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Digital Regulations in the Metaverse Era

# MOZAMBIQUE

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# Data

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## **Q 1. Are there any data (personal and non-personal) policies, strategies or regulations applicable to the metaverse in your region/country?**

Mozambique does not currently have a legal framework for data protection, both within the context of the metaverse and more generally.

Despite being a signatory to the African Union Convention on Cybersecurity and Data Protection, formalised through Resolution 5/2019, Mozambique has yet to enact specific legislation addressing data protection. This convention outlines various obligations and guidelines for implementing policies regarding the protection of personal data.

However, data protection principles and general rules can be inferred from various legal sources. These include, among other provisions within the Constitution of the Republic of Mozambique, the Civil Code (Decree Law 47344), the Labour Code (Law 6/2019) and the Electronic Transactions Law (Law 3/2017). Notably, the rules within the Labour Code and Electronic Transactions Law are sector specific, limiting their scope of application.

Additionally, the National Institute for Information and Communication Technologies (INTIC), the primary administrative entity in Mozambique overseeing the information and communications sector, has been engaged in the drafting process for a national data protection law. However, a draft is not yet available.

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## **Q 2. How are the various personal and non-personal data associated with the metaverse (eg, the data of users, devices third parties and avatars, such as personally identifiable information (PII), synthetic and inferred data, etc) protected in your region/country?**

Mozambique does not currently have a legal framework for data protection, both within the context of the metaverse and more generally.

Nonetheless, the Electronic Transactions Law, which pertains to transactions and payments associated with goods and services within the metaverse, contains certain provisions related to data protection. These provisions encompass fundamental principles of data protection and establish the responsibilities of data controllers.

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## **Q 3. What are the different stakeholders involved in the data value chain in regard to the metaverse and, in the case of personal data, what are their roles in regard to data protection? How are their activities regulated under regional/national policies, strategies or regulations?**

Mozambique does not currently have a legal framework for data protection, both within the context of the metaverse and more generally.

Nonetheless, the Electronic Transactions Law addresses data processors in the context of transactions and payments within the metaverse, using the term interchangeably with data controllers. It defines processors as individuals or legal entities, whether private or public, engaged in data processing activities. These processors bear the responsibility for data

processing and are subject to various obligations and principles. Within this framework, certain platform operators and third-party service providers could be classified as data controllers, given their involvement in data processing activities.

Furthermore, users within the metaverse are recognised as data subjects, who are afforded certain rights and protections dispersed throughout the legal system.

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**Q 4. In relation to personal data: what are the data protection principles (eg, transparency) applicable to the metaverse? What are the most common types of infringement of data protection principles in regard to the metaverse (eg, data minimisation) in your region/country? What sanctions (civil, criminal, administrative) may apply? Is there any case law or are there any decisions by a regulator regarding infringements of the data protection principles in your region/country?**

Mozambique does not currently have a legal framework for data protection, both within the context of the metaverse and more generally. However, data protections principles are found in several legal instruments. These principles include:

- *the protection of private life* – enshrined in the Constitution of the Republic of Mozambique and the Civil Code, protecting citizens' right to privacy, honour, reputation, public image and privacy of their private lives. The Civil Code recognises fundamental rights of personality, including privacy protection, with varying levels of protection depending on the circumstances;
- *the principle of access to data* – present in the constitution, granting data subjects the right to request access to their data;
- *the principle of accuracy* – also within the constitution, acknowledging data subjects' right to have their data rectified;
- *the principle of transparency* – found exclusively in the Electronic Transactions Law, within its material scope, obligating that individuals must be informed about processing terms. However, specific requirements on transparency concerning implementation are not defined;
- *the principle of confidentiality* – mandates that data processors ensure data confidentiality through appropriate organisational and technical measures, preventing third-party access. Specific measures for ensuring confidentiality are lacking, although Decree Law 67/2017 on e-government data interoperability reaffirms this principle in regard to data sharing between public entities; and
- *the principle of purpose limitation* – the Electronic Transactions Law stipulates that data collection should serve specific, clearly defined purposes communicated to data subjects. Data repurposing is only permissible if it aligns with the original intent of the data collection.

**Q 5. In relation to non-personal data: how is data sharing/licensing regulated in your region/country? Is data ownership recognised? How is proprietary information, including any rights to datasets regulated in your country/region? What are the most common types of infringement of these rules in regard to the metaverse (eg, unlawful use of proprietary information) in your region/country? What sanctions (civil, criminal, administrative) may apply? Is there any case law or are there any decisions by a regulator regarding infringements of these rules in your region/country?**

Mozambique does not currently have a legal framework for data protection, both within the context of the metaverse and more generally. Nonetheless, some provisions contained within the current legal framework may be relevant, on a case-by-case basis, applicable to matters related to data sharing/licensing and ownership.

