



GOVERNMENT OF THE REPUBLIC OF
MAURITIUS



NATIONAL INTELLECTUAL PROPERTY DEVELOPMENT PLAN FOR THE REPUBLIC OF MAURITIUS

Needs Evaluation Report and Implementation Matrix

Prepared
By

Getachew Mengistie, Intellectual Property Consultant, Springfield, USA

And

Mr. Shane Hardowar, Lecturer (Agricultural Management and Economics)/ National
Consultant, Department of Agricultural Production and Systems Faculty of Agriculture,
University of Mauritius

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Abbreviations

ABS - Access and Benefit Sharing
AGOA - Africa Growth and Opportunity Act
APU -Anti-Piracy unit of the police force
ARDI -Access to Research for Development and Innovation
ASPI - Access to Specialized Patent Information
ARIPO - African Regional Intellectual Property Organization
CBD - Convention on Biodiversity
CBBR - Center for Biomedical and Biomaterial Research
COMESA - Common Market for Eastern and Southern Africa
EEZ - Exclusive Economic Zone
Est.- Estimates
EU - European Union
FAREI - Food and Agricultural Research and Extension Institute
FAO - Food and Agriculture Organization
FDI - Foreign Direct Investment
GDP - Gross Domestic Product
HEIs – Higher Education Institutions
ICT - Information and Communication Technologies
IEPA - Interim Economic Partnership Agreement
IOC - Indian Ocean Commission
IORA - Indian Ocean Rim Association
IP - Intellectual Property
IPAS - Industrial Property Automation System
IP Bill - Industrial Property Bill
IPDP - Intellectual Property Development Plan
IPO - Industrial Property Office
IPRs - Intellectual Property Rights
ITD - International Trade Division
KMO - Knowledge Management Office of University of Mauritius
MAC - Ministry of Arts and Culture
MRC-Mauritius Research Council
MSIRI - Mauritius Sugarcane Research Institute
MOFARIT - Ministry of Foreign Affairs, Regional Integration and International Trade
PCT - Patent Cooperation Treaty
R&D - research and development
SADC - Southern African Development Community
SIL - State Informatics Limited
SMEs - Small and medium sized enterprises
S&T - Science and Technology
STI - Science, Technology & Innovation
STIP - Science, Technology & Innovation Policy
TCEs - Traditional Cultural Expressions
TISC -Technology and Innovation Support Centers
TK - Traditional Knowledge
TRIPS - Agreement on Trade Related Aspects of Intellectual Property Rights
TTO - Technology Transfer Office
TTOs - Technology Transfer Offices
UCC - Universal Copyright Convention
UOM - University of Mauritius
UNDP - United Nations Development Programme
UNEP - United Nations Environment Programme

UPOV Convention - International Convention on the Protection of New Varieties of Plants
WCT - WIPO Copyright Treaty
WCO - World Customs Organization
WIPO - World Intellectual Property Organization
WPPT - WIPO Phonogram and Performers Treaty
WTO - World Trade Organization

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We would like to express our deepest thanks and gratitude to the World Intellectual Property Organization (WIPO) for giving us the opportunity to review the needs evaluation Report and update the national Intellectual Property Development Plan (IPDP) developed in 2009 with the support of WIPO. We are also grateful for the tremendous support provided by Mrs. Loretta Asiedu, Senior Counsellor, Regional Bureau for Africa, Development Sector, WIPO, who attended some of the consultations with stakeholders and also took part in the Multi stakeholders' forum, which took place from 19 to 20 October, 2016.

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We are extremely grateful to all the stakeholders who allotted time and willingly provided information and openly shared their views and their needs for technical assistance. Had it not been for the generous support of all these people, the mission would not have successfully accomplished its tasks.

Introduction

Following a request from the Government of Mauritius, WIPO set up a team of experts, consisting of Mr. Getachew Mengistie, International Consultant and Mr. Shane Hardowar, Lecturer (Agricultural Management and Economics)/ National Consultant, Department of Agricultural Production and Systems, Faculty of Agriculture, University of Mauritius and Ms. Raifa Bundhun. The team was commissioned to undertake desk research and a field visit aiming at reviewing and updating the 2009 Needs Evaluation Report and IPDP.

The Consultants, based on the WIPO terms of reference, reviewed relevant national development policies, strategies and plans; examined the intellectual property legal and administrative framework; assessed the status and challenges related to the generation and commercialisation of IP assets, awareness and use of intellectual property, IPR enforcement and creative industry; and identified strengths, weaknesses, challenges and needs using documents collected from online sources during the desk research and information obtained from stakeholders¹ during the field visit. The visit, carried out from 10 to 20 October 2016, involved a two day multi stakeholder validation forum where the preliminary findings and recommendations were presented followed by group discussions and reports² and then validated after inclusion of stakeholder inputs.

This report is divided into three parts. The first part, which is general, consists of the objectives of the mission; the methodology employed in undertaking the IP audit and provides a brief background of the country with a view to setting the national context for the study.

The second part, which is the main part of the report, deals with the findings and recommendations of the mission. It attempts to:

- (a) Highlight the findings related to:
 - (i) National and sectoral development policies,
 - (ii) IP policy, legal and institutional framework,
 - (iii) Generation and use of IP,
 - (iv) Commercialization of IP assets,
 - (v) Use and awareness of intellectual property,
 - (vi) Intellectual property rights enforcement, and
 - (vii) Creative industry.
- (b) Recommend measures that should be taken by the government, where appropriate, in cooperation with WIPO and other development partners, under each of the findings.

Details of activities that should be carried out to implement the recommendations are summarized in the third part of the report, which outlines the road map in a planning and implementation matrix.

¹ The list of stakeholders met is attached to this report as Annex I.

² Participants were divided into three groups-Policy and regulatory, IP assets generation and commercialization, and IPR protection and enforcement. This arrangement helped each of the groups to focus on findings and recommendations of areas that are familiar with and make inputs. The list of participants and sample pictures of group discussion and reports are attached to this report as Annex II.

Part I- General

Objectives of the Mission & Major Activities

The major objectives of the mission were to revise and update the 2009 Needs evaluation report and the IPDP to:

- (a) contribute to enriching the new IP Bill prior to its enactment;
- (b) Identify strengths and weakness of the current IP system; and
- (c) Make recommendations on the measures that should be taken in addressing challenges and weaknesses as well as enhancing Mauritius' capacity to make strategic use of the IP system as an effective tool in attaining national development goals.

