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IP Country Fiche
MAURITIUS



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Port Louis
Population:	1,273,617 million
Currency of government (official) fees:	Mauritian Rupee (MUR)
Language for filing IP applications:	English
GDP per capita:	8,622.7 (World Bank 2020)
Human Development Index:	0.62 (World Bank 2020)
Main exports:	Sugar and clothing, animals and vegetable oils.
Main imports:	Oil, manufactured goods, capital equipment and food.

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1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Mauritius is a contracting state to the following international legal instruments:

- ARIPO¹, both the Banjul Protocol on Marks and the Harare Protocol on Patents and Industrial Designs;
- Beijing Treaty on Audio-visual Performances;
- Berne Convention for the Protection of Literary and Artistic Works;
- Marrakesh VIP Treaty
- Paris Convention for the Protection of Industrial Property;
- TRIPS² Agreement
- WIPO³ Convention

¹ ARIPO: the African Regional Intellectual Property Organization.

² TRIPS Agreement: Agreement on Trade-Related Aspects of Intellectual Property Rights the World Trade Organization (WTO).

³ WIPO: World Intellectual Property Organization.

Most of Mauritius's IP laws are TRIPS-compliant although, in practice, the level of implementation may be different from other countries. This may have an impact on the effectiveness of some IP enforcement issues.

Mauritius is not a member of the Nice Agreement⁴ but its trade mark classification is based on the Nice Classification system.

1.3 REGIONAL AGREEMENTS

Mauritius is a member of the following regional agreements:

- AfCFTA (the African Continental Free Trade Area)
- The Agreement contains a Protocol on IP rights which aims for effective protection and promotion of IP rights in Africa and may therefore have legal implications for Mauritius when it comes into legal force.
- SADC (the Southern African Development Community)
- SADC's headquarters are in Gaborone, Mauritius.
- SADC has no regional IP agreements, protocols or registration systems in place.

It has the SADC Industrialization Strategy and Roadmap (2015-2063) which includes a focus on promoting the use and enforcement of IP rights to encourage research and development and innovation amongst SADC countries.

- COMESA (The Common Market for Eastern and Southern Africa)
- COMESA's headquarters are in Zambia.
- COMESA has no regional IP agreements, protocols, or IP registration systems in place.

It has the COMESA Policy on Intellectual Property Rights. The purpose of the Policy is to promote the use of intellectual property rights by COMESA member states so that they can shift from resource-based economies to knowledge-based and innovation-driven economies.

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN MAURITIUS

Mauritius is currently not a member of:

- the ARIPO legal framework for the registration of trade marks, patents, utility models and industrial designs;
- the Madrid Protocol, for the registration of international trade marks;
- the Hague System for the International Registration of Industrial Designs; or
- the Patent Cooperation Treaty (PCT), for the filing of international patent applications.

⁴ Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.

However, a new law, the Industrial Property Act 2019, which is still to enter into operation, consolidates all the industrial property-related issues in one legal framework which will consist of the following pieces of legislation:

1. trade marks, trade names, and the Madrid Protocol;
2. patents and the PCT;
3. utility models;
4. industrial designs governed by the Hague Agreement;
5. geographical indications;
6. layout-designs of integrated circuits;
7. plant breeders' rights.

Copyright will continue to be protected under a different law, as is currently the case.

1.5 IP REGISTRATION ROUTES

Currently, in Mauritius, IP protection is available at national level only through the Industrial Property Office (IPO), Ministry of Foreign Affairs, Regional Integration and International Trade.

When the Industrial Property Act 2019 enters into operation, the following registration routes will become available:

Regional

Information on how to register trade marks, patents, utility models and industrial designs with ARIPO is available through this link: <https://www.aripo.org/aripo-filing-procedures/>.

International

Trade marks under the Madrid Protocol: information on how to register international trade marks under the Madrid Protocol is available through this link: <https://www.wipo.int/madrid/en/>.