Data ownership is not explicitly recognised in Mozambique, as information is not protected by a property right. However, data may be subject to other types of rights or interests, such as intellectual property rights and contractual rights. Databases and datasets appear to be protected under the Mozambican Copyright and Related Rights Law (Law 9/2022).

Moreover, non-personal data may be protected as a trade secret under the Law of Information (Law 34/2014). Violations of trade secrets through illicit access are subject to criminal sanctions under Mozambique's Criminal Code.

Lastly, the Mozambican Interoperability Law (Decree 67/2017) sets forth a framework for data sharing and interoperability among public entities, as well as between public and private entities in the context of public procurement or other contractual relationships. This legislation encompasses a range of fundamental principles and standards aimed at ensuring the security and protection of all parties involved, including the fundamental rights of citizens and residents.

There is no case law or any decisions by a regulator regarding infringements of these rules.

**Q 6. Are there any policies, strategies or regulations applicable to digital marketing in the metaverse in your region/country? What sanctions (civil, criminal, administrative) may apply? Is there any case law or are there any decisions by a regulator regarding infringements of the digital marketing rules in your region/country?**

Mozambique does not currently have a legal framework for digital marketing in the metaverse. Nonetheless, the Electronic Transactions Law includes some provisions on digital marketing.

Individuals are banned from sending unsolicited communications for direct marketing purposes unless the recipient has previously notified the sender and given consent. However, individuals may send marketing messages if they have obtained the recipient's contact details during a sale or negotiation, provided that the direct marketing pertains to similar products or services. It is also forbidden to send marketing messages with a false sender identity or without providing a valid address for terminating the communication. Moreover, any agreement initiated through unsolicited communication, where there is no response, cannot be considered concluded.

Data messaging must include a cost-free unsubscribe option, and organisations, as well as individuals conducting data message marketing, are required to consult regularly and respect the opt-out requests of individuals who do not wish to receive future communications. Additionally, the identity details of the organisation and any individual involved in data message marketing should be provided.

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**Q 7. Are there any policies, strategies or regulations in your region/country focused on ensuring the protection of the data of minors? What is the age of consent for data protection purposes? Is it necessary to verify the consent provided by a responsible adult?**

Mozambique's legal framework does not contain specific provisions addressing the protection of minors' personal data.

Consequently, with regard to data protection issues, the age of consent is regulated by the overarching legal framework, which dictates that only individuals aged 21 or above can exercise their rights under the law. However, there are exceptions: minors may engage in legal transactions concerning their daily life, within their natural capacity, and involving minimal expenses or property dispositions. Nonetheless, any contractual or legal relationship entered into by a minor is subject to annulment.

Moreover, there are currently no legal provisions mandating the verification of consent to data processing provided by responsible adults.

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**Q 8. How are 'international data transfers' regulated in your region/country? Is there any case law or are there any decisions by a regulator regarding infringements of these rules in your region/country?**

Mozambique does not currently have a legal framework for data protection, both within the context of the metaverse and more generally.

Nonetheless, the Electronic Transactions Law incorporates specific provisions that regulate the sharing of or access to data by third parties, governing data transfers to foreign institutions or services. These regulations restrict such transfers unless they are mandated by a different law or a court order. Consequently, these provisions constrain transfers between parties within Mozambique, also extending their impact to interactions with third parties located abroad.

It is important to note that international data transfers under the control of the same data controller are exempt from these legal constraints.

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**Q 9. How is automated decision-making regulated in your region/country? Is there any case law or are there any decisions by a regulator regarding infringements of the rules applicable to automated decision-making in your region/country?**

Mozambique does not currently have a legal framework for data protection, including automated decision-making, both within the context of the metaverse and more generally.

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**Q 10. What rights are granted to individuals for protecting their rights in the metaverse and how can they be exercised? What is the level of enforcement based on private claims in your region/country?**

Mozambique does not currently have a legal framework for data protection, both within the context of the metaverse and more generally. However, data protections principles and some rights for individuals are found in several legal instruments.

The Electronic Transactions Law, although focused on specific sectors, does contain provisions regarding data subject rights within the scope of data processing activities. Individuals possess the following rights:

- to obtain confirmation from a data controller about whether they hold data concerning them;
- to be informed about their data within a reasonable period, for a fee;
- to receive adequate justification in case of refusal of their requests made in accordance with the aforementioned rights;
- to object to data processing concerning them and, if accepted, to have their data removed, rectified, completed or altered; and
- these rights may be exercised against the data controller, who bears responsibility, if they fail to comply with them lawfully.

However, many other provisions concerning data protection within Mozambique's legal system lack proper means and procedural mechanisms for the exercise of these rights.



## 11. Are there any upcoming policies, strategies or regulations that will impact the use of data in the metaverse?

While there are currently no announced or upcoming policies, strategies or regulations specifically addressing data use within the metaverse in Mozambique, there are some notable developments in the realm of data protection, which may encompass virtual environments.