The main activities of the consultancy service identified in the terms of reference were the following:

- (a) Using the WIPO Methodology, undertake a thorough examination of the existing needs evaluation report and IPDP for Mauritius, taking into account:
 - (i) Current national development strategies or policies which may have an impact on any aspects of IP, or within which an IP agenda could be explored in order to achieve intended policy objectives;
 - (ii) Existing legislation, as well as administration and enforcement structures related to IP, including national policies and strategies related to economic, social and cultural development, if any; and
 - (iii) Existing business and innovation support structures as well as national policies and strategies aimed at promoting and supporting innovation in business and educational setups including universities and research and development institutions.
- (b) Conduct focus group discussions with relevant stakeholders from various sectors of the economy, including SMEs and the business community, state institutions of commerce and industry, public policy, indigenous knowledge systems, national IP office, education and research institutions, trade promotion offices and/ or any other area with a stake in IP, to gauge the level of IP rights awareness and the general IP situation in Mauritius;
- (c) Participate in the Multi-stakeholder workshop, on October 19 and 20, 2016 and make presentations of the findings and recommendations that will serve as a basis for preparing a revised draft IPDP;
- (d) Prepare and send to WIPO revised IPDP reflecting the inputs that will be collated during the two-day workshop. The revised IPDP should:
 - (i) Highlight the interface between IP and key public policy areas that are relevant to national economic, social and cultural development;
 - (ii) Make concrete recommendations on possible activities/ projects in key sectors/ industries where the country may have a comparative advantage and the potential to boost its trade and economic growth by leveraging opportunities that can be afforded by the IP system; and
 - (iii) Highlight, where possible, strategic partners who can assist in implementation of said projects.

Methodologies Used in updating the Needs Evaluation & IPDP

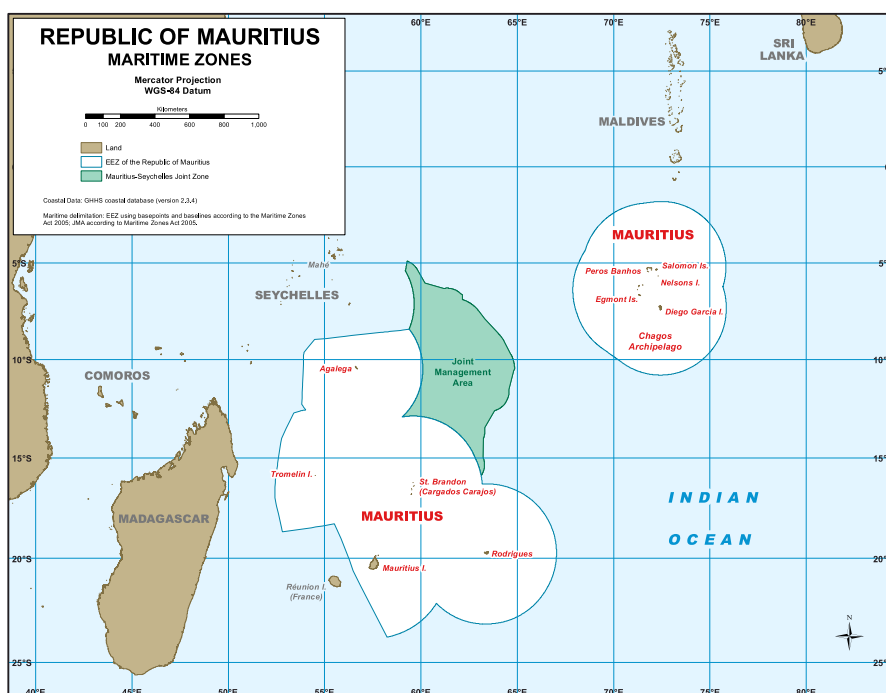
The following methodologies were used in order to review the needs assessment & IPDP:

- (a) Collection of relevant literature, development policies, strategies, plans and legislation using online sources;
- (b) Collection of relevant information and documents and data on the progress made and challenges faced in implementing the IPDP from stakeholders through bilateral meetings and focus group discussions;
- (c) Literature review and policy and legislation analysis;
- (d) Presenting preliminary findings and recommendations at multi stakeholder forum and collecting feedback and inputs;
- (e) Developing and submitting draft report & revised IPDP; and
- (f) Enriching draft report & IPDP using inputs of WIPO & Stakeholders

Background- Socio- Economic Context of the Country

The Republic of Mauritius, located in the south-western part of the Indian Ocean, consists of the main island of Mauritius, the autonomous island of Rodrigues and other outlying islands and archipelagoes, of which St. Brandon (Cargados Carajos Archipelago), Agalega, Tromelin and the Chagos Archipelago, which includes the island of Diego Garcia.

With a total land area of 2,040 km², the Republic of Mauritius holds jurisdiction over an Exclusive Economic Zone (EEZ) of about 1.9 million km² as well as a joint management area of 396,000 km² of extended continental shelf with the Republic of Seychelles. This can be seen in the map below:



Source: Prime Minister's Office, Republic of Mauritius

Owing to the age and despite the isolation of its islands and its vast maritime zones, the Republic of Mauritius has a unique terrestrial and marine biodiversity with a high degree of endemism. Mauritius has approximately 900 species of plants of which 311 have been identified as being endemic, 25 species of indigenous land vertebrates, including mammals, birds, reptiles, insects and mollusks. Mauritius is especially known for the dodo, a native, now extinct, bird. As for its marine biodiversity whether fish, coral, and other marine organisms, and in view of the large expanse of its EEZ, knowledge of the marine biodiversity of the Republic of Mauritius is still marginal and a lot of work still needs to be done.

The population of the Republic of Mauritius is estimated at 1.263 million (2015 est.). From the different waves of migration that contributed to the population of Mauritius, and the resulting co-existence and mix of African, Indian, European and Chinese cultures, has emerged a unique Mauritian culture. There is the unique rhythm and dance of the *sega*, unique musical instruments such as the *ravane* and *maravane*, and the more recent *seggae* style, which is a fusion of *sega* and *reggae* music. The culinary traditions of France, India, China and Africa have also evolved into a typical and unique Mauritian cuisine.

Mauritius is an upper middle-income country with a GDP per capita of approximately USD 9,200 (2015 est.). Its GDP growth rate was 3.5% in 2015. Mauritius has always been export-oriented, initially with exports of sugar to its traditional trading partners in Europe, and then diversifying into exports of textile and fish products. Mauritius has been able to diversify its economy with increased exports to Africa and the development of its services sector. Mauritius is a member of WTO, COMESA, SADC, IOC and IORA. It is a beneficiary of the AGOA and a signatory of the interim Economic Partnership Agreement (iEPA) with the European Union (EU).

Mauritius has now a highly diversified economy, the main economic pillars being the financial sector, tourism and information and communications technology (ICT). The emerging economic sectors that are being promoted include the development of the ocean economy, life sciences, renewable energy, and the film industry, amongst others.

It must be noted that the smaller islands, notably Rodrigues and Agalega, have specific economic activities. The second largest island, Rodrigues, with an area of 108 km² and situated 560 km to the east of the main island of Mauritius, has an economy which is based mainly on agriculture, fishing and a developing tourism sector. The island of Rodrigues is well known for its unique honey, lemon, chilies and red beans. As for the twin islands of Agalega, with a total land area of 2,600 hectares situated some 1,000 km to the north of Mauritius, the economy is based primarily on production of coconut and coconut by-products.

