

# STATUTORY INSTRUMENTS

2017 No....

THE UGANDA NATIONAL BUREAU OF STANDARDS (USE OF DISTINCTIVE MARK ON COMMODITIES) REGULATIONS, 2017.

## ARRANGEMENT OF REGULATIONS

*Regulation*

### PART I - PRELIMINARY

1. Title.
2. Interpretation.

### PART II - APPLICATION OF A DISTINCTIVE MARK ON A COMMODITY

3. Application of a distinctive mark on a commodity.
4. Prohibition of dealing in a commodity without a distinctive mark.

### PART III- APPLICATION TO USE A DISTINCTIVE MARK

5. Application for a distinctive mark.
6. Application requirements for a domestic manufacturer.
7. Application requirements for an importer.
8. Sample testing.

### PART IV- TERMS OF USE OF A DISTINCTIVE MARK

9. Application of a distinctive mark on a commodity.
10. Terms of use of a distinctive mark.
11. Suspension or withdrawal of authorization.
12. Cancellation of authorization.
13. Refusal to grant authorization.

14. Renewal of authorization for domestic manufacturers.
15. Surveillance audits for domestic manufacturers.
16. Administrative Sanctions.
17. Fees.
18. Offences and penalties.
19. Appeals.

SCHEDULE 1 - Distinctive mark.

SCHEDULE 2 - Categories of commodities covered by compulsory standards

SCHEDULE 3 - Application Form for registration and authorization to use distinctive mark for Domestic Manufacturers.

SCHEDULE 4 - Application form for registration and authorization to use distinctive mark for Importers.

SCHEDULE 5 - Fees

## STATUTORY INSTRUMENTS

2017 No....

### **The Uganda National Bureau of Standards (Use of Distinctive Mark on Commodities) Regulations, 2017**

*(Under section 43 of the Uganda National Bureau of Standards Act, Cap 327)*

IN EXERCISE of the powers conferred upon the Minister responsible for commerce by section 43 of the Uganda National Bureau of Standards Act, and on the recommendation of the National Standards Council, these Regulations are made this ..... day of ..... 2017.

#### **1. Title.**

These Regulations may be cited as the Uganda National Bureau of Standards (Use of Distinctive Mark on Commodities) Regulations, 2017.

#### **2. Interpretation.**

In these Regulations, unless the context otherwise requires –

“Act” means the Uganda National Bureau of Standards Act, Cap 327;

“applicant” means the importer or manufacturer applying for a distinctive mark;

“approved” means registration and authorization by the bureau;

“assessment” means a systematic and independent examination to determine whether compulsory standard specifications requirements have been met;

“authorization” means grant of permission, either through issuance of a permit or any other prescribed means, to use the distinctive mark on a product;

“Bureau” means the Uganda National Bureau of Standards;

“certification” means the issue of a statement by a third party, based on a decision following assessment and review, that fulfillment of specified requirements of a product, process or system has been demonstrated;

“certification body” means an organization that provides certification services;

“certification scheme” means a certification system related to specified products to which the same specified requirements, specific rules and procedures apply;

“commodity” means any article or product which is or will ultimately be the subject of trade or use;

“compulsory standard specification” means the standard specification declared under section 18 of the Act;

“conformity” means fulfillment of specified requirements;

“consignment” means an aggregation of product made under a common system of causes and presented for inspection;

“Director” means the Director of the Bureau appointed under section 11 of the Act;

“distinctive mark” means a mark declared as such under Section 18 of the Act;

“domestic manufacturer” means a person manufacturing a product within Uganda;

“distributor” means any natural or legal person in the supply chain other than the manufacturer or importer, who makes a product covered under compulsory standard specifications available on the Ugandan market;

“importer” means any natural or legal person established within Uganda, who brings into Uganda a product subject to a compulsory standard specification;

“inspector” means a person appointed as an inspector under section 13 of the Act;

“inspection” means the examination of product design, product, process or its installation and determination of its conformity with specific requirements;

“inspection report” means a report compiled by the inspector or the inspection team detailing the findings of the inspection;

“manufacturer” means any natural or legal person who manufactures a product covered under compulsory standard specifications using their own or outsourced manufacturing facilities;

“permit” means a document issued by Uganda National Bureau of Standards to a company authorizing it to use a certification or distinctive mark on its commodity, in accordance with the rules of the mark;

“permit holder” means a person granted a permit by Uganda National Bureau of Standards to use the distinctive mark;

“quality” means degree to which inherent characteristics of an object fulfils requirements;

“quality management” means management with regard to quality that can include establishing quality policies and quality objectives, and processes to achieve these quality objectives through quality planning, quality assurance, quality control and quality improvement;

“supplier” means any manufacturer, importer, or provider who puts a commodity into circulation on the market; and

“surveillance audits” means periodic evaluation of a permit holder’s quality control system to determine conformity with a relevant standard and the terms and conditions of the permit.