Industrial designs under the Hague System: information on how to register international trade marks under the Madrid Protocol is available through this link: <https://www.wipo.int/hague/en/>.

Patent filings under the PCT: information on how to register patents under the PCT is available through this link: <https://www.wipo.int/pct/en/faqs/faqs.html>.

Useful information:

Representation is required where an applicant is not a citizen of Mauritius or does not have a commercial connection with the country.

Mauritius is a 'first to file' country: whoever files a particular trade mark first gets the rights.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

The Mauritius IP Office is responsible for the protection of patents, industrial designs and trade marks. It also liaises with other agencies such as the Anti-Piracy Unit, the IPR Cell of the Customs Department, the judiciary and the rights holders on matters relating to the enforcement of IP rights.

Combating IP offences has been the duty of the Anti-Piracy Unit that was set up in August 2001 under the aegis of the Police Force. The Unit works in close collaboration with the Mauritius Society of Authors (MASA), the Ministry of Arts and Culture and with the IPO, and has investigated a number of cases of breaches of copyright and trade marks. Seizures of counterfeited materials are commonly reported by the press. Consequently, the press plays an important role not only in sensitising the public that counterfeit materials are illegal but also in deterring businesses from selling counterfeit materials. Over the years, the Anti-Piracy Unit has seized a number of products with counterfeit marks such as Polo Ralph Lauren, Louis Vuitton and Quiksilver.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

The information contained in this section is based on the provisions of the Industrial Property Act 2019 which is expected to enter into force before the end of 2022.

3.1 TRADE MARKS

Benefits of registering a trade mark

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the same mark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising or obtaining finance.

3.1.1 Who can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person who does not have their place of business in Mauritius needs a professional representative.

3.1.2 What are the registration requirements?

An application for registration of a trade mark shall include:

- a sufficiently clear reproduction or representation of the mark, as prescribed;
- a list of the goods or services based on the Nice Classification system;
- proof of payment of the prescribed application fee;
- a copy of the priority document, if applicable;
- a power of attorney, signed and legalised;
- a declaration and statement of case where the applicant is not the owner of the trade mark;

3.1.3 What qualifies for registration?

Any distinctive words, letters, numerals, drawings, colours, pictures, labels, or combination of the above, used to distinguish between the goods and services of different companies may be considered a trade mark.

3.1.4 What cannot be registered?

A trade mark cannot be registered if:

- it is not distinctive or cannot distinguish the goods or services of one enterprise from those of other enterprises;
- is contrary to public order or morality;
- consists solely of a sign or indication that may serve in trade to designate the kind, quality, quantity, intended purpose, value, geographical origin or time of production of goods or of rendering of services, or other characteristics of goods or services;
- consists solely of a sign or indication that has become generic in current language or in the bona fide established practices of the trade, or is a usual or recognised technical or scientific name of a product or service;
- consists solely of a shape that results from the nature of the goods or provides a technical result, functional advantage or substantial value to the goods;
- contains the armorial bearing, the flag or other emblem of a State party to the Paris Convention or of an international organisation, an official sign indicating control warranty adopted by any such State or organisation, or constitutes an imitation of those signs from a heraldic point of view;
- is similar to a mark registered earlier or a mark that constitutes a reproduction, imitation or translation of a well-known mark;
- cannot be used in Mauritius by virtue of any law.

3.1.5 Where can I file an application?

- Trade mark applications must be filed at the Industrial Property Office of Mauritius (IPO).
- The application process includes a formal examination of the application and a trade mark search and takes about 6 months. After registration, the trade mark is published in the official gazette.
- ARIPO, for regional marks, but can also be filed through the IPO.
- the International Bureau (WIPO) for Madrid Protocol applications but can also be filed through the IPO.
- In practice, regional and international applications are filed directly with ARIPO and

WIPO as it is more efficient to do so.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Mauritian rupee, MUR). Application forms and information on fees are available through this link: <https://foreign.govmu.org/>.

Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three Mauritius -accredited professionals. A list can be obtained from <https://foreign.govmu.org/>

Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be in the region of the amounts set out in the table below (in Mauritius Rupee), unless objections and other special circumstances that may increase the costs apply.

Currently the following fees apply:

Description/Process or Service	Government Fees (Mauritius Rupee)
Application for registration: Any two classes	3150
Each additional class	1,575

3.1.7 How long does registration take?

Trade-mark registration in Mauritius usually involves:

1. a preliminary search (carried out by you or your representative/agent) of existing trade marks;
2. an application;
3. an examination of your application by the IPO;

4. acceptance and publication of the application in the Government Gazette of Mauritius.
5. an opposition period (2 months from the date of publication);
6. issuance of a registration certificate (if there is no opposition after the prescribed 2 months).

3.1.8 What is the duration of protection?

10 years from the filing date.

Renewal is possible for subsequent periods of 10 years. A trademark may be renewed during the period of six months preceding the expiry date.

3.2 PATENTS

Mauritius Patent Registrations

National and regional (ARIPO) patents can be registered in Mauritius in the following ways.

National

- at the Industrial Property Office (IPO) Ministry of Foreign Affairs, Regional Integration and International Trade.

Regional

All ARIPO member states can be designated in an ARIPO patent application except Mauritius and Somalia because they are currently not signatories of the Harare Protocol.

However, Mauritius is preparing to join ARIPO's protocols and become a designable state for trade marks, patents, utility models and industrial designs.

Choosing between a national or regional patent registration for Mauritius

Should regional and international IP registration routes become available, the decision about whether to register a patent in Mauritius through the national or ARIPO route is usually guided by the following considerations:

- whether substantive examination is required or not: Patent applications in Mauritius are subjected to substantive examination;
- whether patent protection is required in Mauritius only or in multiple jurisdictions: applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- cost-effectiveness: ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach.

Choosing between registration routes

Mauritius is yet to join ARIPO's protocols and the PCT. When it does, a patent application for Mauritius can be filed either nationally at the Mauritius IPO, regionally through ARIPO or through the PCT, or internationally through the PCT.

However, the PCT provides a patent filing route rather than a patent registration route. It is advisable to seek legal advice on the most effective way of filing your patent application.

Choosing a patent filing route

Mauritius is yet to join ARIPO's protocols and the PCT. When it does, a patent application for Mauritius can be filed either nationally at the Mauritius IPO, regionally through ARIPO or through the PCT, or internationally through the PCT.

However, the PCT provides a patent filing route rather than a patent registration route. It is advisable to seek legal advice on the most effective way of filing your patent application.

National (Mauritius IP Office) Patents

3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

Two or more inventors can jointly apply for the grant of a patent.

3.2.2 What qualifies for registration?

An invention is patentable where it:

- (i) is new;
- (ii) involves an inventive step; and
- (iii) is capable of industrial application.

3.2.3 What cannot be registered?

The following inventions cannot be patented:

- discoveries, scientific theories and mathematical methods;
- literary, dramatic, musical or artistic works and any other aesthetic creation;
- schemes, rules or methods for doing business, performing purely mental acts and playing games;
- computer programmes;
- methods for the treatment of the human or animal body by surgery or therapy, including diagnostic methods practised on the human or animal body;

- known substances for which a new use has been discovered and not applicable to the use itself, where they constitute a patentable invention;
- plants and animals, including their parts, other than microorganisms, and essentially biological processes for the production of plants or animals and their parts, other than non-biological and microbiological processes;
- an invention whose primary or intended use would be contrary to public order or morality, whether or not the commercial exploitation of the invention is prohibited by law.

3.2.4 Where can I file an application?

National applications, non-Convention, Convention and PCT national phase applications must be filed at the Mauritius Intellectual Property Office.

Regional applications: when Mauritius joins the Harare Protocol they can be filed at the Mauritius IPO or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings

The procedure for filing an ARIPO patent is as follows:

For more details on the registration process of an ARIPO patent please follow the link below: <https://www.aripo.org/ip-services/patents/>

3.2.5 How much does it cost?

National (Mauritius IP Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Mauritian rupee, MUR). Application forms and information on fees are available through this link: <https://foreign.govmu.org/>.

