for the development of simple, inexpensive, local technology.

SHORT TERM

1. Incentivizing innovation, by promoting the development of

Actions	<p>simple technology and safeguarding it by granting utility models;</p> <ol style="list-style-type: none"> Incentivizing the adaptation of the technology to meet specific local needs and the recognition, safeguarding and rewarding of inventors by granting utility models; Holding fairs and competitions on simple, useful technology; Introducing mechanisms to facilitate the acquisition and safeguarding of rights in utility models, and payment for them.
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STRATEGIC AREA IV: INNOVATION AND INDUSTRIAL COMPETITIVENESS

Goals for 2012	Strategic Goal 13 Encourage the development of the district as a basis for incorporating intellectual property into local products
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Results anticipated by 2012	Added value, thanks to the use of marks, appellations of origin and geographical indications for products with characteristics peculiar to each district, new markets conquered and, as a result, greater financial benefits for the population groups involved in this kind of production.
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SHORT TERM Actions	<ol style="list-style-type: none"> Analyzing and registering typical local products and promoting an appreciation of them through the granting of intellectual property rights, in particular certification marks, appellations of origin and geographical indications; Setting up programs to develop a product associated and identified with each district, and promoting its dissemination and protection, certifying it with a local mark or appellation of origin or geographical indication; Incentivizing the setting up of local structures responsible for identifying, industrializing and marketing typical local products
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and encouraging an appreciation of them, using certification marks, appellations of origin and geographical indications to add value to them;

4. Promoting festivals, including typical ones drawing on local traditions, culture and history, linked to fairs for marketing typical local products, including typical local gourmet products, on local menus and tourism routes, safeguarding them and promoting an appreciation of them by identifying them through the use of intellectual property rights, in particular certification marks, appellations of origin and geographical indications;
5. Promoting typical local dress and fashion, adding value to them and promoting their protection through the use of marks and industrial designs or mechanisms for safeguarding folklore;
6. Incentivizing the protection and development of local techniques for local production through industrial secrets and other appropriate industrial property rights;
7. Promoting innovation fairs for agro-industrial, inshore fishing, oil, weaving, gourmet and other typical products and incentivizing the protection of these products through the conventional intellectual property system or traditional knowledge.

STRATEGIC AREA IV: INNOVATION and INDUSTRIAL COMPETITIVENESS

**Goals
for 2012**

Strategic Goal 14

Stimulate the strategic use of intellectual property by small and medium-sized enterprises (SMEs) as a way of incentivizing competitiveness and innovation

Results anticipated
by 2012

Support system for SMEs on intellectual property and innovation

SHORT TERM

Actions

1. Organizing training and information on the strategic importance of using intellectual property to promote innovation and competitiveness in SMEs;
2. Incentivizing interaction between research institutes and SMEs to allow the transfer and application of knowledge to the production sector, thereby promoting innovation;
3. Supporting the parties in negotiating and regulating their relationship, in particular as regards the ownership of rights and sharing any profits from marketing, etc.;
4. Stimulating technology transfer between innovators and SMEs, and among SMEs, through the promotion of and mutual respect for intellectual property rights; and
5. Incentivizing the use of technological information by the SMEs, in particular patents, to boost their capacity for innovation.

STRATEGIC AREA V: TRADITIONAL KNOWLEDGE AND BIODIVERSITY

**Goals
for 2012**

Strategic Goal 15

Disseminating the intellectual property system and raising awareness of it among the holders of traditional knowledge

Results anticipated
by 2012

Use of the intellectual property system by the holders of traditional knowledge.

SHORT TERM

Actions

1. Disseminating the intellectual property system and the mechanism for safeguarding biodiversity in local communities, where necessary and possible using the national/local language;
2. Promoting empowerment and awareness-raising programs on the importance of intellectual property and its positive impact

- on the appreciation of local knowledge;
3. Producing informative material on the intellectual property system, the advantages to its strategic use by project and local communities and the gains arising from this;
 4. Training the relevant people in local communities on the use and strategic management of intellectual property for the benefit of local development;
 5. Introducing training programs on traditional knowledge into curriculums in relevant areas;
 6. Empowering and supporting communities in negotiating with institutions or enterprises prospecting genetic resources and traditional knowledge so as to protect their interests effectively and ensure that they benefit.

MEDIUM TERM

Actions

STRATEGIC AREA V: TRADITIONAL KNOWLEDGE AND BIODIVERSITY

**Goals
for 2012**

Strategic Goal 16

Establish an effective legal framework for promoting and safeguarding genetic resources and traditional knowledge

Results anticipated
by 2012

An effective legal framework for promoting and safeguarding genetic resources and traditional knowledge.