## PART II – APPLICATION OF A DISTINCTIVE MARK ON A COMMODITY

### **3. Prohibition from dealing in a commodity without a distinctive mark.**

A person shall not manufacture, store for sale, import, sell or distribute a commodity for which a compulsory standard specification is declared under section 18 of the Act unless the commodity-

- (a) conforms to the relevant standards specifications; and
- (b) bears the distinctive mark specified in Schedule 1.

#### **4. Application of a distinctive mark on a commodity.**

- (1) An importer or manufacturer of any commodity for which a compulsory standard specification is declared shall ensure that the commodity is issued with authorization to use and bears the distinctive mark specified in Schedule 1.
- (2) A commodity for which a compulsory standard specification is declared shall not be placed on the market if it does not bear the distinctive mark.

### PART III- APPLICATION FOR A DISTINCTIVE MARK

#### **5. Registration of importers and manufacturers and use of distinctive marks.**

- (1) An importer or manufacturer who intends to bring into Uganda or manufacture a commodity for which a compulsory standard specification is declared under section 18 of the Act shall apply to the Bureau to be registered and authorized to use the distinctive mark.
- (2) The Director shall grant authorization to use the distinctive mark on a commodity for which a compulsory standard specification has been declared to a manufacturer or importer after all the requirements of this regulation have been met.
- (3) A domestic manufacturer shall be required to register with the Bureau whether or not the commodity is sold on the local market.

#### **6. Application requirements for a domestic manufacturer.**

- (1) A domestic manufacturer of a commodity for which a compulsory standard specification has been declared as specified in schedule 2, shall upon payment of the fees prescribed in Schedule 3, apply to the Bureau for registration and issue of a permit to use a distinctive mark.

- (2) An application for registration and issue of a permit to use a distinctive mark shall be made in the Form specified in Schedule 4 and shall be made within 60 working days of the coming into force of these Regulations or before commencement of production.
- (3) The Bureau shall inspect and assess the manufacturing facility of the applicant and all goods covered by the compulsory standard specification to verify that the production and quality assurance processes and commodities conform to the requirements of the compulsory standard specification and any other applicable terms and conditions.
- (4) For the purposes of sub regulation (3), the applicant shall provide all reasonable facilities to the inspector to assess the commodity, the manufacturing facility or other premises of the applicant for the purposes of verifying documents submitted by the applicant and of obtaining other information relevant to the application.

## **7. Application requirements for an importer.**

- (1) An importer of a commodity specified in schedule 2 shall apply to the Bureau for registration and authorization to use the distinctive mark before importing the commodity into Uganda.
- (2) An application for registration and authorization to use the distinctive mark shall be made in the Form specified in schedule 5.
- (3) An application shall be made in respect of each consignment.
- (4) The Bureau through its appointed agents shall carry out conformity assessment of all commodities before importation.
- (5) The Bureau shall issue to every successful applicant distinctive mark stickers corresponding with the number of product units for each product that meets the requirements of the standards in any one single consignment.

- (6) A commodity covered by a compulsory standard specification shall not be imported into Uganda unless it bears a distinctive mark sticker issued by the Bureau.

#### **8. Sample testing.**

- (1) In circumstances where a sample is required to make an assessment under these Regulations, an applicant shall provide all reasonable facilities and assistance to the inspectors to draw and get samples of the product for testing by the Bureau or other testing laboratory designated by the Bureau in writing as a testing laboratory.
- (2) The cost of transporting a sample, instrument, equipment, apparatus, material or any other expense incurred in connection with the assessment under these Regulations shall be incurred by the applicant.

### PART IV- TERMS OF USE OF A DISTINCTIVE MARK

#### **9. Application of a distinctive mark on a commodity.**

- (1) The distinctive mark shall, be applied in a visible, legible and indelible manner on a commodity before it is placed on the market and shall be in the form specified in Schedule 1.
- (2) The distinctive mark may be enlarged or reduced to an appropriate size, provided that its dimensions conform to the specifications in Schedule 1.