Note on professional fees

Professional fees vary depending on several factors, including the level of experience of the professional concerned and the time spent on a task.

It is advisable to obtain comparative quotes of fees from at least three Mauritius IPO-accredited professionals. A list can be obtained from <https://foreign.govmu.org/>.

Likely overall registration costs for a Mauritian patent

An applicant can expect the cost of registering a patent to be in the region of the amounts set out

in the table below (in Mauritian Rupee), unless objections and other special circumstances that may increase the costs apply.

Currently the following fees apply:

Type of Fee	Government Fees (MUR)
Application for grant of patent	5 250

Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three Mauritius -accredited professionals. A list can be obtained from <https://foreign.govmu.org/>

3.2.6 How long does registration take?

National patent applications are examined substantively in Mauritius after they have been formally examined by the IPO. Substantive examination is completed on average within 3 years from the filing date of the application. If the applicant does not request the substantive examination within the 3 years, the application is deemed to have been abandoned.

Regional-route Mauritius applications are substantively examined by ARIPO and take 3-4 years on average to complete registration, assuming that there are no objections.

3.2.7 What is the duration of protection?

Protection lasts 20 years from the filing date, subject to the payment of annual maintenance fees.

3.2.8 When are renewal fees paid?

National patents

Renewal fees are paid from the third anniversary of the filing date up to the 20th year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date. Annuities

Currently the following government (official) renewal fees are applicable:

Annuity Years	Government Fee (MUR)
3 and 4	2 100
5 to 9	7 3500
10 to 14	21 000
15 to 19	31 500

3.3 UTILITY MODELS

Mauritius Utility Model Registrations

However, Mauritius' new Industrial Property Act 2019 will provide for the registration of utility models when it enters into operation.

When Mauritius joins the Harare Protocol, utility models will become registrable nationally and regionally through ARIPO.

National patents

- These will be filed at the Industrial Property Office (IPO) Ministry of Foreign Affairs, Regional Integration and International Trade.

Regional utility models

These will be filed nationally which is less common, or regionally in ARIPO which is the common practice amongst ARIPO member states.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO utility model application.

All ARIPO member states can be designated in an ARIPO utility model application except Mauritius and Somalia because they are currently not members of the Harare Protocol.

However, Mauritius is preparing to join ARIPO's protocols and become a designable state for trade marks, patents, utility models and industrial designs.

Choosing between a national or regional utility model registration for Mauritius

The decision about whether to register a utility model in Mauritius through the national or ARIPO route is usually guided by the following considerations:

cost: it may be more cost-effective to proceed through the national route if protection is required in Mauritius only;

National (Mauritius) Utility Models

3.3.1 Who can register?

An inventor or assignee of an invention can apply to register a utility model.

3.3.2 What qualifies for registration?

An invention may be registered as a utility model if it is:

- new; and
- industrially applicable.

3.3.3 What cannot be registered?

The following inventions cannot be registered as utility models in Mauritius:

- discoveries, scientific theories and mathematical methods;
- literary, dramatic, musical or artistic work and any other aesthetic creation;
- schemes, rules or methods for doing business, performing purely mental acts and playing games;
- computer programmes;
- plants and animals, including their parts, other than microorganisms, and essentially biological processes for the production of plants or animals and their parts, other than non-biological and microbiological processes;
- inventions, the primary or intended use of which would be contrary to public order or morality; and
- inventions having as subject matter a process or a method

3.3.4 Where can I file an application?

National applications for utility models must be filed at the Industrial Property Office (IPO), Ministry of Foreign Affairs, Regional Integration and International Trade.

Regional applications will be filed at the Mauritius IP Office or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings. If an applicant wishes to obtain a utility model instead of a patent in Mauritius on the basis of an international application, this must be indicated in the international application when filed.