Mozambique's authorities have reiterated their commitment to establishing a comprehensive legal framework for data protection, aiming to align the country's rules with its counterparts in the African Union, since ratifying the African Union Convention on Cyber Security and Personal Data Protection.

The country's 2019 – 2028 Strategic Plan for Information Society and the operational plan outlined in Resolution 52/2019 set the objective of creating and implementing a national data protection law, with some initiatives to this effect already brought about by the INTIC between 2020 and 2023. These efforts have included consultations with national data protection authorities from Portuguese, Brazilian and other Portuguese-speaking African countries to align Mozambique with the best practices in these jurisdictions. Nonetheless, there is still no specified date for the publication of the draft law.

# Cybersecurity

## 1. Are there any cybersecurity policies, strategies and regulations applicable to the metaverse in your region/country?

There are no specific policies, strategies or regulations addressing cybersecurity within the metaverse in Mozambique.

However, there are various strategies and regulations addressing cybersecurity, aimed at bolstering cybersecurity more generally, fostering the safe implementation of new technologies and safeguarding critical infrastructure by adopting robust security standards.

In 2017, Resolution 17/2017 introduced the policy for information society, laying the groundwork for cybersecurity initiatives. During the same year, Mozambique drafted a National Cybersecurity Strategy (2017–2021), outlining numerous actions and plans. Subsequently, Mozambique ratified the African Union Convention on Cyber Security and Personal Data Protection, prompting the preparation and announcement of a new strategic plan.

The 2019–2028 Strategic Plan for Information Society and the operational plan, endorsed in Resolution 52/2019, set goals for enhancing public administration and updating the legal framework, many of which have already seen success.

Decree 69/2021 approved a national cybersecurity policy and strategy. Additionally, a draft proposal for a law on cybercrime has been prepared and submitted for final review by the Office of the Republic of Mozambique's Attorney General.

In April 2023, Mozambique successfully launched a Computer Security Incident Response Team (CSIRT), with several cooperating partners in neighbouring countries.

Additionally, the Electronic Transactions Law imposes various cybersecurity-related obligations on payment processors and other entities using information communication technologies in their commercial activities, including risk assessments, procurement certification and the use of secure technologies.

Moreover, Decree 59/2023 regarding intermediary service providers, including platform operators, includes provisions on cybersecurity measures for these service providers.

Finally, the final draft of a law on cybersecurity was proposed in September 2023, further emphasising Mozambique's commitment to bolstering the country's cybersecurity measures. The draft law has not yet been approved.

## 2. What are the security-by-design (physical and digital interfaces) principles applicable to the metaverse in your region/country?

There are no specific policies, strategies or regulations addressing cybersecurity within the metaverse in Mozambique. Nonetheless, there are some relevant cybersecurity provisions and principles included in the existing legal framework.

The Electronic Transactions Law imposes a general obligation to protect data against risks, holding data processors responsible for the data in their care. However, it does not specify particular measures to be adopted or a criteria for identifying risks.

Furthermore, the Regulation for the Security of Telecommunication Networks (Decree 66/2019) delineates procedures related to implementing technical measures aimed at ensuring the security and protection of network and telecom infrastructure. Network and telecom service providers are mandated to safeguard the privacy of personal data during processing and to implement measures to prevent unauthorised disclosure, access or use of such data by third parties. Additionally, they must adopt suitable technical and organisational measures to ensure network integrity and mitigate potential risks.

In addition, the Central Bank of Mozambique has issued guidelines on cybersecurity and cyber risks, although they have limited relevance for digital platforms and the metaverse. Nonetheless, they are essential considerations, particularly



for financial institutions and payment service providers. These guidelines offer advice on the technical implementation of cybersecurity measures and outline how these measures may be monitored and assessed practically by the central bank. Furthermore, the Central Bank of Mozambique has provided a model cyber incident report for use by the relevant institutions to report cyber incidents.

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### **Q 3. Have there been any cyber incidents concerning the metaverse in your region/country? How do the applicable policies, strategies or regulations deal with cyber incidents? What sanctions (civil, criminal, administrative) may apply? Is there any case law or are there any decisions by a regulator regarding cyber incidents in your region/country?**

There have been no reported cyber incidents in regard to the metaverse in Mozambique.

Nonetheless, there are some relevant cybersecurity provisions and principles within the existing legal framework.

Although Mozambique does not have a specific cybercrime law, provisions on cybercrime are present in both the Electronic Transactions Law and the Criminal Code (Law 24/2019). The Criminal Code includes a section dedicated to computer fraud and related offences, with additional relevant provisions scattered throughout.

The Criminal Code criminalises various actions, including:

- computer fraud;
- data interference;
- systems interference;
- the misuse of devices;
- illicit (or illegitimate) access to computer systems; and
- the creation of computer programs and other tools for the purpose of e-payment fraud.