Mauritius was ranked 63rd out of 188 countries and 1st among African countries in the Human Development Index 2015 and 32nd out of 189 countries and 1st among African countries in the World Bank Doing Business Index 2016. In terms of International Property Rights Index 2016, Mauritius ranked 34th out of 128 countries and 3rd among African countries. In the Global Innovation Index, 2016, Mauritius ranked 53rd out of 128 countries and placed 1st in Africa in the innovation rankings³.

The legal system of Mauritius is characterized by a dual system of the Common and the Civil Law.

³ Global Innovation Index 2016 entitled: *Winning with Global Innovation*

Part II. Findings and Recommendations

Policy Framework

Development Policies and Strategies

Mauritius has clear development vision, policies and plans aiming at enhancing socio-economic development and improving the living standard of its people. The national development vision, which is known as Vision 2030, aims at putting Mauritius into the league of high economies. Strategies that will be followed in attaining the national development vision are well elaborated by the Government Programmes 2015-2019 presented in the 2015 President's speech⁴, the speech of the Prime Minister⁵ and the 2016/17 Budget speech.⁶ The government defines focus areas to include supporting and promoting innovation and creativity to realize the national development vision.⁷ There are policies, strategies and plans that will support national development goals aimed at fostering innovation and making the country a technology hub in Africa. These include:

- (a) National Science & Technology policy,⁸
- (b) Industry Policy,⁹ and
- (c) National Strategic Plan for Education and Training (NSPET) 2008-2020.¹⁰

⁴ The President outlined the government objectives and strategies in supporting innovation, which include::

- (a) Transforming Mauritius into a truly forward looking, environmentally sustainable, economically vibrant and innovative country with modern infrastructure, global connectivity, high skills and technology;
- (b) Innovation will be a key driver of growth. In that context, a techno park will be set up to create the right environment for carrying out new research, clinical and innovation activities;
- (c) Government is committed to providing the right incentives to position Mauritius as the 'virtual office' of Africa.;
- (d) New policies and strategies will be introduced to transform the ICT/BPO landscape into high value service sourcing by moving from the traditional BPO/call center services to high-end value added services such as Knowledge Outsourcing, Knowledge Process Outsourcing (KPO) and Legal Process Outsourcing (LPO). In this context, a 4-Tier Data Centre and a Disaster Recovery Centre will be constructed for the purpose of Business continuity.

⁵ Speech of The Right Honourable Sir Anerood Jugnauth, Gcsc, Kcmg, Qc, Prime Minister of The Republic of Mauritius At The Launch of The High Powered Committee On Achieving The Second Economic Miracle And Vision 2030 Saturday 22nd August 2015 – 11 H 00.

⁶ The budget 2016/17, which was presented by the Honourable Prvind Jugnauth, Minister of finance and Economic Development, aims to usher in a new era of development centered on ten key strategies, state the following:

- (a) Fostering a wave of modern entrepreneurs;
- (b) Creating more job opportunities;
- (c) Entering a new economic cycle focusing on innovation, boosting export & private investment;
- (d) Moving towards a fully-fledged digital society;
- (e) Fundamentally reforming business facilities and expanding economic horizons.

⁷ See Speech of The Right Honourable Sir Anerood Jugnauth, Gcsc, Kcmg, Qc, Prime Minister of The Republic of Mauritius and Government Programmes, Achieving Meaningful Change, Address by the President of the republic of Mauritius, 27 June 2015.

⁸ The National Science and Technology Policy (STIP) formulated in 2009 has as its objectives the identification of measures to increase the efficiency of local research and research related institutions to achieve societal and economic development in a sustainable manner and to increase the competitiveness of the local industrial sector by promoting the use of technology and innovation. It seeks to devise policies and identify institutions to support the technological transformation, capacity building and innovation of enterprises, to improve linkages between the research and industry sectors and enhance national, regional and international dialogue in the area of STI.

⁹ The central thrust of the Industry Policy of Mauritius is the nurturing and promotion of SMEs and large enterprises as the key drivers of the economy through the development of a globally competitive innovative and technologically strong base. It aims to strengthen the existing ongoing entrepreneurship and support measures to stimulate growth of new enterprises and equip existing SMEs with technical and innovative capabilities to raise productivity, efficiency and profitability, supported by Knowledge, Science, Technology and Innovation (STI).

¹⁰ The overall goal of the National Strategic Plan for Education and Training (NSPET) 2008-2020 is to make Mauritius a Knowledge Hub to serve the Region. In this respect, the Ministry of Education and Human Resources has prepared a National Policy Framework, which will be used by the Board of Investment for attracting FDI in the Tertiary Education Sector. IPR arrangements will be central to this Strategic Plan as for other FDI proposals. The MRC is responsible for increasing awareness, recognition and use of IP as a tool for enhancing innovation among academia and the scientific community.

A National Innovation Framework is currently being finalized, which gives a new perspective to Innovation in Mauritius with some new dimensions such as the critical role of the private sector and business companies in generating innovation, the importance of enterprises in creating scientific and technological human resources for innovation and the importance of articulated demand for innovation in driving the process. Information and statistics, including research and innovation indicators as well as consultations with various stakeholders were used to formulate the document. The formulation of innovation measures were also inspired from international best practices derived from the policy documents of about 40 countries. At a National Level, the Framework seeks to achieve the aims and objectives of (i) Sustainable Long Term Growth and (ii) Creating an Innovation Culture. The proposed strategies in the National Innovation Framework cut across all spheres and disciplines, starting with nurturing creativity in very young minds at pre-primary and primary levels, extending to secondary schools, and universities and ultimately culminating in the workplace and civil society.

Each of the above development policy instruments can be meaningfully supported by IP. However, little is made to use IP as a tool for achieving and supporting development goals.

National IP Policy and Coordination

Mauritius has no national IP policy that would provide a framework which facilitates the use of IP in order to meet the development goals and objectives, ensure policy coherence and provide guidance on:

- (a) The integration of IP into national and sectoral development policies,
- (b) The generation and exploitation of IP assets, and the provision of support and promotion of local creative, inventive and innovative activities as well as the transfer of technology;
- (c) Prevention of the loss of valuable assets and ensuring equitable benefit sharing arising from use of biological resources and associated knowledge;
- (d) The revision of existing and drafting of new IP laws in compliance with the requirements of international and regional IP agreements to which the country is a party while exploiting flexibilities as well as meeting national needs and protecting public interest;
- (e) Maximizing benefits from membership to regional and International IP agreements and trading arrangements; and
- (f) Negotiations at bilateral, regional and international levels involving intellectual property issues or matters that may affect the generation, protection and commercialization of IP assets as well as transfer of technology.