Registration Procedure for ARIPO filed utility models:

For more details on the registration process for ARIPO utility models please follow the link below:
<https://www.aripo.org/ip-services/utility-model/>

3.3.5 How much does it cost?

National (Mauritius) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Mauritius Rupee). Application forms and information on fees are available through this link: <https://foreign.govmu.org/>

However, at the moment there are no prescribed fees for utility models in a statutory instrument and from the Mauritius IP Office.

Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three Mauritius -accredited professionals. A list can be obtained from <https://foreign.govmu.org/>

3.3.6 How long does registration take?

National: the Industrial Property Act 2019 of Mauritius envisages substantive examination of utility model applications. The average time frame is 9-15 months. It is advisable to check applicable processing time frames before starting the registration process.

3.3.7 What is the duration of protection?

In Mauritius, the duration of a utility model registration is 6 years from the filing date. It can be renewed for two further periods of 2 years each.
ARIPO-registered utility models have a duration of 10 years from the filing date.

3.3.8 When are renewal fees paid?

National Utility models

Renewal fees must be paid each year, starting one year after the filing date of the application or the grant of the utility model.

Late payment of the annual fees, with a corresponding surcharge, is possible within a grace period of 6 months after the due date.

Government (official) fees

At the moment there are no prescribed fees for utility models in a statutory instrument or at the Mauritius IPO.

3.4. INDUSTRIAL DESIGNS

Unlike South African law, in Mauritius designs are registered without being classified as either aesthetic or functional designs.

Mauritius Industrial Design Registrations

National industrial designs can be registered in Mauritius in the following ways:

National

- at the Industrial Property Office (IPO), Ministry of Foreign Affairs, Regional Integration and International Trade.

Regional

Mauritius is not yet a contracting party to ARIPO's Harare Protocol on Patents and Industrial Designs but the new Industrial Property Act 2019 will protect these designs when it enters into operation.

Presently ARIPO has 20 member states: Botswana, Eswatini (formerly Swaziland) The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Rwanda, São Tomé and Príncipe, Sierra Leone, Somalia, Sudan, Tanzania, Uganda, Zambia and Zimbabwe.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO industrial design application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining 18 member states in an industrial design application.

Examination and novelty of designs for Mauritius

Mauritius does not carry out a substantive examination of design applications. Applications are examined for compliance with formal requirements only. The examination is based on a relative statement of novelty.

Similarly, ARIPO carries out a formal examination of designs, and member states are given the

opportunity to carry out a substantive examination if their national laws require it.

As there is no requirement for a substantive examination of designs under Mauritian law, only a formal examination is carried out.

National (Mauritius) Industrial Designs

3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in Mauritius.

It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design.

3.4.2 What qualifies for registration?

An industrial design will be protected where it is new and original.

3.4.3 What cannot be registered?

An industrial design will not be registered where:

- its features are solely dictated by technical or functional considerations;
- its commercial exploitation may be contrary to public order or morality.

3.4.4 Where can I file an application?

National-route design applications must be filed at the Mauritius IP Office.

Regional-route design applications will be filed at the Mauritius IP Office or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO for Mauritius designs can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

Registration Procedure of ARIPO Industrial designs

For more details on the registration process for ARIPO utility models please follow the link below: <https://www.aripo.org/ip-services/industrial-design/>

3.4.5 How much does it cost?

National (Mauritius) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Mauritian rupee, MUR). Application forms and information on fees are available through this link: <https://foreign.govmu.org/>.

Likely overall registration costs for a Mauritian industrial design

An applicant can expect the cost of registering an industrial design to be in the region of the amounts set out in the table below (in Mauritius Rupee), unless objections and other special circumstances which increase costs apply.

Description of the Process/Service	Government Fees (MUR)
Application for registration of industrial designs	2 100
Registration of industrial designs	4 200

Note on professional fees

Professional fees vary depending on several factors, including the level of experience of the professional concerned and the time spent on a task.