The penalties for these offences vary, with computer fraud carrying a sentence of one to two years imprisonment and a fine, or up to eight years in prison if the offence involves aggravated circumstances. Other offences may be subject to one to two years imprisonment and a fine. The creation of computer systems for e-payment fraud incurs harsher penalties, ranging from one to three years imprisonment.

Furthermore, the Electronic Transactions Law includes offences applicable to certain types of cybercrime, such as illegal access to computers or networks, the interception of private data transmission, and intentional interference with computer systems resulting in data loss, elimination or diversion. The perpetrators of these crimes may face fines ranging from 40 to 90 times the minimum wage in the public sector.

The Electronic Transactions Law stipulates fines for violations of numerous provisions, including illegal access to computer systems, unauthorised interception of data, data tampering, misuse of systems, violation of security measures, and breaches of cryptographic measures. Mozambique has a CSIRT, launched in April 2023, which can provide support and assistance in such cases.

There is no available case law regarding the applicability of these provisions.

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### **Q 4. Are there any cybersecurity standards in your region/country specifically applicable to the metaverse? What are the main obligations?**

There are no specific cybersecurity standards applicable within the context of the metaverse or more generally in Mozambique.

Nonetheless, there are some relevant cybersecurity norms and principles within the existing legal framework.



The Regulation for the Registration and Licensing of Electronic Service Intermediaries and Digital Platform Operators (Decree 59/2023) introduces various provisions aimed at establishing standardised institutional and technical measures for providers of these services, including security requirements for intermediary services and digital platform service providers, covering areas such as systems and operations, protocols, data integrity, network security, physical security, identity and authentication, access control, and backups for data integrity.

Additionally, the Regulation for the Security of Telecommunication Networks implements several organisational and technical security measures for providers of electronic communication networks.

Furthermore, the Electronic Transactions Law includes provisions on security obligations, including the usage of cryptography, further enhancing security within Mozambique's digital environment. These combined efforts contribute to bolstering the cybersecurity measures in Mozambique and ensuring the integrity and safety of electronic communication networks and digital platforms operating within the country.

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## 5. Are there any upcoming policies, strategies or regulations that will impact cybersecurity in relation to the metaverse?

There are currently no upcoming policies, strategies or regulations specifically targeting the metaverse. However, there are several initiatives underway that could culminate in the proposal and enactment of comprehensive legal frameworks. Ongoing discussions and preparatory work are focused on developing laws concerning data protection and cybersecurity.



# Digital identity and authentication



## 1. Are there any digital identity and authentication policies, strategies and regulations applicable to the metaverse in your region/country?

There are no specific policies, strategies or regulations addressing matters related to digital identity specifically within the context of the metaverse in Mozambique.

Nonetheless, Mozambique has several policies on the matter of digital identity and authentication.

The Strategic Plan for Information Society 2019–2028 and its corresponding operational plan encompass a series of measures on identity aimed at modernising data collection, issuance and dissemination of biometric documents for both national and foreign citizens, as well as refugees. These measures include:

- improving the functionality of civil registry components and enhancing information sharing among public administration systems. Decree 67/2017 and its framework for interoperability represent significant developments in this regard. Additionally, the establishment of the System of Civil Registration and Vital Statistics (e-SIRCEV) in 2018 aims to centralise the registry of all events subject to civil registration. This system aims to create a comprehensive citizen database, facilitating effective statistical data collection and interoperability with other public systems; and
- implementing a civil identification information system to modernise data collection and the issuance of biometric documents. This initiative has been regulated through the Legal Framework for Civil Identification and National Citizen Identity Cards (Law 6/2022). This framework entails standardised procedures for identity documentation issuance, ensuring accuracy and security during the identification process for both citizens and non-citizens residing in Mozambique.



## 2. What are the different types of digital identity in the metaverse, including the different tiers and types of ID, and what different levels of protection are provided in your region/country?

There are no policies or regulations on different types of digital identity applicable to the metaverse in Mozambique.

The existing forms of identification, such as civil identity cards, residence cards, passports, voter numbers, social security cards and tax identification numbers, are not tailored for use within the metaverse.

Mozambique's primary identity framework, centred around national citizen identity cards outlined in the Legal Framework for Civil Identification, was not designed with digital platforms or services related to the metaverse in mind.

Instead, Mozambique has implemented a digital certification scheme pursuant to the Regulation on the Digital Certification System (Decree 59/2019). This scheme enables the digital authentication of signed electronic documents and electronic transactions by certified entities. While this system facilitates secure digital interactions, it does not specifically address the unique challenges presented by digital identity within the metaverse.

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**Q 3. How is self-determination exercised and protected in the metaverse in your region/country? What are the possible sanctions (civil, criminal, administrative)? Is there any case law or are there any decisions by a regulator regarding infringements of these rules in your region/country?**

There are no policies or regulations on self-determination in the metaverse in Mozambique.