Intellectual property is cross-sectoral in nature. IP issues relate to health, agriculture, environment, trade, industry, culture, education, science and technology etc. Effective use of IP as a tool for development requires greater coordination amongst key government and private bodies in the development and implementation of policies, strategies and laws. The Government of Mauritius recognizes the need for coordination, which is demonstrated by the new IP bill that provides for the establishment of an IP council consisting of:

- (a) A Chairperson to be appointed by the Minister;
- (b) The Director;

- (c) A representative of the Ministry responsible for the subject of agriculture;
- (d) A representative of the Ministry responsible for the subject of arts and culture;
- (e) A representative of the Ministry responsible for the subject of education and scientific research;
- (f) A representative of the Ministry responsible for the subject of information and communication technology; and
- (g) 2 representatives of private sector organizations connected with industrial property, appointed by the Minister.¹¹

The council will have the power and duty to:

- (i) Advise the Minister on any matter relating to industrial property; and
- (ii) Ensure coordination among the public and private sectors in industrial property formulation and enforcement.

However, the composition and mandate of the council is limited. There is need to include key stakeholders as well as broaden the mandate. The council mandate should include ensuring policy coherence; developing and promoting national position on issues involving IP and dealt with at bilateral, regional and international level; and promotion of the use of IP as a tool for development.

Institutional IP Policy and Management

There are research and academic institutions that are involved in the generation and use of intellectual property assets. However, these institutions do not have institutional IP policies that may guide and support the generation, protection, and exploitation of IP assets and determine rights and benefits of researchers. As a result of this, there are cases that demonstrate loss of valuable research results that could have been patented due to disclosure through publication.

Efforts have been made to develop Institutional IP policy by the University of Mauritius (UOM). The Mauritius Research Council (MRC) and UOM have established technology transfer and knowledge transfer offices respectively. However, the offices are inadequately staffed¹². The MRC TTO is structuring its activities under a set of policies and procedures where issues pertaining to ownership, distribution and the commercial development of IP are clearly established. The policies and procedures are defined in a document prepared by the Council entitled 'TTO Policies and Procedures on Ownership, Distribution and Commercial Development of IPR' and complement the TTO's previous publication entitled 'An Inventor's Guide to Technology Transfer', together providing the approach and mechanism for identifying and managing the IP and technology produced by different stakeholders interacting with the Council (including universities, research, teaching and training institutions, enterprises and other inventors), and by the Council itself. The framework adopted in developing the 'TTO Policies and Procedures' includes a detailed treatment of the following areas:

- TTO Policy statement

¹¹ Section 5 (1) of the IP bill

¹² The TTO of MRC has two staff including the head of the office while the knowledge management office of University of Mauritius has only one staff.

- Technology evaluation, protection and dissemination
- Commercial development (including licensing and royalty distribution)

Further developments are ongoing with regard to the need for licensing guidelines and draft license agreements, amongst others.

Stakeholders have expressed the need for additional human resources, training including in patent searches and the drafting and negotiation of license agreements. A number of stakeholders expressed the need for technical assistance in the development of institutional IP policies, setting up of IP management or Technology Transfer Offices (TTOs) as well as building the requisite capacity to effectively or adequately implement institutional IP policies. Stakeholders from the private sector indicated the need for sensitization on policies and technology transfer issues specially relating to the manufacturing sector on a regular, not *ad hoc* basis.

Recommendations

The Government of Mauritius may consider, with the assistance of WIPO and other development partners, the following:

- Articulate a national IP policy involving key stakeholders both from the public and private sectors, taking into account existing and draft national and sectoral development policies as well as international commitments based on international best practices.
- Ensure integration of IP into the national and sectoral development policies and strategies when revising existing or elaborating new policies and strategies;
- Broaden the composition and mandate of the IP council in the IP bill before its enactment so that it serves as an effective national policy coordinating body;
- Support and encourage the development of Institutional IP policies in relevant public higher learning and R&D institutions that will complement the national IP policy and strategy goals and objectives and meet the needs of the institutions, researchers and the general public;
- Strengthen the technology and knowledge transfer offices of MRC and UOM by assigning additional staff, training assigned personnel, equipping the offices with the requisite facilities and developing operational manuals including license guidelines and draft license agreements; and
- Support setting up and building capacity of TTOs that may be established in higher education and Research and Development institutions.
- Sensitize stakeholders on national and institutional IP policies as well as issues related to technology transfer on a regular basis

IP Legal Framework

National Intellectual Property and Related Laws

Mauritius has laws that specifically deal with or support the protection of intellectual property assets and enforcement of IPRs. These include:

- (a) Patent, Industrial Designs and Trademark Act 2002 (PIDTA);
- (b) Copyright Act 2014;¹³
- (c) Protection Against Unfair Practice Act 2002;
- (d) Competition Act 2007, Act 25/2007¹⁴; and
- (e) Customs Act, 1988 as revised by the Finance Act.

In spite of the above, the intellectual property framework is inadequate and not comprehensive. The PIDTA, for example, does not provide for utility model protection that may enable to support and promote local inventive and innovative activities by providing for protection of minor inventions and innovations that may not meet the stringent requirements of patentability. Moreover, the law does not contain titles such as certification marks that may be used collectively in marketing goods and services and enhance competitiveness of SMEs, producers in the handicraft and agricultural sector. The legal framework is not comprehensive. There are no laws dealing with the protection of new plant varieties, layout designs, traditional knowledge and geographical indications that may enable the country to meet the needs of different stakeholders in protecting IP assets as well as the country in strengthening competitiveness and enhancing export income.

A number of stakeholders including the Mauritius Chamber of Agriculture, Mauritius Sugarcane Industry Research Institute and the Association of Horticulture Producers and Exporters expressed the need for a plant variety protection law in the country. They argued that the absence of such a law:

- (i) Resulted in loss of IP Assets-Improved varieties such as a tomato variety developed in Mauritius is being used in other countries free of royalty;
- (ii) Could not support local research by facilitating access to improved new plant varieties from abroad that could be used for experimental and adaptive research;
- (iii) Hampered the import and use of new plant varieties by the productive sector thereby resulting in lower productivity and having varieties with desirable traits such as disease resistance; and
- (iv) Discouraged Foreign Direct Investment (FDI)¹⁵.

Moreover, stakeholders indicated the need for protection of geographical indications and traditional knowledge to strengthen competitiveness and enhance export income from products that have unique attributes resulting from the origin of the products as well as prevent misappropriation and ensure equitable sharing of benefits resulting from the use of traditional knowledge.

¹³ The copyright law dealt with the limitations of the 1997 Copyright law in that it:

- (a) Provides for protection of related rights such as rights of performers and traditional cultural expressions;
- (b) Consists of provisions that will address concerns raised by the stakeholders related to digital technology during the 2009 WIPO mission (these include prohibitions against circumventing encryption, technical measures to control the reproduction of works and measures to provide for the digital management of right in works); and
- (c) provides for adequate remedy against infringement of copyright

¹⁴ The application of the Act does not extend to practices or agreements involving IP. Schedule Part A of the Act states that the law does not apply to “Any agreement insofar as it contains provisions relating to the use, license or assignment of rights under or existing by virtue of laws relating to copyright, industrial design, patents, trade marks or service marks.”