#### **10. Terms of use of a distinctive mark.**

- (1) A manufacturer or importer shall;
- (a) use a distinctive mark in accordance with the terms and conditions of the authorization for the use of the distinctive mark.
- (b) apply the distinctive mark only on a product covered by a valid authorization;



- (c) ensure that the product in respect of which a distinctive mark has been authorized for use conforms at all times to the relevant compulsory standard specification;
- (d) establish and maintain a system of product recall, addressing complaints filed by its clients or consumers concerning its products and shall maintain a record of the same.
- (e) ensure that products that do not meet the compulsory standard specifications are immediately withdrawn from the market and shall be liable for any damage caused by those products to consumers.
- (f) in case of suspension, withdrawal or cancellation of authorization to use the distinctive mark, discontinue its use and immediately withdraw all promotional and advertising material containing any reference to that authorization.

(2) A domestic manufacturer, shall in addition;

- (a) maintain a complete and up-to-date record of the system of control, including inspection and testing, for the purpose of establishing, to the satisfaction of the Bureau, that the system of control is being consistently maintained;
- (b) ensure that the record required to be maintained under paragraph (a), shall be made available for inspection by an inspector and the permit holder shall, at the request of the inspector, permit the removal of the record to the premises of the Bureau for closer scrutiny; and
- (c) allow the inspector access to the premises where the product specified in the permit is manufactured for the purpose of evaluating materials, production processes, finished product, quality assurance facilities, records and others in accordance with guidelines issued by the Bureau.
- (d) in the case of transfer of plant site, give notice of the transfer to the Bureau, at least 21 days before the transfer is implemented.
- (e) where there has been any modification in the product or manufacturing process, reapply to the Bureau for authorization to continue using the distinctive mark.

## **11. Suspension or withdrawal of authorization.**

The Council may suspend or withdraw authorization to use a distinctive mark where-

- (1) the commodity does not conform to the compulsory standard specifications;
- (2) the importer, or manufacturer does not take corrective action as required by the Bureau;
- (3) the importer, or manufacturer uses the distinctive mark or registration number in violation of the authorization;
- (4) the product has caused an accident; or
- (5) the importer, or manufacturer applies for temporary withdrawal.

## **12. Cancellation of authorization.**

The Council may cancel a permit to use a distinctive mark where: -

- (1) the importer, or manufacturer does not comply with the conditions of the authorization;
- (2) the product is non-compliant to compulsory standard specifications;
- (3) the production of the commodity is terminated;
- (4) the importer or manufacturer applies to cancel the authorization;
- (5) the product is not identical to the sample product provided by the applicant;
- (6) the permit holder does not abide by the rules of suspension in the case of a suspension; or
- (7) the council discovers that a permit holder obtained the permit through an improper manner such as bribery or fraud.

## **13. Refusal to grant authorization.**

- (1) The Director may refuse to grant or renew a authorization to use a distinctive mark where the requirements of these Regulations have not been met.

- (2) The Director may ask for further information from the applicant before the refusal to grant or renew authorization.
- (3) Where the Director refuses to grant or renew authorization to use a distinctive mark, the Director shall state the reasons for the refusal in writing and notify the applicant of the refusal within 10 working days after making the decision.

#### **14. Renewal of authorization for domestic manufacturers.**

- (1) A permit holder shall apply to the Bureau for the renewal of the permit to use the distinctive mark at least three (3) months before the expiry of the period for which the permit was granted.
- (2) The Director may, on application for renewal, renew the permit to use the distinctive mark for a further period of twelve months on being satisfied that -
  - (a) the product in respect of which a renewal is sought conforms to the relevant compulsory standard specification; and
  - (b) the applicant has a scheme of operation and testing which adequately ensures that the product conforms to the relevant standard.

#### **15. Surveillance audits for domestic manufacturers.**

- (1) The grant of a permit to use a distinctive mark shall be followed by surveillance audits in a manner determined by the Bureau.
- (2) The surveillance audits may be without notice to the permit holder to ensure that the systems and procedures already assessed are being maintained.
- (3) The Bureau may make a special surveillance audit where the authorization holder fails to observe the conditions of the permit or where there have been significant changes in the organization of the permit holder.

## **16. Administrative sanctions.**

An importer, distributor, manufacturer, seller or a person who has in his possession or control for sale or distribution commodities that do not comply with the compulsory standard specifications shall on a directive by the Bureau and at his or her expense -

- (a) remove the goods from the market; and
- (b) destroy the goods within twenty-eight working days from the date of receipt of the directive.