Nonetheless, the Constitution of the Republic of Mozambique protects the right to self-determination of its people and residents, ensuring their fundamental rights in terms of the freedom of speech and expression. This extends to individuals' online presence, which includes digital platforms such as the metaverse.

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**Q 4. How is the role of intermediary ID providers regulated in your region/country? What are the main obligations applicable to such providers?**

Mozambique currently lacks regulations specifically applicable to intermediary ID providers. However, there is an existing legal framework for certification service providers, which are regulated under the recent Regulation on the Digital Certification System (Decree 59/2019). This regulation outlines the process by which public and private entities can become certified issuers of certifications.

To operate within Mozambique's digital certification system, these entities must be properly registered and certified by the State Certification Authority, which operates under the auspices of the INTIC. Certified issuers are authorised to provide the following services:

- facilitate secure electronic transactions;
- enable secure authentication; and
- ensure the authenticity, integrity, confidentiality and legality of electronic signatures in transactions or electronic documents.

It should be noted that while these entities offer services related to digital authentication and electronic transactions, they are not considered comprehensive providers of digital identity and authentication services.

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**Q 5. Are there any upcoming policies, strategies or regulations that will impact the digital identity and authentication process in the metaverse?**

Although Mozambique does not have any announced or upcoming policies, strategies or regulations impacting the digital identity and authentication process in the metaverse, the country is working towards modernising its infrastructure, which could have an impact on matters related to digital identity and authentication.



# Intellectual property

## **Q 1. What are the public policies, strategies and regulations applicable to intellectual property IP in the metaverse in your region/country?**

There are no policies, strategies or regulations specifically aimed at tackling intellectual property (IP) in the metaverse in Mozambique.

Nevertheless, Mozambique recognises the protection of IP as a fundamental right in its constitution. As a member of the WIPO (World Intellectual Property Organization) since 1996, Mozambique is also a party to several treaties and conventions on IP, including the WIPO Convention (1996), the Berne Convention (2013), the Madrid Agreement (1998), the Nice Agreement (2001), the Paris Convention (1998) and the Patent Cooperation Treaty (2000), among others. To fulfil its obligations under these treaties, Mozambique has enacted various national laws covering different fields of IP law.

Mozambique's has a comprehensive Law on Copyright and Related Rights (Law 9/2022), which has a broad scope of application and potentially extends to works created in the metaverse. This law serves to protect creators' rights and interests in various forms of intellectual works, including those produced within digital environments. Works created by authors in Mozambique, or those works published within Mozambique, are automatically safeguarded by copyright, with no formalities or registration procedures required.

Violations of copyright and related rights in Mozambique may result in both civil and criminal liability. However, the specific criminal sanctions for such violations are not explicitly stipulated in either the Copyright Law or the Criminal Code.

Additionally, Mozambique has an Industrial Property Code (Decree 47/2015), which encompasses patent law, trademarks, designs and designations of origin. The provisions in this Code, particularly regarding trademarks and designs, have a general scope of application that allows them to be applicable to assets created within the metaverse. This legislation serves to safeguard the rights of creators and innovators, ensuring the protection of their IP in various forms, regardless of the medium or platform in which they are manifested. Moreover, it also contains provisions relating to unfair competition. Violations of industrial property rights are punished by administrative fines ranging from between 11 to 112 minimum salaries for individuals and between 22 to 224 for legal persons, depending on the specific rights involved and the severity of the infringement. The competent authority is the National Inspectorate of Economic Activities (Inspeção Nacional das Actividades Económicas, INAE).

## **Q 2. How are IP rights in regard to 'virtual objects', 'buildings' and 'avatars' etc, protected in your region/country?**

'Virtual objects', 'buildings' and 'avatars' may be eligible for protection, depending on their specific characteristics. The most significant forms of protection that may apply include copyright and designs protection. Copyright protection does not require the fulfilment of administrative requirements or formalities and is automatically granted upon creation of the work. Designs protection (*desenho industrial*) is subject to registration.

## **Q 3. How are digital replicas of physical objects protected in your region/country?**

Mozambique does not have a specific legal framework protecting digital replicas of physical objects. Nevertheless, depending on the specific characteristics of the replica, it may be subject to protection under the Mozambique's IP framework.

The Law for the Protection of Cultural Heritage (Law 10/1988) aims to protect the cultural heritage of Mozambique, encompassing both immaterial goods and physical goods, landmarks and monuments. While this law may not protect digital replicas of physical objects, it imposes restrictions on the unauthorised creation and commercialisation of such replicas. The Mozambique government's National Directorate for Cultural Heritage oversees the preservation and protection of the country's cultural heritage.

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#### **4. How is user-generated content and other derivative works protected in your region/country?**

Mozambique's Copyright and Related Rights Law aligns with the principles and standards outlined in the WIPO treaties and the Berne Convention, protecting various forms of literary and artistic works in all mediums. Therefore, in the metaverse and in regard to other online platforms, copyright protection can be extended to most user-generated content if it meets both subjective and objective criteria. These criteria require the presence of an author and that the content qualifies as an original work, representing the intellectual expression of the author.

