

[Emblem of Mozambique]

REPUBLIC OF MOZAMBIQUE

**REGULATION ON THE CRITERIA FOR GRANTING
THE RIGHT TO USE THE
“Orgulho Moçambicano. Made in Mozambique”¹ MARK**

**SECTION I
GENERAL PROVISIONS**

**Article 1
(Definitions)**

For the purposes of the application of this Regulation:

- a) *Orgulho Moçambicano. Made in Mozambique* means a registered mark, displayed by products and services.
- b) *Enterprise governed by Mozambican law* means an organization of factors for the production or marketing of goods and services, duly constituted and registered pursuant to the commercial and other legislation currently in force in the Republic of Mozambique.
- c) *Certificate* means a document proving the right to use the “Orgulho Moçambicano. Made in Mozambique” mark issued by UTPPRON.
- d) *UTPPRON* means Technical Unit for the Promotion of Mozambican Products [Unidade Técnica para Promoção dos Produtos Nacionais].
- e) *Founding Members* means the nucleus of public and private bodies that launched and supported the “Made in Mozambique” campaign.

¹ Translator’s Note: *Orgulho Moçambicano* = Mozambican Pride.

- f) *Applicant bodies* means enterprises, associations of enterprises, groups, cooperatives and public or private institutions that have applied to be granted the right to use the “Orgulho Moçambicano. Made in Mozambique” mark.
- g) *User of the mark* means an applicant body that has been granted the right to use the “Orgulho Moçambicano. Made in Mozambique” mark.

Article 2

(Purpose and scope of application)

The purpose of this Regulation is to establish the legal regime applicable to enterprises, associations of enterprises, groups, cooperatives and public and private institutions in relation to the right to use the “Orgulho Moçambicano. Made in Mozambique” mark.

Article 3

(Registration of the mark)

The “Orgulho Moçambicano. Made in Mozambique” sign is a mixed mark registered in Mozambique as the property of the Mozambican State.

Article 4

(Description of the mark)

The mark’s graphic representation, appended to this Regulation, is composed of the phrases “Orgulho Moçambicano. Made in Mozambique” in the shape of a circle, open at two ends, with a map of Mozambique in the middle and bordered by the colors of the national flag.

Article 5

(Members)

1. Those who acquire the “Orgulho Moçambicano. Made in Mozambique” mark shall be regarded as members.
2. Members who have supported and financed the launching of the “Made in Mozambique” campaign shall be granted the status of “Founding Members”.
3. Founding Members shall be entitled, *inter alia*:
 - a) to be consulted on matters relating to the promotion of Mozambican products;
 - b) take part in the organizing and running of fairs to promote Mozambican products.

SECTION II

PROCESS

Article 6 **(Eligibility)**

Those eligible to use the “Orgulho Moçambicano. Made in Mozambique” mark shall be enterprises, associations of enterprises, groups, cooperatives and public and private institutions that cumulatively satisfy the general and particular requirements set out in the following Articles, without prejudice to the observance of other requirements enshrined in other regulations, both general and particular, currently in force, which may be applicable to them.

Article 7 **(General requirements)**

The following general eligibility requirements shall apply to the bodies referred to in Articles 2 and 6 of this Regulation:

- a) They must have been set up under Mozambican law;
- b) They must comply with the labor legislation currently in force in the Republic of Mozambique;
- c) They must comply with the regulations currently in force in this country on hygiene, public health, plant and animal health, and the environment;
- d) They must show that they have duly paid their tax and social security contributions to the relevant institutions, in particular the Tax Authorities and the National Social Security Institute;
- e) They must comply with the legal requirements stipulated for carrying on their business, in particular as regards licensing;
- f) They must produce and market products and services that are suited to the target markets.