¹⁵ The Board of Investment thinks that the absence or inadequate protection of IP discourages foreign direct investment.

The gap and limitations of the existing IP legal framework are well recognized. The government has prepared a comprehensive industrial property bill providing for the protection of patents, utility models, plant breeders' rights, industrial designs, layout designs, marks and geographical indications.

The Bill, in line with the recommendations made by the 2009 IPDP, addressed issues related to sharing of benefits. Section 11 (3) (d) provides that:

“Any description shall contain a clear identification of genetic resources that are collected in Mauritius and directly or indirectly used in the making of the invention as well as of any element of traditional knowledge associated or not with those resources, that was directly or indirectly used in the making of the claimed invention without the prior informed consent of its creators”.

Such a provision may be complementary to meeting the objectives of the CBD and the Nagoya protocol, to which the country is a party, and national laws regulating access to genetic resources and TK. However, the latter is not yet put in place. In view of this, section 11 (3) (d) of the IP Bill may serve very little.

Although the IP Bill is comprehensive and addresses recommendations made in the 2009 IPDP, there are areas that may need further consideration. These include:

- (a) The requirements for protection of utility model certificates that are nearly similar to the requirements for patent protection. This may defeat the policy objectives behind incorporating a utility model protection scheme, namely; providing for protection of technological solutions that may not meet the stringent requirements of patentability such as universal novelty and inventive step or non-obviousness.
- (b) Section 125 provides that the Minister may make regulations for the purposes of the Act and that the regulations may provide for “payment, *and the procedure for the registration of industrial designs, marks and collective marks and matters related thereto*”. It is not clear why the regulation, which is meant to facilitate implementation of the Industrial Property bill, is limited to specific titles and does not extend to the rest of Industrial Property protected by the Act. Moreover, the limitation is not justified when examined in light of provisions that refer matters to be dealt with by the regulations. These include sections dealing with payment of prescribed fees¹⁶, other matters and requirements that will be prescribed in the regulations.¹⁷

The Mauritius Chamber of Commerce and Industry (MCCI) expressed the need for addressing the issue of exhaustion of intellectual property right and adopted a position after consultation with the stakeholders, taking into account the advantages and disadvantages of the policy options between international and national exhaustions in light of the needs of key stakeholders and the interest of the country.

The enactment of the IP Bill should be complemented by the implementing regulations. Stakeholders indicated experience in the past where implementation of laws took time until the implementing regulations are developed and issued. The government recognizes such a need and entrusted the IP office with developing the implementing regulations that may further

¹⁶ There are provisions that require payment of prescribed fees for matters related to patent, utility model, layout designs, plant breeders right, geographical indication. Examples are sections 11(1) (b), 11 (8) (a), 17 (1) (C), 20 (2) (a), 20 (2) (d), 24(3) (b), 33 (1) (b), 48, 92(1). And 93(3)(a).

¹⁷ These include determination of required data (section 11(2) (a), definition of time limit (sections 13(2) (a), 17(3) (a), (d), 39(1)(a), 93(2), 93(3) (c) ; manner and form of publication of oppositions and granted titles (sections 18(3) (c), 49(1), 52 (3) (c), 93 (2) and notice of request for cancellation and invalidation(example is section 96(2).

be enriched by the State Law Office. Such effort may further be strengthened and supported by WIPO.

Membership to IP and Relevant Treaties

Mauritius is a member of a number of international intellectual property and trade agreements which may support the use of intellectual property as a tool for development and enhance competitiveness of local businesses. The country is a party to the:

- (a) Convention establishing the World Intellectual Property Organization (WIPO) (September 21, 1976);
- (b) Berne Convention for the Protection of Literary and Artistic Works (May 10, 1989);
- (c) Paris Convention of the Protection of Industrial Property (September 24, 1976);
- (d) Agreement establishing the World Trade Organization (January 1, 1995);
- (e) The Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) (January 1, 1995);
- (f) Convention on Biological Diversity (December 29, 1993);
- (g) Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (October 12, 2014);
- (h) International Treaty on Plant Genetic Resources for Food & Agriculture (June 29, 2004);
- (i) Cartagena Protocol on Bio-safety (September 11, 2003); and
- (j) Universal Copyright Convention (UCC) (March 12, 1968).

The Government announced in the 2016/17 budget speech that Mauritius will adhere to a number of WIPO administered Treaties, namely; the Patent Cooperation Treaty (PCT), the Hague Agreement Concerning International Registration of Industrial designs (Hague Agreement) and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) to facilitate the international registration of patents, industrial designs and marks. A number of stakeholders supported the decision to accede to these treaties and expressed the need to expedite the process of accession. However, the Bar Association of Mauritius expressed concern that joining the Madrid Protocol will not be in the interest of the country and requested study on benefits of membership before the country accedes to the Protocol.

Membership to the aforementioned WIPO treaties may increase the workload of the IP office and requires training in handling and processing applications. Steps have thus been taken to prepare the groundwork to facilitate implementation of the treaties as soon as the country joins the agreements. These include training of the staff of the IP office by WIPO officials on Patent Cooperation Treaty (PCT) and Madrid Protocol on the registration of trademarks. A WIPO mission was also undertaken in November 2016 to assess and provide advisory services on the readiness of the country to accede to the Hague system.

The country had signed the Beijing Treaty on Audiovisual Performances and Marrakesh VIP Treaty¹⁸. Stakeholders expressed the need for the country to ratify these treaties and accede to the:

- (a) WIPO Copyright Treaty (WCT) (December 20, 1996)¹⁹;

¹⁸ This may complement the policy position articulated under section 23 of the 2014 Copyright Act.

¹⁹ Acceding to this treaty may complement the 2014 Copyright law that dealt with challenges related to the protection and enforcement of copyright law resulting from the development and wide spread use of digital technology.

- (b) WIPO Phonogram and Performers Treaty (WPPT) (December 20, 1996)²⁰;
- (c) International Convention for the Protection of New Varieties of Plant (UPOV Convention);²¹ and
- (d) Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and geographical Indications.

Recommendations

The Government of Mauritius may consider, with the assistance of WIPO and development partner organizations, the following:

- (a) Finalize and enact the IP Bill addressing identified limitations and taking into account concerns raised by stakeholders and the national interest;
- (b) Support the drafting and issuance of regulations for the implementation of the Industrial Property Act;
- (c) Draft and enact laws on protection of traditional knowledge and on access to genetic resources²² and associated traditional knowledge to complement the IP Bill as well as support the objectives of the CBD and the Nagoya protocol to which Mauritius is a party. “ABS Capacity Development Initiative” provides legal framework regarding sovereignty of genetic resources for developing countries while abiding by the CBD and Nagoya protocol;
- (d) Expedite the accession process to the PCT, Madrid Protocol and Hague Agreement addressing the concerns raised by the Bar Association and the MCCI related to membership of Madrid Protocol;
- (e) Undertake a study to determine benefits of adhering to and accede to relevant international IP treaties:
 - (i) To which Mauritius is signatory, namely; the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh VIP Treaty) and Beijing Treaty on Audiovisual Performances; and
 - (ii) That may complement the copyright Act and the IP bill, namely; WIPO Phonogram and Performers Treaty (WPPT), WIPO Copyright Treaty (WCT), International Convention for the Protection of New Varieties of Plant (UPOV Convention), Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and geographical Indications.
- (f) Build the capacity of the IP office, including upgrading office software through WIPO office business solutions to facilitate handling of the workload that may increase as a result of membership of the country to the PCT, Hague Agreement and Madrid Protocol.