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#### **5. Are there any collective rights management organisations active in your region/country that also manage IP rights in the metaverse?**

The current legal framework does not regulate collective rights management organisations. As such, Mozambique currently does not have any collective rights management organisations.

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#### **6. How are IP rights protected and enforced in the metaverse in your region/country? What sanctions (civil, criminal, administrative, ancillary sanctions) may apply? Is there any case law or are there any decisions by a regulator regarding infringements of these rules in your region/country?**

Infringements of copyright and related rights can result in both civil and criminal liability. The Copyright and Related Rights Law includes provisions criminalising authorship theft, infringements of copyright through digital means, and the destruction of works.

There is no case law or any decisions by regulators available on these matters.

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#### **7. Are there any IP strategies, policies and regulations in your country/region applicable to the metaverse that aim to promote interoperability in the metaverse? What sanctions (civil, criminal, administrative) may apply for non-compliance? Is there any case law or are there any decisions by a regulator regarding infringements of these rules in your region/country?**

There are currently no IP policies, strategies or regulations in Mozambique promoting interoperability in the metaverse.

There is no case law or any decisions by regulators available on these matters.



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**Q 8. Are there any competition strategies, policies and regulations in your country/region applicable to the metaverse that aim to promote standardisation and access to fair and non-discriminatory licences? What sanctions (civil, criminal, administrative) may apply for non-compliance? Is there any case law or are there any decisions by a regulator regarding infringements of these rules in your region/country?**

Mozambique's Industrial Proprietary Code allows for compulsory licences regarding patents. Individuals and entities may request the attribution of a compulsory licence to use a technology from the Industrial Property Institution.

There is no case law or any decisions by regulators available on these matters.

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**Q 9. What are the different roles of metaverse providers?**

Mozambique does not have a legal framework that clearly defines the different roles of metaverse providers.

Nonetheless, the Regulation for the Registration and Licensing of Intermediary Service Providers and Providers of Online Platforms mandates that providers of such services, including mere conduit, caching, hosting and hosting online platforms for the dissemination of content to the public, must register and obtain licences from the regulatory authority on information and communication technologies before commencing operations in Mozambique.

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**Q 10. Content moderation vs freedom of expression**

The Regulation for the Registration and Licensing of Intermediary Service Providers and Providers of Online Platforms in Mozambique includes norms that impose content moderation obligations on intermediary service providers. These obligations require providers to:

- inform public authorities if they detect illegal content and activities on their platforms;
- supply the identities of the users that provided or stored offensive content; and
- ensure that their terms and conditions are written in Portuguese and include all the relevant information regarding policies, procedures and redress mechanisms related to content moderation on their online platforms.

While the regulation does not explicitly mention the freedom of expression, speech or access to information, it emphasises that all content moderation and restrictions must be diligent, objective and proportional in regard to the rights and legitimate interests of all the parties involved. Special emphasis is placed on protecting fundamental rights, ensuring that content moderation practices respect the principles of fairness, impartiality and balance.

Lastly, the right to freedom of expression is also protected under the Constitution of the Republic of Mozambique.

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**Q 11. Are there any by design notice mechanisms?**

The applicable legal framework does not address any by design notice mechanisms.



## 12. Are there any upcoming policies, strategies or regulations that will impact IP in your region/country?

There are no upcoming policies, strategies or regulations affecting IP in Mozambique.





# Digital marketing and consumer protection



## 1. Are there any relevant policies, strategies or regulations applicable to digital marketing in regard to the metaverse in your region/country?

There are no specific policies, strategies or regulations addressing matters related to digital marketing specifically in the metaverse. Nevertheless, the current legal framework is applicable.

The Advertising Code (Decree 38/2016) regulates marketing and advertising practices in Mozambique, underlining principles such as lawfulness, identifiability and accuracy. It places particular emphasis on respecting morality, public decency and IP rights. The Advertising Code ensures that advertising practices adhere to ethical standards and do not mislead or deceive consumers.

The Consumer Protection Law (Law 22/2009) and the regulation pertaining to the Consumer Protection Law, serving as the primary legal framework for consumer protection in Mozambique, establishes the general legal framework for consumer rights and includes some provisions related to misleading advertising. For more details, please refer to the response to the question below.

Furthermore, provisions within the Civil Code, particularly those concerning obligations, contracts and liability, may also apply subsidiarily to consumer law provisions, making them relevant for consumer relationships in the metaverse.

Please refer to the chapter on data for the data protection-related implications of digital marketing.

There is no case law or any decision by a regulator regarding infringements of these rules.