Article 8 **(Particular requirements)**

1. The following are particular requirements relating to the conditions that must be fulfilled by food products placed in circulation for sale to the public:
 - a) Their packaging must display use-by dates, chemical composition and ingredients;
 - b) Where applicable, they must possess certificates showing that they have undergone laboratory tests conducted by competent authorities;

- c) They must have labels duly approved by the competent national body.
2. The following are specific requirements for industrial products:
 - a) During processing, their value must have increased by at least 20%;
 - b) In the Tariff Schedule they must be classified differently from the raw material from which they are derived.
3. The following are specific requirements for fisheries and agricultural products:
 - a) They must be in a good state of preservation;
 - b) They must fulfill the other quality requirements set out in Specific Regulations.
4. Respect for the specific rules laid down for carrying out the type of activity, and adapted to the target markets, is a particular requirement in relation to services provided for consumers.

Article 9
(Procedures)

1. When applying to be granted the right to use the “Orgulho Moçambicano. Made in Mozambique” mark, applicant bodies must fill out a specially designed form and submit it to UTPPRON.
2. Applicant bodies situated in the provinces must submit the form referred to in the preceding paragraph to the Provincial Industry and Commerce Directorates, where they must be duly examined and forwarded to UTPPRON.

Article 10
(Examination of applications)

1. The form referred to in the preceding paragraph must be accompanied by the following documents:
 - a) A copy of the Code of Ethics, or its equivalent, relating to the exercise of the activity in question;
 - b) A certificate of acquittance showing that taxes have been duly paid;
 - c) A certificate showing that social security contributions have been duly paid to the National Social Security Institute;
 - d) Up-to-date proof salary payments;
 - e) Laboratory test certificates for the products, where applicable.
2. In cases where this proves necessary, UTPPRON may request applicant bodies to supply further information.

Article 11

(Initial inspection)

As part of the process of analyzing an application to be granted the right to use the mark, applicant bodies shall undergo an initial inspection at their premises by a multisectoral technical team composed of representatives of the following official bodies:

- a) Technical Unit for the Promotion of Mozambican Products;
- b) National Institute for Standardization and Quality;
- c) Industrial Property Institute;
- d) Institute for the Promotion of Exports;
- e) And others depending on the subject in question.

Article 12

(Decision-making process)

1. Applications to be granted the right to use the mark shall be analyzed and decided on within 30 (thirty) days of the date of the examination of the application.
2. The decision shall be backed up by reports on the technical visit, and any other steps deemed necessary in relation to the applicants carried out by the multisectoral technical team referred to in the preceding Article.
3. Once the conditions and requirements laid down in this Regulation have been verified, the Director of UTPPRON shall issue a formal order of grant or refusal.
4. The applicant body shall be notified immediately of the order referred to in the preceding paragraph.
5. Once the order to grant has been officially drawn up, UTPPRON shall issue the applicant body with a certificate proving the right to use the mark, which shall be delivered at a public ceremony.
6. The certificate referred to in the preceding paragraph of this Article, a model of which is appended to this Regulation, shall be approved by Order of the Minister for Industry and Commerce.
7. UTPPRON shall inform the official consumer protection bodies of the orders of grant issued and shall publish them in the periodical newsletter of the Ministry of Industry and Commerce.

Article 13

(Term)

The term of the right to use the mark shall be a period of five years from the date on which it was granted, and it may be renewed for the same period at the express request of the party concerned.

Article 14
(Agreement)

The order granting the right to use the “Orgulho Moçambicano. Made in Mozambique” mark, issued to the applicant bodies, shall entail the signing of an agreement, between them and UTPPRON, in which the remaining conditions for using the mark, and the parties’ consideration, shall be stipulated.

Article 15
(Benefits)

Applicant bodies who have been granted the right to use the “Orgulho Moçambicano. Made in Mozambique” mark shall be entitled to the following benefits:

- a) They shall be involved in “Orgulho Moçambicano. Made in Mozambique” promotion campaigns;
- b) They shall be given priority in qualifying for training programs on competitiveness and quality financed or approved by the State of Mozambique;
- c) They shall receive preferential treatment in accessing implementation programs on quality management systems financed (whether directly or indirectly), promoted or approved by the State of Mozambique;
- d) They shall benefit from the distinction conferred by the “Orgulho Moçambicano. Made in Mozambique” mark in open tendering procedures and tender specifications, for the provision of goods and services to the State, on presentation of the Certificate;
- e) Technical assistance in registering industrial rights with the Industrial Property Institute.