²⁰ Joining the treaty may complement the measures taken under the new copyright law to deal with concerns related to the digital technology in the protection and enforcement of phonogram producers and performers.

²¹ Membership to this treaty may complement the national law when the country enacts a law for protection of new plant varieties.

²² Mauritius has rich terrestrial biodiversity and a still unknown and vast marine biodiversity. There are reports that show access and use of the biological resources by third parties with no return information on the use of these genetic resources as well as benefits to the country. This problem can be addressed by putting in place a law governing access and benefit sharing in line with the international treaties to which Mauritius is a member, which will be complemented by the enactment of the IP bill that requires disclosure of origin of genetic resources.

IP Administration

Strengths and Weaknesses of the Existing IP Institutions

There are different government bodies involved in dealing with IP policy matters, the negotiation of trade agreements that include IP issues, implementing of the various intellectual property laws, administering IP rights and handling IP matters. These include mainly the:

- (a) International Trade Division of the Ministry of Foreign Affairs,
- (b) Industrial Property Office (IPO),
- (c) Copyright Desk of the Ministry of Arts and Culture,
- (d) Rights Management Society, which was previously known as “Mauritius Society of Authors”, and
- (e) IP practitioners.

The responsibilities of each of these bodies as well as the problems they face may be summarized as follows:

1. The International Trade Division of the Ministry of Foreign Affairs, Regional Integration and International Trade (MOFARIIT) handles the negotiations of trade agreements such as the economic preferential agreement with the European Union. Negotiation positions are developed involving stakeholders. The Division does not have an IP expert that may develop proposals and advice on IP issues. There is thus a need to train the staff of the division or employ an expert who may develop proposals on IP issues and coordinate with the relevant stakeholders.
2. The Ministry of Arts and Culture (MAC) is entrusted with policy formulation relating to copyright, developing regulations for implementation of the copyright Act²³ and appointing the chairman and some of the members of Board of the Rights Management Society (RMS)²⁴.
3. The copyright desk in the Ministry of Arts and Culture is responsible for administering copyright related matters.
4. The Industrial Property Office, which is accountable to MOFARIIT, is responsible for the administration of the industrial property law. The office depends on ARIPO for substantive examination, which takes time because of the observer status of Mauritius.²⁵ The office is inadequately staffed. The office does not have lawyers and engineers who may help in handling legal and technical issues such as making decisions based on the search and examination reports on patent applications made by ARIPO or other organizations. Existing staff have exposure to intellectual property through participation in short-term training programmes offered and workshops organized by WIPO and ARIPO. However, the need for in depth training in the field of IP is highlighted. The office benefited from WIPO's support and managed to capture data using Industrial Property Automation System (IPAS). However, the data is not made accessible to users not being validated. The office sought for support in validation of the data and implementation of the second phase of the IPAS project, namely electronic data management system. Lack of adequate office equipment and space were also

²³ See Section 57 of the 2014 Copyright Act

²⁴ See Section 43(4) of the 2014 Copyright Act.

²⁵ The consultants advised the office, in addition to ARIPO, to make use of the WIPO facility until the country decides to join ARIPO.

- indicated as problems that will get worse as the country joins the WIPO treaties, which may increase the workload and require space.
5. IP Tribunal, which is established by the PIDTA, is entrusted to hear and decide on appeals against the decision of the controller of the IP office, and making a ruling on the interpretation of the law upon request of any applicant.²⁶
 6. The Rights Management Society (RMS) was established in 1986. As at October 2016, the society has 347 full-fledged and 4660 Associate Members. The Society administers the economic rights of local and foreign copyright owners; grants licenses for the use of protected works and is responsible for the collection and distribution of royalties. The society initially focused on musical works and now its mandate is extended to literary and artistic works.
 7. IP firms and practitioners are involved in handling IP matters. They sought for training in drafting of patent specifications.

The existence of institutions dealing with IP matters is a strength. However, there is very little or no coordination between the bodies. Some of the stakeholders suggested that instead of having different bodies, the country should have a single IP office as in countries such as Philippines, Malaysia, Singapore and Thailand. Others proposed the establishment of a coordination mechanism.²⁷ The government may initiate a study on each of the proposals and may take policy decision taking into account the needs of stakeholders, the national interest and international best practices. Moreover, there is a need to strengthen the infrastructure and human resources of the IP institutions to enable them to enhance the quality of services as well as play a meaningful role in the development effort of the country.

Recommendations

The Government may, with the assistance of WIPO and development partners, consider the following:

- (a) Expedite the process of reviewing and enacting the draft Bill that will broaden the mandates of the IP office to enable it to play a meaningful role in supporting and promoting development;
- (b) Design and implement a human resource capacity building programmes aimed at training the staff of the International Trade Division, IPO, Copyright desk of MAC and RMS at different levels - short, medium and long term, using different tools including on-the-job training, attachment, study tours, and taking part in long term training programmes such as Master's degree in intellectual property offered by WIPO in collaboration with universities;
- (c) Staff the IPO & ITD with human resources having relevant qualifications and equip IPO with requisite facilities such as addressing the problem related to office space;
- (d) Train intellectual property practitioners in drafting patent specifications;
- (e) Validate and make accessible the data of the IPO; and
- (f) Undertake study or cause study to be undertaken on streamlining IP institutions taking into account international best practices, the needs of users of the IP system and the interest of the country.

Generation of IP assets and use of IP

²⁶ Section 10 (1) (a)

²⁷ The Mauritius chamber of commerce & Industry indicated the need for reinforcement of links between the various institutions of Mauritius through a coherent national IP strategy and coordinated actions to implement it.

Strengths and Weaknesses

Mauritius has policies and laws that are conducive and supportive of the generation of IP assets and institutions that are engaged in the generation or support the generation of IP assets. These include:

- (a) Enabling policies and laws such as vision 2030, S&T policy and the Mauritius Research Council (MRC) Act;
- (b) R&D and academic institutions and business establishments involved in the generation of IP assets. Some of these institutions such as the Centre for Biomedical and Biomaterial Research (CBBR)²⁸ are recognized as centers of excellence at regional and international levels; and
- (c) Institutions that are entrusted with the support of the generation and protection of IP Assets, which include MRC that administers research grants and provides financial support for intellectual property protection of research results; and IPO that receives, processes IP applications, grants and renews titles.