SHORT TERM

Actions

1. Revising, introducing and harmonizing legislation on the safeguarding, preservation and capitalization of genetic resources;
2. Ratifying the relevant international instruments on the safeguarding of genetic resources and traditional knowledge;

3. Encouraging Mozambique's accession to international organizations relevant for safeguarding genetic resources and traditional knowledge;
4. Introducing mechanisms for recognizing and developing the intellectual property rights of individuals and local communities possessing traditional knowledge;
5. Promoting policies and legislation to allow access to and the fair and equitable sharing of the benefits resulting from the exploitation of genetic resources, and the associated traditional knowledge, at the level of local communities.

STRATEGIC AREA V: TRADITIONAL KNOWLEDGE AND BIODIVERSITY

Goals for 2012	Strategic Goal 17
	Encouraging the acquisition and safeguarding of intellectual property rights by local communities
Results anticipated by 2012	Support system for local communities.
SHORT TERM Actions	<ol style="list-style-type: none"> 1. Incentivizing the acquisition of intellectual property rights by local communities and ensuring their protection; 2. Developing model contracts and memorandums of understanding on the exploitation of intellectual property rights that safeguard the interests of local communities and the fair sharing of benefits; 3. Introducing monitoring mechanisms to allow and impose the legal acquisition of traditional knowledge; 4. Where genetic resources or traditional knowledge are used, making it a duty to reveal their source in order to obtain

intellectual property rights.

STRATEGIC AREA V: TRADITIONAL KNOWLEDGE AND BIODIVERSITY

Goals for 2012	Strategic Goal 18 Draw up and implement a National Research and Innovation Agenda for the sustainable use of Mozambique's genetic biodiversity resources and associated traditional knowledge
Results anticipated by 2012	Greater knowledge and better use of our biodiversity resources and associated traditional knowledge, with increased financial benefits to communities.
SHORT TERM Actions	<ol style="list-style-type: none">1. Stock-taking and the registration and localization of genetic resources;2. Promoting research in the field of genetic resources and associated traditional knowledge;3. Promoting research into and the dissemination of results deriving from traditional knowledge;4. Setting aside fields for the multiplication of plants to prevent their extinction and ensure their preservation and use for a long time to come;5. Creating sacred spaces to be used as training centers in which traditional knowledge can be learned and handed down between generations;6. Incentivizing collaboration between the holders of traditional knowledge and researchers and industry, to allow natural products to be transformed into more effective products of higher quality;7. Including holders of traditional knowledge in research teams;8. Regulating the process of selling the products resulting from

traditional knowledge, and creating their own spaces for them, with specialized, qualified staff;

9. Regulating access to medicinal plants and safeguarding species in danger of extinction; and
10. Setting up Traditional Medicine Centers with a view to promoting rational, monitored, regulated use and promoting interactions between traditional and conventional medicine.

STRATEGIC AREA VI: CREATIVITY AND THE DEVELOPMENT OF THE CULTURAL INDUSTRY

Goals for 2012	Strategic Goal 19
	Stimulate creativity among authors and performers

Results anticipated by 2012

Incentives and support for the development of artistic creation.

SHORT TERM

Actions

1. Support for the development in Mozambique of schools of art and technical colleges which will allow specific training in techniques and styles in literature, dance, music, sculpture, crafts and design;
2. Competitions, fairs and exhibitions to disseminate cultural products;
3. Support for authors and artists in the acquisition, management, negotiation, marketing and safeguarding of intellectual property rights;
4. Empowering authors' and artists' associations to provide technical assistance to their members in exploiting their works economically;
5. Promoting mechanisms that ensure authors and artists receive a fair reward for the works they have created.

**STRATEGIC AREA VI: CREATIVITY AND THE DEVELOPMENT OF
THE CULTURAL INDUSTRY**

Goals for 2012	Strategic Goal 20 Strengthen and expand the collective management system for copyright and related rights
Results anticipated by 2012	The collective management system extended to the whole country.
SHORT TERM Actions	<ol style="list-style-type: none">1. Consolidating the existing collective management society and enabling it to be active in all potential areas;2. Incentivizing the setting up of other collective management societies in areas where they are shown to be urgently needed;3. Activities to promote collective management societies so that all Mozambican authors and artists benefit from their services;4. Extending their services to all parts of the country;5. Encouraging Mozambican collective management societies to join and play an active part in regional and international organizations for the collective management of copyright;6. Ratifying any international instruments that may facilitate the smooth running of the system in Mozambique;7. Introducing relevant regulations and legislation to enable them to operate in Mozambique;8. Improving the system for managing collective management societies and equipping them with the means and resources they need for operating;9. Extending the system for the collection of revenue to all relevant places.