## 2. Are there any relevant policies, strategies or regulations regarding misleading advertising or other unfair commercial practices in the metaverse in your region/country? What sanctions (civil, criminal, administrative) may apply for non-compliance with these obligations? Is there any case law or are there any decisions by a regulator regarding this matter?

The Advertising Code complements these regulations by prohibiting all misleading and covert advertising practices, aligned with the consumer protection law. The code also includes specific provisions focused on digital marketing, such as restrictions on sending emails for advertising or direct marketing purposes. These restrictions require compliance with specific conditions, including obtaining the recipient's contact details during sales or negotiations and providing a simple opt-out mechanism.

Violations of the Advertising Code may lead to fines and sanctions imposed by the INAE.

Furthermore, the Consumer Protection Law in Mozambique contains provisions aimed at preventing misleading and abusive advertising practices. These provisions cover a broad spectrum of practices, including:

- a ban on practices where information is either omitted or falsified, with the intention of misleading consumers regarding the characteristics, properties, quality, origin or price of a product;
- a ban on discriminatory, violent, fear-inducing or exploitative advertising, especially when targeting vulnerable groups, such as children or disregarding environmental values; and
- a requirement for all advertising to be easily and clearly identifiable as such, ensuring transparency for consumers.

A failure to comply with these provisions may result in severe penalties, including fines, temporary suspension, or complete interdiction of economic activities.

Additionally, the regulation pertaining to the Consumer Protection Law further strengthens sanctions for violations of consumer protection laws. It introduces the measure of counter-advertising ('contrapropaganda') as a sanction against deceptive advertising practices, enhancing deterrence against such activities.

There is no case law or any decisions by a regulator regarding infringements of these rules.

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### **3. Are there any relevant policies, strategies or regulations aimed at promoting consumer protection in the metaverse in your region/country?**

Mozambique's Consumer Protection Law serves as the foundational legal framework for safeguarding consumer rights. This law addresses a wide range of consumer-related issues, such as rights related to defective goods and services, abusive contractual clauses, access to justice, enforcement mechanisms, and the role of consumer protection associations.

The regulation pertaining to the Consumer Protection Law complements the provisions in the law by providing detailed guidelines and procedures for its implementation. This regulation enhances clarity and consistency in the application of consumer protection measures, ensuring that businesses and consumers alike understand their rights and obligations. It addresses issues such as information disclosure requirements, procedures for handling complaints and disputes, and the responsibilities of producers and sellers in ensuring product safety and quality.

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### **4. What information is required as a minimum to be provided to consumers? Who is the responsible stakeholder for providing this information? What sanctions (civil, criminal, administrative) may apply for non-compliance with the obligations? Is there any case law or are there any decisions by a regulator regarding this matter?**

Both the Consumer Protection Law and the corresponding regulation outline comprehensive information requirements applicable to goods and services, including those offered in the metaverse. These requirements mandate that consumers receive clear, objective and adequate information during the sale of goods and services. Key requirements include:

- details about the characteristics, composition and pricing of products and services – consumers must be provided with accurate information regarding the essential features of the product or service, its components, and the total cost, including any additional fees or charges;
- contractual information – the relevant terms and conditions of the sale or service agreement must be clearly communicated to consumers, ensuring transparency and preventing misunderstandings; and
- health and safety risks – consumers must be informed about any potential risks associated with the normal use of the goods or services, especially in the case of hazardous products.

These obligations extend throughout the entire production-to-consumption chain, meaning that all parties involved in the supply chain share responsibility for disseminating accurate information to consumers. The failure to fulfil these duties may result in liability for damages suffered by the consumer, with joint responsibility shared among all the parties involved.

Lastly, it should be noted that, in accordance with the Consumer Protection Law, information disclosures must be provided in all of Mozambique's national languages, with particular emphasis on Portuguese, the official language. Given the linguistic diversity in Mozambique, it is advisable for providers to make information available in Portuguese, as well as other widely spoken languages.



**5. Are there any relevant policies, strategies or regulations applicable to platform-to-consumer relationships in your region/country? What are the main obligations placed on platform providers? What sanctions (civil, criminal, administrative) may apply for non-compliance with the obligations? Is there any case law or are there any decisions by a regulator regarding this matter?**

There are no specific policies, strategies or regulations addressing matters related to platform-to-consumer relationships. Nevertheless, the current consumer protection framework is applicable.

Notably, contractual clauses in agreements between consumers and platforms, such as terms and conditions or terms of use, are subject to scrutiny under the country's consumer protection laws. Clauses will be deemed unfair if they:

- prevent, reduce or exempt suppliers from liability for defects in products or services;
- impede the consumer right to a refund;
- transfer responsibilities to third parties;
- establish unfair obligations unfavourable to the consumer or infringe on environmental and consumer protection legislation;
- reverse the burden of proof;
- impose compulsory arbitration;
- allow the ability to change the contract terms unilaterally;
- force consumers to waive the right to compensation for necessary improvements; and
- create excessive costs and burdens for consumers, considering the nature of the contract and its objective.