There are research collaborations and partnerships between Mauritian R&D Centers and HEIs on the one hand and similar foreign institutions. There is also a growing demand for collaboration and partnership by foreign entities. However, there is inadequate awareness and capacity in dealing with IP related issues when establishing research collaboration and partnership.

Efforts are made to use IP in protecting R&D results. An example is a patent granted to University of Mauritius in 2013 by South African Patent Office²⁹ for an invention developed by Prof. Dhanjay Jhurry, who is the head of CBBR.

The aforementioned are indeed very positive. However, a number of challenges were identified during consultation with stakeholders. These include:

- (a) Lack of national and institutional IP policies that provide guidance to deal with issues such as disclosure, protection and ownership of research results, and rights and privileges of researchers, students, supervisors and HEIs and R&D Institutions as well as concluding research collaboration and partnership agreements;
- (b) Loss of research results that could have been patented due to publication of research results by researchers mainly because of lack of awareness, eagerness to share research results and the dependence of academic promotion on publications;
- (c) Lack of awareness of the existing legal regime. Examples are handicraft and a fabric designer called IV- play that failed to protect their designs due to lack of awareness of the protection of industrial designs in Mauritius.

²⁸ The center consists of internationally recognized researchers and is well equipped. The center is equipped with facilities for synthetic, analytical and biological research as well as state-of-the-art equipment unique in the region including Nano spinner, scanning electron microscope and fluorescence microscope. The availability of these facilities help to reduce dependency on overseas collaborators, enable a more timely and efficient delivery of research and can be used to spur innovations that will meet the needs of businesses and the country at large. See Centre for Biomedical and Biomaterials Research Newsletter, No 4, Sept. 2016.

²⁹ Patent number 2013/00961.

- (d) Lack or Inadequate awareness and use of technological information contained in patent documents and opportunities offered by WIPO, namely; ARDI³⁰ and ASPI³¹ programmes that may support inventive and innovative efforts. A number of stakeholders indicated that they did not know of the facility offered by WIPO, indicated the need for more and detailed information on the requirements and procedures to benefit from Access to Research for Development and Innovation (ARDI) and Access to Specialized Patent Information (ASPI);
- (e) Cost of protection of IP assets. Some of the potential users of the IP system complained that the cost of protection discourages them from seeking protection for their industrial property assets. Examples include IV play and Mauritius Sugar syndicate. IV Play develops new designs and styles every season. The company has found it difficult to seek protection of each of the styles and designs due to the high costs involved. Mauritius Sugar Syndicates had tried to secure protection for some of its IP assets abroad. However, it was obliged to abandon the process as a result of the cost of protection including use of foreign legal services. Some countries such as Philippines have developed a mechanism to support IP applicants and reduce the cost burden involved in protecting IP assets.
- (f) Brain drain resulting in the loss of researchers, scientists and trained professionals;³²

Recommendations

The Government of Mauritius in cooperation with WIPO and other development partners may consider the following:

- (a) Support the development, issuance and implementation of national and institutional IP policies to prevent the loss of valuable IP assets;
- (b) Encourage the establishment and strengthening of institutional units such as technology transfer offices that will support R&D efforts by making available technological information contained in patent documents and & facilitating protection of IP assets;
- (c) Support the establishment of IP help desk in MCCI to meet the needs of the business community;
- (d) Promote the significance of Patent Databases as major sources of technological information and make use of the opportunities offered by WIPO through existing free databases and other services offered in Innovation Support, including access to ARDI & ASPI
- (e) Promote the use and awareness of IP by potential beneficiaries or users of the system such as individual researchers, academic & R&D institutions and business establishments;
- (f) Setting up a mechanism to provide assistance in registering and acquiring IP rights, after reviewing international best practices from countries such as the Philippines
- (g) Provide a conducive environment to attract and retain researchers as well as deal with the problem of brain drain.

³⁰ The programmes was launched in July 2009 to make scientific and technological journals and literature freely available to not-for-profit academic and research institutions and national intellectual property offices in LDCs and at a much lower cost in developing countries such as Mauritius. To date more than 25, 000 scientific and technological literature can be accessed using this facility.

³¹ ASPI was launched in 2010 to enable patent offices and academic and research institutions in LDCs have free access and at lower cost for similar institutions in developing countries to retrieve and analyze patent data from commercial databases.

³² Stakeholders indicated that ICT professionals are leaving the country and working in foreign countries such as Hong Kong and India.

Commercialization of IP Assets

Strengths and Weaknesses

Generation or protection of IP assets is not an end in itself. The assets should be put to use and exploited. Commercialization of IP assets will help to transform the assets into products, services and new business. There are institutions that are involved in rendering support that will facilitate the development of new ideas into products thereby facilitating exploitation or commercialization. An example is MRC's Business Research Incubator Centre, which aims at the promotion of commercial application of Research, Development and Innovation. The Centre, which started operation in March 2011, has provided assistance to 15 pre start-up ideas, which benefited from regular in-house counseling, meeting with potential venture capitalists, and exposure to business angels.

There are also experiences of commercialization of IP Assets. These include:

- (a) Authors and composers who benefit from exploitation of their works via licensing agreements concluded between their society- RMS and users; and
- (b) A software developing company called the State Informatics Limited (SIL), which is involved in the development and exploitation of software. The company had concluded license agreements with foreign government entities and collected royalties.

In spite of the above positive and encouraging practices, non-commercialization and inadequate benefit from commercial use of IP assets is a problem in the country. Public higher learning institutions and research and development organizations generate intellectual property assets. However, research results are not commercialized. There is no tradition of commercialization of research results by higher education institutions and research organizations in Mauritius as in many other developing countries. They use the traditional means of dissemination of research results, which include presentations at conferences and publications in peer-reviewed research journals or disseminating the results to end-users.

Some of the institutions that are involved in the generation of IP assets could not benefit from the exploitation of their assets due to lack of protection and inadequate knowledge of the right and the scope of protection they have over protected assets. Examples are the Mauritius Sugarcane Industry Research Institute (MSIRI) and SIL. MSIRI had developed improved varieties that are exploited freely in and outside of the country due to lack of protection. SIL found its software being used and licensed in other countries by third parties. Although the countries in which SIL's software are illicitly exploited are members of the Bern Copyright Convention where SIL's software are protected; the company was unable to take action mainly due to lack of awareness of the protection of its rights.