It is advisable to obtain comparative quotes of fees from at least three Mauritius IPO-accredited professionals. A list can be obtained from <https://foreign.govmu.org/>.

3.4.6 How long does registration take?

National-route applications usually take 15-18 months to complete registration. The deadline to file missing documents is 2 months from the date of notification.

3.4.7 What is the duration of protection?

In Mauritius, a national industrial design has an initial duration period of 5 years from the filing date of the application for registration. It may be renewed for three further consecutive periods of 5 years each.

ARIPO-route design registrations are valid for 10 years, with no possibility of extension.

3.4.8 When are renewal fees paid?

Renewal fees must be paid within 6 months after the due date.

The renewal fees are currently MUR 4 200 for the first renewal and MUR 5 250 for the second renewal fee. There is a surcharge fee of MUR 1 575 for the late payment of renewal fees.

In ARIPO, renewal fees are payable within 6 months before the registration period expires. Late payment of the renewal fees is possible within a grace period of 6 months after the due date.

3.5. GEOGRAPHICAL INDICATIONS (GIs)

About GIs in Mauritius

GIs are registrable in Mauritius under Sub-Part C of Part VII of the Industrial Property Act 2019.

GIs are registered through the Industrial Property Office of Mauritius. Currently, there is no regional or international registration system through which GIs can be registered for Mauritius.

3.5.1 Who can register?

The following can apply for the registration of a GI:

- a group of producers, or a legal entity that groups the producers, that operates in a specified geographical area to produce specified goods, or a Government department, on behalf of the group of producers or legal entity.
- A GI application can be made individually by any of the above, or jointly with others.

3.5.2 Can European GIs be registered?

European GIs do not appear to be registrable under the current national law. For information about the protection of the European GIs in African countries, the Organization for an International Geographical Indications Network should be consulted at: <https://www.origin-gi.com/i-gi-origin-worldwide-gi-compilation-uk.html>.

3.5.3 What qualifies for registration?

An indication that identifies a good as originating in the territory of a country, or a region or locality in that country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin

3.5.4 What cannot be registered?

A geographical indication cannot be registered if it is:

- an indication whose use needs to be prevented on the ground of public order or morality;
- a geographical indication that is not, or that ceases to be, protected, or that has fallen into disuse, in its country of origin;
- an indication that is identical with the term customary in common language in Mauritius as the common name for the relevant goods or services;
- is likely to mislead the public or those in the trade, as regards the geographical origin of the goods concerned, or their nature or characteristics.

3.5.5 Where can I file an application?

Applications for registration must be submitted to the Mauritius Industrial Property Office.

3.5.6 How much does it cost?

National (Mauritius) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is usually published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Mauritian rupee, MUR).

However, in Mauritius there are currently no prescribe fees for GIs in any statutory instrument. Application forms and information on fees can be available through this link: <https://foreign.govmu.org/>.

Note on professional fees

Professional fees vary depending on several factors, including the level of experience of the professional concerned and the time spent on a task.

It is advisable to obtain comparative quotes of fees from at least three Mauritius IPO-accredited professionals. A list can be obtained from <https://foreign.govmu.org/>.

3.5.7 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes on average 15-18 months to complete registration. This includes an opposition period of 3 months.

3.5.8 What is the duration of protection?

The registration of a GI is for a term of 10 years from the filing date of the application for registration.

It may be renewed for consecutive periods of 10 years on payment of a renewal fee.

3.6. LAYOUT DESIGNS OF INTEGRATED CIRCUITS

About Layout Designs of Integrated Circuits in Mauritius

Layout designs of integrated circuits ('layout designs') are registrable in Mauritius under Part IV of the Industrial Property Act 2019.

Currently, there is no regional or international registration system through which layout designs can be registered for Mauritius.

3.6.1 Who can register?

An application for registration of a layout design can be made by, or on behalf of, the following:

- the creator of the layout design;
- the right to a layout design may be assigned or transferred by succession.
- Where several persons have jointly created a layout design, the right to the layout design will belong to them jointly.