## **17. Fees.**

The fees and charges payable to the Bureau for the application of the grant of a authorization to use a distinctive mark and other incidental matters shall be as specified in Schedule 3.

## **18. Offences and penalties.**

(1) A person who -

- (a) uses a distinctive mark without authorization from the Bureau; or
- (b) falsely represents any product to be a product that complies with the provisions of these Regulations;

commits an offence and shall on conviction be liable to a fine not less than five hundred currency points and not exceeding two thousand five hundred currency points or imprisonment not less than two years and not exceeding five years or both.

## **19. Appeals.**

A person who is aggrieved by a decision of the Bureau in execution of these regulations, may appeal as provided for under section 25 of the UNBS Act CAP 327 as amended.

**SCHEDULE 1**  
**DISTINCTIVE MARK.**



## **SCHEDULE 2**

Categories of commodities covered by compulsory standards.

1. Toys
2. Electrical and Electronics
3. Automotive Products and Inputs
4. Chemical Products
5. Mechanical Materials and Gas Appliances
6. Textile, Leather, Plastics and Rubber
7. Furniture (wood and metal articles)
8. Paper and Stationery
9. Protective Safety Equipment
10. Food and Food Products
11. Used Products, including used Motor Vehicles.

### SCHEDULE 3

#### FEES

<b>NO.</b>	<b>ACTIVITY</b>	<b>FEE</b>
1.	Application fee	100,000/= per application
2.	Annual permit fees	Micro, Small, and Medium Scale Enterprises (MSMEs) - 350,000/= per product brand. Large company - 800,000/= per product brand
3.	Import Distinctive Mark stickers	17/= per sticker

## SCHEDULE 4

Application Form for registration and authorization to use the distinctive mark for domestic manufacturers

<b>A. APPLICANT'S INFORMATION</b>		
<b>1. NAME AND ADDRESS OF APPLICANT</b>		
Company Name		
Company Tax Identification Number (TIN)		
Business Registration	<i>Please attach certificate of registration of business</i>	
COMPANY ADDRESS	Office Address	Factory/Manufacturing facility Address
		<i>Name of production facility (if different)</i>
District		
Physical address		
Postal address		
Email address		
Tel. contact(s)/fax		
Website		
Personnel details	<i>More information in Annex 5</i>	
	Chief Executive	Quality Control In-charge
Name		
Designation		
Mobile number		



Email address			
<b>Number of staff</b>			
Production capacity			
Installed capacity	Actual capacity	Annual Turnover	
<b>B: PRODUCT INFORMATION</b>			
<p><i>Information on product intended for certification is deemed mandatory.</i></p> <p><i>Where applicable, name of product, its type(s) and/or mode(s) shall follow as specified in the standard.</i></p> <p><i>The applicant is required to declare proof of ownership of the trademark /brand name or provide a letter of consent from the owner of the trademark/ brand name.</i></p>	Product Name		
	Trademark/ Brand Name(s)		
	Product Description		
	Product Standard		
	For Equipment/ Electric/ Electronic Products	Type(s)	
		Model(s)	
Rating(s)			
Size(s)			
<b>FOR OFFICIAL USE ONLY</b>			
Sector Code:		<b>UNBS RECEIVED STAMP</b>	
Lead Auditor Allocation:			
<b>C: TECHNICAL &amp; ADDITIONAL INFORMATION</b>			

Raw materials	List all components and/or raw materials used to assemble or manufacture the product - <i>Annex 1</i> .
Process flow & Description	Draw the process flow chart and identify the quality check points; provide a brief process description - <i>Annex 2</i> .
Quality control	Prepare a quality control check points schedule - <i>Annex 3</i> .
Test equipment	Prepare test and inspection equipment list and calibration/verification schedule - <i>Annex 4</i> .
Additional information	<ul style="list-style-type: none"> <li>• Company organization chart&amp; names and qualifications of production &amp; QC personnel <i>Annex 5</i>.</li> <li>• Documented procedures describing how non-conforming purchased raw materials and finished products are identified, recorded and handled <i>Annex 6</i>.</li> <li>• Documented procedure describing how customer complaints are recorded and handled <i>Annex 7</i>.</li> <li>• Production flow/process layout <i>Annex 8</i>.</li> <li>• Product analysis reports <i>Annex 9</i>.</li> <li>• Product Labels and Markings <i>Annex 10</i>.</li> <li>• Any other sector specific requirements <i>Annex 11</i>.</li> </ul>