STRATEGIC AREA VI: CREATIVITY AND THE DEVELOPMENT OF THE CULTURAL INDUSTRY

Goals for 2012	Strategic Goal 21
Results anticipated by 2012	Optimize and promote Mozambique's cultural industry Existence of mechanisms to promote the cultural industry and protect creators' rights.
SHORT TERM Actions	<ol style="list-style-type: none">1. Establishing clear regulations promoting the encouragement of the cultural industry;2. Introducing mechanisms to ensure the acquisition, management, marketing and safeguarding of the intellectual property rights inherent in cultural products;3. Establishing an efficient system to combat the infringement of intellectual property rights, in particular through the practices of piracy and unfair competition;4. Developing an incentive system that will boost the development of the cultural industry;5. Incentivize the use of new technology in order to improve the quality of cultural products;6. Developing programs and incentives to encourage the export of cultural products;7. Introducing the International Standard Book Number(ISBN) system.

STRATEGIC AREA VII: MANAGING THE INTELLECTUAL PROPERTY SYSTEM

Goals for 2012	Strategic Goal 22
	Introduce inter-institutional mechanisms to coordinate and harmonize policies and legislation on intellectual property

Results anticipated
by 2012

Existence of inter-institutional mechanisms for coordinating and harmonizing policies and legislation on intellectual property.

SHORT TERM

Actions

1. Setting up an interministerial commission to draft and harmonize legislation and policies on intellectual property;
2. Introducing consultation mechanisms and forums for discussion between the institutions administering IP, the judiciary, scientific research institutes, higher education institutes, the private sector, official IP agents, associations of innovators and artists, NGOs and civil society, with a view to creating a space for dialogue between these players and then monitoring and assessing the level of implementation of the IP strategy, canvassing different views on the implementation of the strategy, policies and legislation on IP;
3. Setting up an inter-sectoral commission to promote activities to combat infringement and piracy.

STRATEGIC AREA VII: MANAGING THE INTELLECTUAL PROPERTY SYSTEM

**Goals
for 2012**

Strategic Goal 23

Ensure institutional capacity-building and the training of staff in intellectual property management institutes

Results anticipated
by 2012

More highly skilled intellectual property management institutes, with better-trained staff.

SHORT TERM

Actions

1. Training staff in the intellectual property management institutes on the procedures for granting, safeguarding, managing and marketing intellectual property rights;
2. Awarding study grants for the training of staff in intellectual property management institutes on these matters, at post-graduate, master's and doctoral level;

3. Setting up infrastructure for the smooth running of intellectual property management institutes ;
4. Introducing new technology into the running of intellectual property management institutes;
5. Encouraging increased autonomy in intellectual property management institutes;
6. Extending the activities of the intellectual property management institutes to the whole country;
7. Using the services of IP management institutes and making them available with the help of the new information technology;
8. Improving the system for managing intellectual property.

STRATEGIC AREA VII: MANAGING THE INTELLECTUAL PROPERTY SYSTEM

Goals for 2012	Strategic Goal 24 Adapt legal and coordination mechanisms to respond effectively in the fight against infringement and piracy
Results anticipated by 2012	Legal and coordination mechanisms for responding effectively in the fight against infringement and piracy
SHORT TERM Actions	<ol style="list-style-type: none"> 1. Adapting legislation by specifying heavy sanctions for infringements of intellectual property rights; 2. Setting up an interministerial body to coordinate activities to combat infringement and piracy; 3. Setting up a forum for linking with the private sector and civil society, one that will act as a platform for drawing up and harmonizing the policies, legislation and concrete actions needed to combat infringement and piracy; 4. Training and awareness-raising on infringement and piracy,

aimed at the entrepreneurial sector;

5. Carrying out an in-depth study of the incidence of infringement and piracy in the domestic economy and effective mechanisms for combating them;
6. Training staff involved in combating infringement and piracy, in particular technical staff in customs, the police and financial inspections;
7. Stimulating collaboration between the private sector and bodies specialized in combating infringement and piracy.

STRATEGIC AREA VII: MANAGING THE INTELLECTUAL PROPERTY SYSTEM

Goals for 2012	Strategic Goal 25
Results anticipated by 2012	The safeguarding of intellectual property rights
SHORT TERM Actions	<ol style="list-style-type: none">1. Raising awareness in the judicial system and among law enforcement agents on the importance of intellectual property and of safeguarding it;2. Training for bodies upholding intellectual property rights;3. Setting up a single judicial unit specializing in intellectual property, to ensure that disputes in this area are settled competently, vigorously and swiftly;4. Setting up specialized units or sections in the official bodies enforcing intellectual property rights, such as the police and customs, to deal with these issues;5. Introducing mechanisms to enable the relevant official bodies to link up and coordinate their work to combat the infringement of intellectual property rights.

