

## The importance of submitting documents in Portuguese

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Numerous requests have been made for the need to attach all relevant documents in Portuguese to the applications for registration of various types of Industrial Property Rights, particularly with regard to Patent Registrations. To avoid possible misunderstandings, we consider it of utmost importance to clarify the nature of this requirement as this will prove of great assistance to future applicants.

Section 11 (1) of the Mozambique Industrial Property Code (hereinafter called CPIM) provides that: "Applications should be written in Portuguese or if they are submitted in a language other than Portuguese it should be accompanied by an official translation from such language into Portuguese". This procedure needs to be followed to ensure CPIM is in accordance with the fundamental law of the country; the Constitution of the Republic, which states in Section 10 that Portuguese is the Official Language of the Country, and is therefore the Language of the Administration.

In applications for Patent Registrations the application form is to be completed in Portuguese, however, it is also a requirement that the summary, description and claims be submitted in Portuguese. Section 62 of the CPIM provides the applicant with a 90-day grace period from the filing date to obtain a translation of the documents into the Country's Official Language.

This language requirement is also found with the registration of Regional Patents and same is twofold:

- Applications submitted at the Industrial Property Institute (hereinafter "IPI") is to be submitted in English together with an official translation in Portuguese, as is prescribed by Section 75 (2) of the CPIM.
- When a patent is successfully registered by the African Regional Industrial Property Organisation (hereinafter "ARIPO") and the application was not submitted in Mozambique it is important to submit a Portuguese translation of the booklet to the IPI in order for the patent right to be recognised within Mozambique, this is stated in Section 75 of the CPIM.

It is clear that the submission of a translation into Portuguese is an indispensable requirement in Patent Registrations in Mozambique and in ensuring that Regional Patents produce the necessary and desirable effects.