


# OVERVIEW OF IP LEGAL AND POLICY FRAMEWORK IN MAURITIUS



# Outline

- Historical Background
  - New IP Framework
  - Organizational Structure of IPOM
  - Recent Developments
  - IPAS
  - Treaties
  - IP Statistics
- 

# Historical Background

- Mauritius – long history of IP protection dating back to the colonial times.
- 2 legislations on Industrial property, namely
  - ❖ The Trade Marks Act 1868
  - ❖ The Patents Act 1875
- Separate offices dealing with trademarks and patent protection until 1994 when both were administered by the Patents and Trade Marks Office operating under the aegis of the Ministry of Trade and Shipping.

- Copyright Act 1986, subsequently replaced by the Copyright Act 1997 and then by the Copyright Act 2014 (under the Ministry of Arts and Cultural Heritage).
- IP started assuming more importance in the mid 1990s with the conclusion of the WTO Agreement in Marrakesh on 15 April 1994.
- Annex 1C constitutes the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).
- As signatory of the WTO Agreement which entered into force on January 1, 1995, Mauritius, as a developing country, was bound by the provisions of this agreement and had to comply with its obligations by January 1, 2000.

- Action initiated for the adoption of the new TRIPS-compliant legislations on IPRs and this culminated in the adoption by Parliament of four pieces of legislation on industrial property in July 2002, namely:
- The Patents, Industrial Designs and Trademarks Act 2002
- The Geographical Indications Act 2002
- The Layout Designs (Topographies) of Integrated Circuits Act 2002
- The Protection Against Unfair Practices (Industrial Property Rights) Act 2002

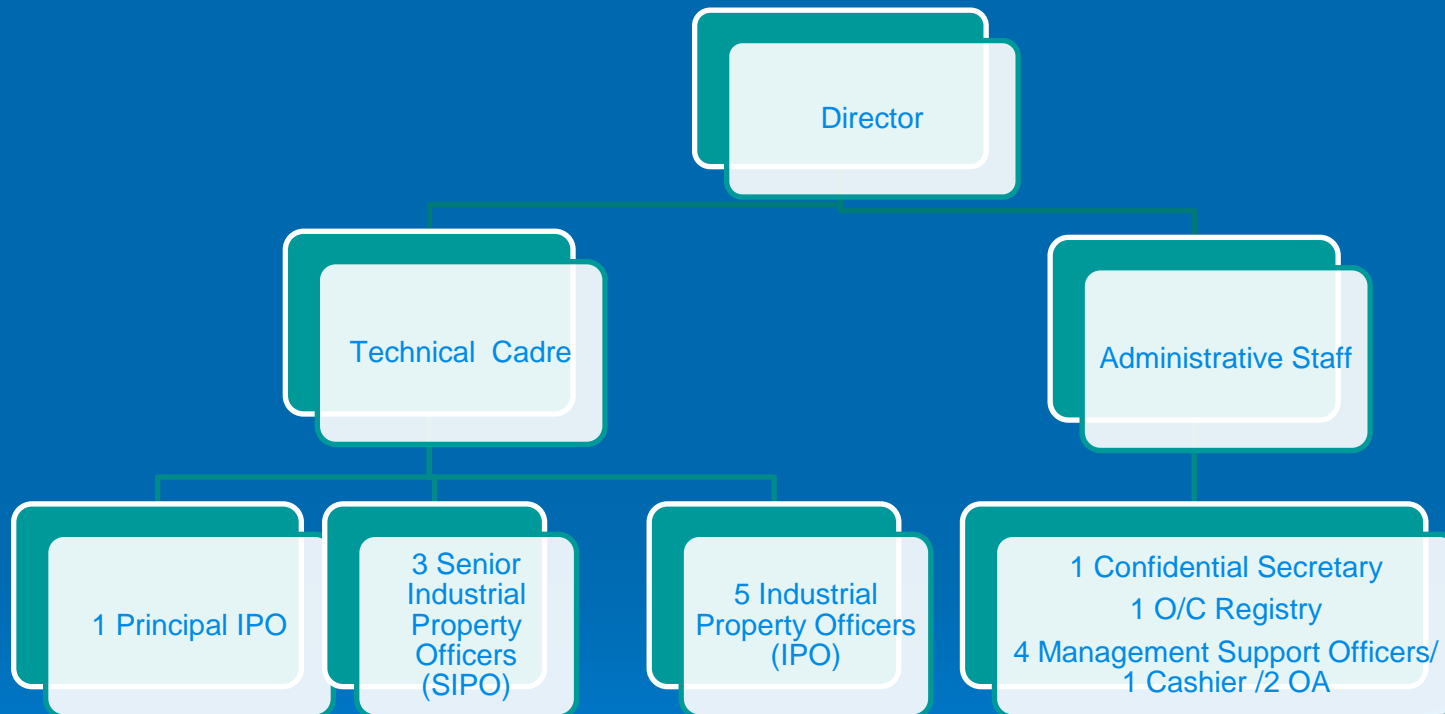
- 2 proclaimed and in force since January 06, 2003 (old laws repealed) and 2 others not proclaimed.
- PIDT Act supplemented by the PIDT Regulations 2004, as subsequently amended in Feb 2011 and Dec 2012.
- Suffice to say at this stage that the PIDT Act 2002 provided for the institutional framework for the setting up of an Industrial Property Office as well as an Industrial Property Tribunal.

