



INDUSTRIAL PROPERTY OFFICE

Republic of Mauritius

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Location of MAURITIUS in world map



Map not to Scale

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GEOGRAPHY

- Mauritius is an island of 2,040 sq.km. It lies 2,036 km off the south-east coast of Africa. It is part of the Mascarene Islands, with the French Island of Réunion 200 km to the southwest.

POPULATION

- The population of Mauritius is approximately 1.2 million. Mauritians are generally trilingual, speaking English, French and the local dialect “Creole.”
- Mauritians generally practise their religion in colourful ceremonies. Religious festivals light up the calendar all through the year. In the same area, one can come across a church, a temple, a mosque or a pagoda.

ECONOMY

■ Since independence in 1968, Mauritius has developed from a low-income, agriculturally based economy depending mainly on sugar to a middle-income diversified economy with growing industrial, financial, and tourist sectors.

For 2015/2016, we expect GDP growth to go up to 5.3 per cent and for 2016/2017 we are targeting a growth rate of 5.7 per cent.

Government is focusing on entrepreneurship. Small and medium enterprises (SMEs) already represent 40% to GDP and contribute to around 50 % of employment in Mauritius

INTRODUCTION

In Mauritius, intellectual property is administered by different institutions:

- Copyright and Related Rights are administered by the Rights Management Society (RMS), a collective management society established under the Copyright Act 2014 and which operates under the purview of the Ministry of Arts and Culture.

- Industrial Property matters are handled by the Industrial Property Office which falls under the aegis of the Min. of Foreign Affairs, R.I . And I.T.

LEGAL FRAMEWORK

Mauritius has a long history of industrial property. The Trade Marks Act of 1868 and the Patents Act of 1875 used to provide for the registration of trade marks and the grant of patents respectively until 06 January 2003, when these acts were repealed and replaced by the following legislations on industrial property:

- The Patents, Industrial Designs and Trademarks Act 2002; and
- The Protection Against Unfair Practices (Industrial Property Rights) Act 2002

VISION & MISSION

- The vision of the IPO is to have a modern and well-enforced industrial property system to be recognized as an important commercial asset and driving force as well as a crucial factor for national socio-economic and technological development.
- Our mission is to ascertain that effective protection of industrial property rights creates a conducive environment for innovative and inventive activity as well as for an orderly exchange of goods and services in the market place.

MEMBERSHIP TO WIPO-ADMINISTERED TREATIES & WTO

Mauritius is already a Member State of the World Intellectual Property Organization (WIPO) through the Stockholm Act (1967) of the WIPO Convention. It is also a party to :

- The Paris Convention for the Protection of Industrial Property (since 24 September 1976)
- The Berne Convention for the Protection of Artistic and Literary Works (since 10 May 1989)
- Mauritius is also signatory of the Trade Related aspects of the Intellectual Property Rights (TRIPS).

COUNTRY REPORT- MAURITIUS

INDUSTRIAL PROPERTY OFFICE-MAURITIUS



INDUSTRIAL PROPERTY OFFICE-MAURITIUS

- The Industrial Property Office operates under the purview of the Ministry of Foreign Affairs, Regional Integration and International Trade.
- The Industrial Property Office (IPO) was instituted following the entry into force in January 2003 of the following legislations on industrial property:
 - The Patents, Industrial Designs and Trademarks Act 2002
 - The Protection Against Unfair Practices (Industrial Property Rights) Act 2002

The IPO is responsible for the protection of patents, industrial designs and trademarks. It also liaises with other agencies such as the Anti Piracy Unit, the IPR Cell of the Customs Department, the Judiciary and the right holders on matters relating to the enforcement of IP rights.

The Office is currently manned by 10 technical officers with a support staff of 7 officers.

There is no ICT Officer servicing the office on a permanent basis .

Presently Mauritius is member of only 2

Treaties administered by WIPO namely:

(1)The Paris Convention and

(2)The Berne Convention

ISSUES DEALT WITH BY IPO

- Implementation of the Patents, Industrial Designs and Trademarks Act 2002 and the PIDT Regulations 2004, as subsequently amended.
- Processing applications for:-
- registration of trademarks, industrial designs and patents as well as renewal and changes .
- renewal of trademarks and industrial designs.

(i) Annual Maintenance Fees in respect of patents/patent applications.

- Publication of notices in Government Gazettes.
- Issue of certificates (registration, renewal, changes) for all IP rights.
- Attending to trademark opposition cases and decision-making after considering submissions of parties.

- Attending Industrial Property Tribunal and Court
- Contributing in outreach programmes on the importance of Industrial Property Rights.
- Monitoring the fees tendered for the protection of IP rights
- Annual Statistical return to WIPO.

A concrete achievement for the office has been the successful implementation of the IPAS Project following the technical assistance from WIPO.

However the major constraints faced by the office for the time being are:

- To address the accessibility of the IPAS to the customers
- Implementation of EDMS

INDUSTRIAL PROPERTY STATISTICS 2014-15

| | 2014 | 2015 |
|--|------|------|
| TRADEMARKS | | |
| No. of Applications | 1855 | 2049 |
| No. of Registrations | 1550 | 1861 |
| No. of Renewal of Registrations | 1349 | 1248 |
| No. of Changes in Ownership | 514 | 710 |

| INDUSTRIAL DESIGNS | | |
|-----------------------------|----|----|
| No. of Applications | 19 | 19 |
| No. of Registrations | 12 | 11 |
| | | |
| PATENTS | | |
| No. of Applications | 23 | 21 |
| No. of Grants | 9 | 4 |

The total number of trademarks reflecting in our system as at 27 May 2016 amounts to 40,226

Validation

Following the *Wipo Regional Training Workshop on The Industrial Property Administration System (IPAS) Business Process Governance* last year in Namibia, the validation of entries made on IPAS has already begun and it has been noted that the data entry error rate has decreased considerably.

Journal Publication

The IP office of the Republic of Mauritius unlike other African jurisdictions does not have its own publication journal. Actually, our Office prepares publication notices that are generated from the system and these are sent to our local governmental printing office, responsible for the publication of all notices in the Government Gazette. An interested party can purchase the Gazette by paying the appropriate fees to the printing office.

Future Plans

EDMS (Electronic Data Management System)

The IP Office has already initiated action to embark on the EDMS Project (which is still at initial stage) to extend the automation project to patent and industrial designs.

- Readiness of the office

The idea is to position the office for processing of international applications under the PCT, Madrid and Hague systems as envisaged in the new IP legislation which is in the pipeline.

The finalisation of our IP Legislation to address shortcomings and to provide for the protection of other aspects of IP such as geographical indications, utility models.

Thank you

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IPO, Mauritius