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APPROVAL OF REGULATION CONCERNING THE USE OF DOMAIN “.MZ”

Mozambique’s cabinet council has recently published Decree n. º 82/2020 which approves Regulation concerning the Use of Domain “.MZ” (hereinafter “Regulation”).

The Regulation sets terms and conditions applicable to the management, supervision, reservation and registration of names under the internet domain “.mz”, establishing general rules regarding the criteria, rights and obligations associated with the licensing of Registration Agents (i.e., a legal person providing domain name registration and management services).

Essentially, this Regulation establishes the following measures and objectives:

- Defines rules concerning the functioning and competences of the Regulatory Authority for Information and Communication Technologies (hereinafter “ERTIC”) related to the supervision and administration of domain “.mz”, i.e., internet space under the jurisdiction of Mozambique (as well as its respective subdomains);
- Specifically, it vests ERTIC with the following powers: (i) supervising, operating and maintaining a registry of Mozambique’s domain names under transparency and publicity principles; (ii) assessing and evaluating domain name registration requests; (iii) blocking and removing, where applicable, domain names that violate the Regulation’s provisions; and, among other powers, (iv) licensing Registration Agents;
- Determines the scope of entities with legitimacy to register as Registration Agents within the ERTIC. Namely: ICT service providers and other digital and information society service providers, as well as internet DNS service providers;
- Creates rules applicable to the registration of official “.mz” domain and subdomain names. Among others, binding instructions and conditions vis-à-vis its reservation, activation, validation and renewal, as well as conditions applicable to domain name composition, its registration procedure and relevant technical and administrative requirements;

- Assigns liability to the domain name holder for domain name selection, for its respective use, goals, content, as well as the veracity, completeness and accuracy of the data therewith provided and the sound compliance with the Regulation's provisions;
- Imposes a non-refundable fee payment framework for official ".mz" domain and subdomain name registration, renewal and reservation services, as well as the obligation to pay additional applicable fees such as the payment of a licensing fee for Registration Agents;
- Establishes an infractions regime (and corresponding sanctions) for noncompliance with the Regulation's provisions, obligations and rules. Non-exclusively, for: (i) intentionally, unduly or unlawfully damaging, deteriorating, modifying or erasing data; (ii) violating a domain name, improperly using a domain or using a name protected by intellectual property rights; (iii) intentionally interfering or tampering with information systems and infrastructures; e (iv) illegally accessing or trespassing computer systems and networks, as well as violating security measures and protocols for the purpose of obtaining data or other fraudulent intentions and dishonest purposes;
- Regulates the processing of domain name holders' personal data, such as those data collected and processed in order to manage, register and maintain names under ".mz" domain and subdomains;
- Enables all natural and legal persons, whether private or public, independently of its place of establishment, to register a domain name under ".mz" and the corresponding subdomains. In case of a natural or legal person established outside Mozambique, the registration's validity is contingent on proving the payment of all due charges, unless expressly provided otherwise.

The Regulation will enter into force ninety (90) days after its publication, on December 9, 2020.