- The Industrial Property Office is composed of 18 employees, as follows:
- 9 Technical most of whom reckon more than 20 years service in the office; and
- 9 support staff

as shown in the slide below



# Organizational Chart of the Industrial Property Office of Mauritius





- June 2019- New consolidated legislation known as Industrial Property Act adopted by Parliament to provide for the protection of other IP rights, namely, utility models, layout designs of integrated circuits, plant breeders' rights' and geographical indications (GIs).
- The new Act also made provisions for the filing of international applications for the protection of patents, industrial designs and trademarks under the PCT, the Hague Agreement and the Madrid Protocol.

- The PIDT Act was repealed on 31 January 2022 with the coming into operation of the Industrial Property Act and the Industrial Property Regulations
- The new Act provides for the restyling of the office to be known as the Industrial Property Office of Mauritius to be headed by a Director, with a reviewed mandate to be more responsive to a changing IP landscape.

# Policy Framework

- Intellectual Property Development Plan (IPDP) designed with the assistance of WIPO

## Main objective

- establishing effective, efficient, development-oriented intellectual property systems to support the creation of IP assets and complement Governments' efforts in harnessing sustained economic growth

- MOU concluded between WIPO & Government of Mauritius represented by the Ministry of Foreign Affairs on 22 October 2013 for the development of Intellectual Property Office business services.
- Provides for the implementation of the Industrial Property Automation System
- Recently upgraded to 3.6 and to provide for Madrid Module and WIPO Publish (contains a database of currently approx. 55000 records for trademarks)

## ➤ Creation of an Intellectual Property Council (advisory role)

### Objectives:

- to provide a strategic overview of intellectual property policy
- to provide independent input into Government policy-making
- to advise on Mauritius' stance in international intellectual property negotiations.

## Recent developments:

- September 2020: Membership to the Lusaka Agreement creating ARIPO
- 15 Dec. 2022: Deposit of Instruments of Accession to the PCT
- 06 Feb. 2023: Deposit of Instruments of Accession to the Hague Agreement
- 06 Feb. 2023: Deposit of Instruments of Accession to the Madrid Protocol

# Membership to International Organizations/Treaties

- WIPO Convention (21 September 1976)
- Paris Convention for the Protection of Industrial Property (24 September 1976)
- Berne Convention for the Protection of Artistic and Literary Works ( 10 May 1989)
- TRIPS Agreement (15 April 1994)

# Membership to International Organizations/Treaties (ctd)

- Marrakesh VIP Treaty (11 April 2021)
- Patent Cooperation Treaty (15.03.2023)  
Hague Agreement (06 May 2023)
- Madrid Protocol (06 May 2023)



# IP Statistics 2020-2022

	2020			2021			2022		
	Res.	Non-Res.	Total	Res.	Non-Res.	Total	Res.	Non-Res.	Total
<b>TRADEMARKS</b>									
No. of Applications	1232	915	<b>2147</b>	1286	1088	<b>2374</b>	984	1136	<b>2120</b>
No. of Registrations	997	997	<b>1994</b>	1176	1012	<b>2188</b>	1088	2080	<b>3168</b>
<b>INDUSTRIAL DESIGNS</b>									
No. of Applications	14	2	<b>16</b>	9	3	<b>12</b>	4	2	<b>6</b>
No. of Registrations	18	4	<b>22</b>	8	1	<b>9</b>	3	4	<b>7</b>
<b>PATENTS</b>									
No. of Applications	6	19	<b>25</b>	6	14	<b>20</b>	0	8	<b>8</b>
No. of Grants	1	16	<b>17</b>	0	4	<b>4</b>	0	1	<b>1</b>

THANK YOU

Ranjive Beergaunot

branjive@yahoo.com