Article 16
(Occasional events)

1. The “Orgulho Moçambicano. Made in Mozambique” mark may also be granted to applicants who intend to use it merely at occasional events, including commercial, cultural and entertainment events.
2. For the purposes of the provisions contained in the preceding paragraph of this Article, applicants shall submit a request to UTPPRON indicating the following:
 - a) The date of the event;

- b) The goal or purpose of the event;
 - c) The venue for the event;
 - d) The duration of the event;
 - e) Other information considered relevant.
3. The grant of the right to use the mark shall be for the duration of the event.
 4. The provisions of Article 10 of this Regulation shall apply, *mutatis mutandis*.
 5. Provincial Directors shall be empowered to grant or refuse the right to use the mark at occasional events to be held in their respective provinces.
 6. Applicant bodies to whom the right to use the mark has been granted, for occasional events, must publicize the “Orgulho Moçambicano. Made in Mozambique ”mark during the event in promotional material.

Article 17

(Certificate of Merit)

Applicant bodies who market or provide a high volume of products or services in accordance with conditions and criteria stipulated by UTPRRON, with the “Orgulho Moçambicano. Made in Mozambique” mark, shall be awarded a Certificate of Merit.

SECTION III

THE RIGHT TO USE THE MARK

Article 18

(Principle)

The use of the “Orgulho Moçambicano. Made in Mozambique” mark must comply with the general principle enshrined in the Industrial Property Code and other commercial legislation currently in force in the Republic of Mozambique, on distinctive commercial signs.

Article 19

(Duties of the user of the mark)

Without prejudice to the provisions contained in the preceding Article, an applicant who has been granted the right to use the mark shall be bound by the following duties:

- a) To use the mark properly and honestly, so as not to mislead the public, in particular with regard to the nature, quality or geographical origin of products or services;
- b) To present the Certificate of Use in applications for the manufacture of packaging, in advertising and publicity and in the other activities for which it is necessary to show the certificate;
- c) Not to grant or assign the right to use the mark to third parties, save where authorized by UTPPRON;
- d) To provide any information on the use of the mark that may be requested of them by the relevant authorities;
- e) To give adequate notice of any alterations they may be intending to make to their production process;
- f) To allow the specialists responsible for inspection free access during working hours.

Article 20

(Monitoring the use of the mark)

1. Once the right to use the mark has been granted, its users must allow the technical team referred to in Article 10 of this Regulation to conduct visits to monitor the use of the mark.
2. Where a user ceases to use the mark for a period of more than one year, UTPPRON must be informed of this fact within 30 days following the year in which the mark has ceased to be used .

Article 21

(Lapse of the right to use the mark)

Where the holder of the right to use the mark does not apply for a renewal, said right shall lapse once the period of validity has expired.

Article 22

(Infringement)

Without prejudice to others, the following shall constitute an infringement of the grant of the right to use the mark:

- a) The production, marketing or promotion of products or services contrary to the rules laid down in this Regulation or the legislation currently in force;
- b) The use of the mark without previous authorization from UTPPRON;
- c) The use of the mark on non-authorized products or services;

- d) Giving false information, or failing to give information, when requested by the relevant authorities;
- e) Granting or assigning the right to use the mark to third parties without prior authorization from UTPPRON;
- f) Failure to present the Certificate in the context of labeling, where required;
- g) Preventing the technical team from having free access during their monitoring of the use of the mark.

Article 23

(Penalties)

Without prejudice to the penalties provided in the Industrial Property Code, where the use of the mark shows a failure to comply with the provisions of this Regulation the grant may be suspended or revoked, depending on the seriousness of the infringement.

SECTION IV

FINAL PROVISIONS

Article 24

(Omissions and Doubts)

Any doubts or omissions arising from the interpretation or application of this Regulation shall be dealt with in an Order of the Minister for Industry and Commerce.