Any clauses violating these restrictions are considered null and void. Additionally, abusive commercial practice norms, as mentioned earlier, may also directly apply to platform-to-consumer relationships. These norms serve to protect consumers from unfair, deceptive or coercive practices employed by businesses, including those operating online platforms.

There is no case law or any decisions by a regulator regarding infringements of these rules.



**6. Are there any alternative dispute resolution mechanisms available for consumers in your region/country? How are they implemented in regard to the metaverse?**

There are no specialised alternate dispute resolution (ADR) mechanisms available for consumers in Mozambique.

Mozambique has established a general legal framework for ADR (Law 11/99), which regulates arbitration, conciliation and mediation. This law permits any conflict or dispute to be settled in arbitration if there is an agreed-upon arbitration clause, unless a special exemption applies. However, the country's Consumer Protection Law prohibits the unilateral imposition of such clauses to the benefit of the trader, deeming it abusive and null.

Conciliation and mediation can be used as methods of dispute resolution before, after, or at any stage of a judicial proceeding, provided there is mutual agreement between the parties involved.

The Law of Judicial Organisation (Law 24/07) includes provisions allowing for the establishment of specialised ADR sections in most courts in Mozambique. However, several arbitration and mediation centres have been created throughout the country primarily for disputes related to employment law, with limited jurisdiction.

Despite the existing ADR framework, Mozambique currently lacks proper mechanisms for resolving consumer disputes, including those arising in the metaverse. This gap in the legal framework emphasises the need for further development and implementation of ADR mechanisms specifically tailored to consumer disputes, both within and outside digital platforms.

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**Q 7. Are there any upcoming policies, strategies or regulations that will impact digital marketing in the metaverse in your region/country?**

There are no announced or expected policies, strategies or regulations with an impact on digital marketing in the metaverse in Mozambique.

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**Q 8. Are there any upcoming policies, strategies or regulations that will impact consumer protection in the metaverse in your region/country?**

There are no announced or expected policies, strategies or regulations with an impact on consumer protection in the metaverse in Mozambique.



# Jurisdiction and governance

## **Q 1. Are there any upcoming policies, strategies or regulations setting out rules on how to identify the governing law in the metaverse?**

Although Mozambique has not yet established new policies, strategies or regulations specifically addressing the governing law in the metaverse, there are existing international private law rules that could potentially be applied, albeit to a limited extent.

Mozambique's Civil Code encompasses regulations on conflict of laws, encompassing both positive and negative conflicts. These conflict of law rules grant contracting parties the authority to designate the applicable law, albeit subject to certain constraints. Specifically, the chosen law must not be selected fraudulently or with the intention of evading obligations. Additionally, it cannot permit the application of regulations that conflict with the fundamental principles and rights of Mozambique's legal system.

Furthermore, the choice of law must be grounded in a reasonable interest, with identifiable connections to either the parties involved or the object of the contract. These provisions ensure that the selection of the applicable law is fair, reasonable and aligned with the legal principles in Mozambique.

## **Q 2. Are there any upcoming policies, strategies or regulations setting out rules on how to identify the jurisdiction in regard to the metaverse? Is there any case law or are there any decisions by a regulator regarding determining jurisdiction in the context of the metaverse in your country/region?**

The Mozambican Civil Procedural Code outlines the conditions under which Mozambican courts may assert jurisdiction. According to these provisions, Mozambican courts may have jurisdiction in cases where the defendant is a foreigner and the plaintiff is Mozambican. This jurisdictional assertion is permissible if, under parallel circumstances, a Mozambican party would also be subject to the jurisdiction of a foreign state's courts. Additionally, Mozambican courts may assert jurisdiction if the right being asserted can only be effectively pursued through legal action within Mozambican courts, owing to a substantial personal or real connection between the matter and the Mozambican territory.

The Civil Procedural Code in Mozambique adheres to the principle of the plaintiff's forum, yet it also affords parties the liberty to select a competent court in the event of potential disputes, albeit with certain limitations.

## **Q 3. What are the competent regulators and government bodies for ensuring compliance with the applicable laws in the metaverse in your region/country?**

In Mozambique, there are no regulatory bodies and government entities with enforcement powers dedicated specifically to enforcing compliance with the laws that govern the metaverse.

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**Q 4. Are there any dispute resolution mechanisms available in your region/country?**

Please refer to our response on the matter in the chapter on digital marketing and consumer protection.

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**Q 5. How is arbitration implemented in regard to the metaverse in your region/country?**

Please refer to our response on the matter in the chapter on digital marketing and consumer protection.

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**Q 6. Are there any upcoming policies, strategies or regulations regarding determining the governing law and jurisdiction in regard to the metaverse in your region/country?**

There are no upcoming policies, strategies or regulations affecting the governing law and jurisdiction applicable to the metaverse in Mozambique.