3.6.2 What qualifies for registration?

A layout design is registrable if:

- it is original, being the result of its creator's own intellectual effort; and not commonplace among creators of layout designs and manufacturers of integrated circuits at the time of its creation; and
- it has not yet been exploited commercially anywhere in the world or has not been exploited commercially anywhere in the world for more than 2 years prior to the application for its registration.
- it is a 3-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and some or all of the interconnections of an integrated circuit, or a 3-dimensional disposition prepared for an integrated circuit intended for manufacture.

3.6.3 What cannot be registered?

Any layout designs whose use would be contrary to the law, public policy or morality is not registrable.

A layout design that is not original and has been exploited commercially for more than 2 years prior to the application for its registration is also not registrable.

3.6.4 Where can I file an application?

An application must be submitted on the prescribed form to the Director of the Mauritius Industrial Property Office.

3.6.5 How long does registration take?

It takes up to 3 years on average to complete registration, including substantive examination. The Industrial Property Act 2019 envisages substantive examination which can take up to 18-25 months.

3.6.6 What is the duration of protection?

Any protection granted in respect of a layout design under the Industrial Property Act 2019 will lapse at the end of 10 years from the date of commencement of the protection.

3.6.7 When are renewal fees paid?

There are no prescribed renewal fees to be paid after the 10-year registration term.

3.7. PLANT BREEDERS' RIGHTS

About Plant Breeders' Rights in Mauritius

In Mauritius, the protection of new plant varieties is provided for in Part V of the Industrial Property Act 2019.

The registration of PBRs falls within the powers of the Director of the Industrial Property Office.

Although ARIPO has the Arusha Protocol for the Protection on New Varieties of Plants, it does not yet have an operational PBR registration system. As a result, PBRs can currently only be registered through the national route in Kenya.

Mauritius has initiated the procedure for acceding to the International Convention for the Protection of New Varieties of Plants (UPOV).

3.7.1 Who can register?

An application for the registration of plant breeders' rights can be made by:

- a person who has bred, or discovered and developed, a plant variety;
- a person who is the employer of the person referred to above or who has commissioned their work;
- their successor in title.

3.7.2 What qualifies for registration?

- Any plant that is a new variety of a prescribed kind qualifies for registration.
- A variety will be considered to be new where, at the date of filing of the application for a PBR, propagating or harvested material of the variety has not been sold or otherwise

made available to others, by or with the consent of the breeder, for the purpose of exploitation of the variety in Mauritius earlier than 1 year before the filing date; or in a state other than Mauritius earlier than 4 years; or in the case of trees or vines, earlier than 6 years before the filing date.

3.7.3 What cannot be registered?

The following cannot be registered as a PBR:

- subject matter that does not constitute a new plant variety under the Industrial Property Act 2019;
- subject matter that is not distinct, uniform, stable and novel.

3.7.4 Where can I file an application?

An application must be submitted on the prescribed form to the Industrial Property Office (IPO), Ministry of Foreign Affairs, Regional Integration and International Trade.

3.7.5 How much does it cost?

(National Mauritius) fees

Currently no fees have been enacted for the protection of plant varieties as this legal framework is yet to enter into effect.

3.7.6 How long does registration take?

A formal examination is carried out and the Mauritius IPO can do further substantive examination and enter into agreements with other authorities outside of Mauritius for the purposes of examination. Substantive examination is completed on average within 3 years from the filing date of the application. If the applicant does not request the substantive examination within the 3 years, the application is deemed to have been abandoned.

3.7.7 What is the duration of protection?

A PBR is valid for 25 years from the date of the grant of the right.

3.7.8 When are renewal fees paid?

The owner of a PBR must pay an annual fee, at such a time as may be prescribed.