**D: DECLARATION AND UNDERTAKING**

In connection with this application, I/We:

- a) Undertake to ensure the product manufactured and the manufacturing processes comply with the relevant standard and the product certification requirements respectively.
- b) Undertake to supply all information required by UNBS for the purpose of evaluation of the product(s) to be certified;
- c) Undertake to make samples of product(s) and materials available to UNBS for evaluation and testing;
- d) Agree to give the auditors reasonable access during normal working hours to the premises wherein the product specified in the application is

<p>manufactured for the purpose of evaluating materials, production processes, finished product, quality assurance facilities, records;</p> <p>e) Undertake to pay UNBS all costs of processing this application and maintenance of certification;</p> <p>f) Agree that UNBS may release information obtained in the course of processing the application to the public or government authorities so far as is prudent to warn in the opinion of UNBS. The client shall be informed accordingly prior to release of any information.</p> <p>g) Undertake to sign the UNBS Product Certification Agreement before grant/renewal of the certification license.</p> <p>h) I/We also undertake not to involve UNBS, its directors, officers and authorized representatives in any legal proceeding on any disputes between us and other parties.</p>			
<p>I, hereby, declare that all information given in this application form is correct to my knowledge.</p>			
<p><i>An authorized representative of the applicant shall put his signature in this section</i></p>	<p>Signature</p>		<p><i>Applicant's stamp</i></p>
	<p>Name</p>		
	<p>Designation</p>		
	<p>Date</p>		

Please return form duly completed to:

**Certification Division,**

Uganda National Bureau of Standards,

Bypass Link Bweyogerere Industrial Area & Business Park, Kyaliwajala Road,

Bweyogerere, Buto,

P.O. Box 6329, Kampala, Uganda.

Tel. 041-222367, 041-505995, 031-262688; Fax 041-286123

## SCHEDULE 5

Application form for registration and authorization to use distinctive mark for Importers.

### IMPORTS DISTINCTIVE MARK (IDM) APPLICATION FORM

The Executive Director,

Uganda National Bureau of standards,

P.O. Box 6329,

KAMPALA.

<b>CUSTOMS</b>	
<b>ENTRY NUMBER</b>	
<i>(Not applicable for licensed goods)</i>	
<b>IDF NUMBER</b> <i>(Not applicable for licensed goods)</i>	

**CERTIFICATE  
OF  
CONFORMITY  
(COC) NO.**  
*(For goods  
accompanied with  
COC)*

**TEST REPORT  
NO.** *(For goods  
subjected to*

*destination inspection)*

**LICENCE CERTIFICATE NO**

*( For licensed products - route C of the PVOC program)*

S/ N	Description of the commodity upon and in respect which the Import distinctive mark is to be used	Trade mark or brand which is in use in respect of the commodity	<b>Quantity</b>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

--	--	--

Name of Importer ..... Postal  
 ..... address.....Email.....

Physical address.....  
 Tel.....

Contact  
 Person.....Designation.....  
 .....

It is hereby certified that the information supplied herein by the undersigned is true and correct. The undersigned agrees to abide by the Terms and Conditions stipulated at the back of this form

Signature.....Date.....  
 .....

Attachments (Tick as appropriate)	FOR UNBS USE ONLY
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Packing list. <input type="checkbox"/> Customs Entry <input type="checkbox"/> Import Declaration Form (IDF)	Application Received and Checked by..... IDM
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Certificate of Conformity (CoC) <input type="checkbox"/> Test Report <input type="checkbox"/> PVoC <input type="checkbox"/> License	No. of stickers.....Printed paid.....
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Copy <input type="checkbox"/> of receipt of payment for ISM Stickers <input type="checkbox"/> Copy <input type="checkbox"/> of receipt of PVoC penalty (where applicable)	Amount ....ReceiptNo... IDM Stickers checked and released by.....

**NOTE:**

- Payment shall be made at the time of filing the application.
- Fill each consignment on a separate form.

## **TERMS AND CONDITIONS**

- (1) The Importer shall affix the IDM only on certified products.
- (2) The Importer shall establish and maintain a system of product recall, and addressing complaints filed by its clients or consumers concerning its certified products and shall maintain records thereof.
- (3) The Importer shall ensure that its certified product conforms at all times to a specified standard and shall be liable for any damage caused by the said product to its consumers.
- (4) The importer shall pay the applicable fees and charges as billed by UNBS.