3.8. COPYRIGHT AND NEIGHBOURING RIGHTS

Mauritius has many famous traditional dance styles. The most typical folkloric dance of Mauritius is the sega of African origin. This dance is pulsated by the beat of the ravanne, a circular drum, and other rhythmic instruments such as the maravanne and triangle. Originally danced and sung by slaves, the sega has been adopted by all Mauritians and is played on all occasions. More recently, a new sound, a mixture of the sega and reggae music, has found its way into the musical culture

of Mauritius. This fusion music called the seggae, is a melodious and entertaining new rhythm that reflects the mixed aspect of Mauritius, emerged in the 80s.

About Copyright and Neighbouring Rights in Mauritius

Mauritius has a dedicated law for the protection of copyright, namely the Copyright Act 2014.

Mauritius is a signatory of the Berne Convention for the Protection of Literary and Artistic Works.

3.8.1 Can I register?

Copyright is not a registrable right in Mauritius. It exists automatically when any original work is created in one of the categories that is protected by the Copyright Act of 2014.

Mauritius is a member ARIPO which is currently considering the possibility of creating a voluntary copyright registration system for its Member States. It remains to be seen if this system will become a reality.

3.8.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection.

Every artistic, literary or scientific work will be an original intellectual creation and these include:

- a book, pamphlet or other writing;
- an illustration, map, plan or sketch;
- a lecture, sermon or any other address of a similar nature;
- a dramatic or dramatico-musical work;
- a musical work;
- a choreographic work or pantomime;
- an audiovisual work;
- a sound recording;
- a work of fine art, such as a drawing or painting; or architecture or sculpture, an engraving or lithography or applied art;
- a photographic work;
- a computer program.

3.8.3 What cannot be protected?

- any idea, procedure, system, method of operation, concept, principle, discovery or mere data;
- any official text of a legislative, administrative or legal nature, as well as any official translation news of the day or miscellaneous facts having the character of mere items of press information;
- political speeches and speeches delivered in the course of legal proceedings;
- a judgment of a court of law or tribunal;

- any work that is contrary to law, public order or morality.

3.8.4 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- private reproduction for personal purposes;
- temporary reproduction;
- quotation from a work that has lawfully been made available to the public where the quotation is compatible with fair practice;

- reproduction and other utilisation for teaching and scientific, non-commercial purposes;
- reproduction by libraries and archives;
- reproduction, broadcasting and other communication to the public for informatory purposes in a newspaper or periodical, the broadcasting or other communication to the public;
- reproduction, adaptation of computer programs and decompilation;
- distribution of copies of works where a work has been distributed by means of the sale of fixed copies to the public;
- a public display of originals or copies of works where the display is not made by means of a film, slide, television image, or otherwise, on screen; or any other device or process;

3.8.5 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing the work into Mauritius or exporting it from Mauritius, otherwise than for personal and private use;
- causing the work to be transmitted in a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster;
- making an adaptation of the work.

3.8.6 What is the duration of protection?

The duration of copyright protection is as follows:

- literary works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- work of joint authorship: 50 years from the end of the calendar year in which the performance took place;
- an audiovisual work: 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright or, failing such an event, 50 years from the making of the work or 50 years from the end of the year in which the work was made;
- work published anonymously or under a pseudonym: 50 years from the end of the

- year in which the recording was first published;
- a broadcast: 50 years from the end of the year in which the broadcast first took place;
- a work of applied art: 25 years from the making of the work.

3.8.7 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in Mauritius once its term has expired. The work lapses into the public domain at the end of the term of protection.

Links to legislation:

ARIPO: <https://www.aripo.org/member-states-laws/>

Copyright Act 2014: <https://wipolex.wipo.int/en/text/539951>

Industrial Property Act 2019: <http://www.mauritiustrade.mu/ressources/pdf/industrial-property-act-2019>

Links to institutions:

AfCFTA – African Continental Free Trade Agreement Secretariat: <https://au.int/en/cfta>

ARIPO – African Regional Intellectual Property Organization: <https://www.aripo.org/>

Mauritius IP Office: <https://foreign.govmu.org/>

SADC – Southern African Development Community: <https://www.sadc.int/>