IP Awareness and Use

IP Awareness

Attempts have been made by some stakeholders to raise IP awareness. These include the following:

- (a) The Industrial Property office, which organized workshops to popularize intellectual property with the support of WIPO and in collaboration with other stakeholders.
- (b) The Mauritius Chamber of Commerce and Industry has been engaged in creating awareness of the importance of intellectual property in trade and industry and the need for enforcing IP rights. It uses online³³ and print media³⁴ to promote awareness of IP.
- (c) Right Management Society has been involved in IP awareness creation programmes mainly through workshops and seminars.
- (d) MRC has published a guide to patent searching and established a TTO, which is engaged in the creation of awareness on IP. The Council has also been encouraging the use of online versions of the IP PANORAMA Multimedia Toolkit for end users in Mauritius. The MRC TTO has organized nine Inventors' Open Day sessions held over 2012 – 2016. These sessions have sought to bring to the fore the experience of enterprises/institutions that have forged a reputation as leaders of innovation and creativity in their specific markets. The TTO has reached an overall of more than 400 participants over these nine sessions of the Inventors' Open Day, including individuals, representatives from Research & Development institutions, SMEs, enforcement agencies, innovators, IP practitioners, entrepreneurs, creators and users of IP assets, as well as stakeholders from different sectors and the public. In terms of outcome of the Inventors' Open Day sessions, participants have benefitted from the TTO for support towards (i) applications for the registration of their IP, including for Industrial Designs and Patents provided through the MRC Intellectual Property Promotion Scheme (IPPS), (ii) technical expertise for the evaluation of innovative concepts/products, and (iii) technology development through the preparation and submission of proposals under the Small Scale Research and Innovation Grant Scheme (SSRIGS). The MRC's forthcoming 'Proof of Concept' scheme will provide for support towards prototype development for innovative concepts.
- (e) The Faculty of Law and Management of the University of Mauritius offers a Module on IP. The scope of the teaching of IP, however, is limited in that it merely introduces the subject to students. It appears that it deals mainly with the history of the British patent system and does not include the Mauritian IP system.

The above measures are positive but much remains to be done. Stakeholders agreed that the level of IP awareness businesspersons, researchers in R&D organizations, and academic staff of higher learning institutions; policy makers and implementers such as politicians, government officers; and members of the general public is low or inadequate and expressed the need to increase the level of IP awareness as a matter of urgent priority and promoting IP education.

Use of IP

There are residents of Mauritius who applied and secured protection of intellectual property assets using different tools. Looking at the Industrial property statistics in the table below may show this:

Table one

Patents (P), Industrial designs (ID) and Trademarks (TM) Applications and titles granted or registered from 2014 to October 14, 2016

³³ See www.mcci.org

³⁴ Weekly newsletter, the "Chamber News", bi-annual magazine, the "CCI Info".

Applications filed						
Year	Residents			Foreigners		
	P	ID	TM	P	ID	TM
2014	3	7	855	18	12	1000
2015	1	11	991	20	8	368
As at October 14, 2016	1	21	904	29	7	988
Titles Granted or Registered						
	P	ID	TM	P	ID	TM
2014	0	4	717	9	8	833
2015	0	12	907	4	7	1018
As at October 14, 2016	0	11	682	1	5	930

Examination of the above table shows that the number of patent applications is low and no patent is granted to residents. This may be due to a number of factors that may include inadequate technological capacity, lack or inadequate awareness, absence of utility model protection scheme that may enable to protect technological solutions, which may not meet the stringent requirements of patentability and lack of expertise or support in drafting patent applications.

There are some organizations, which protected their IP assets outside of Mauritius. Examples include UOM, which patented an invention in South Africa and IV - Play Company that protected its brands using trademarks in Mauritius, Australia, South Africa, France and England.

There are intellectual property assets generated by Mauritians including public and private local R&D organizations that could have been protected and exploited using the IP system. However, these assets are freely exploited in and outside of Mauritius. Examples of lost valuable IP assets include:

- (a) New and improved varieties generated by Mauritius Sugarcane Industry Research Institute because of lack of law for protection of new plant varieties³⁵;
- (b) New and improved sugar products and processes³⁶; and
- (c) Valuable research results generated by public higher learning and R&D institutions due to publication of research results.

The reasons behind none or low level of use of IP could be attributed to a number of factors including the following:

- (a) Inadequate IP legal framework;

³⁵ The institute could not protect the varieties locally due to absence of a plant variety protection legal regime.

³⁶ The Mauritius Sugar Syndicate, for example, claims that it has 19 distinct sugar products and processes that are unique for Mauritius. However, no step is taken to protect the product or process inventions using patents due to lack of awareness. Some of these inventions may be protected as a trade secret. However, little is known of this mode of protection.

- (b) Inadequate intellectual property asset identification, protection and management capacity;
- (c) Lack of awareness of the existing IP regime-there are handicraft and fabric designers who failed to protect their designs for lack of awareness of the system;³⁷
- (d) Lack or inadequate advisory and information support and technical service such as drafting of patent specifications;
- (e) Costs of protection- Stakeholders indicated that the cost of protection of IP assets in and outside Mauritius is high and beyond the means of a number of IP generators such as SMEs.
- (f) Inadequate capacity for identification IP assets in order to protect them. Stakeholders generate IP assets. However, they do not recognize the value of the assets they generated and to enable them take action to protect them.

Stakeholders reported that intangible assets associated with unique agricultural products and designations are misused and exploited by foreigners thereby denying benefits to the country and the stakeholders as well as affecting local business. These include agricultural products that have distinctive characteristics and designations that have intangible value. There are cases where pineapple and other agricultural products of Mauritius are put on the international market as originating from a foreign country. Moreover, designations such as “*Dodo*”, a name of an extinct bird endemic to Mauritius and “*Made in Mauritius*” are used in marketing inferior quality handicraft products made abroad thereby affecting the reputation and goodwill of Mauritian handicraft products. There is an initiative in Rodrigues to market honey, lemon and coffee using origin brands. Stakeholders requested the need for support to strengthen the ongoing effort in Rodrigues, address the problem faced in misuse of designations having intangible values and sought for assistance in strengthening SMEs, the cooperatives sector, handicraft sector and agricultural producers using IP and branding tools.

The MRC, in collaboration with the IPO, MCCI and the Ministry of Arts and Culture, is working towards the deployment of an online IP assessment tool – ‘IP Health Check’, designed to provide guidance on key IP issues covering patents, trademarks, industrial designs and copyright. In this context, the MRC also benefits from guidance from the UK Intellectual Property Office, who developed the initial model.

Recommendations

The Government of Mauritius in cooperation with WIPO and other development partners may consider the following:

- (a) Design and implement target oriented IP awareness and outreach programmes on a priority basis.
- (b) Strengthen the offering of IP in University of Mauritius and other tertiary education institutions.
- (c) Support and encourage incorporating IP into the curriculum of other higher learning institutions, primary and secondary schools
- (d) Train journalists and encourage the use of print and electronic media in sensitizing potential rights holders, various stakeholders and the general public on the importance of IP;

³⁷ Examples are handicraft producers that have developed unique designs to increase the market value of their products and a company a fabric designer company called IV Play, which could not protect its designs thinking that there is no protection for industrial designs in Mauritius.

- (e) Provide IP promotional materials such as the PANORAMA Multimedia Toolkit and WIPO comic books and support their translation into the country's national languages;
- (f) Expedite the enactment of the industrial property bill that will provide for use of utility models, collective marks and protection of new plant varieties;
- (g) Strengthen the capacity of the TTO of MRC & KTO of UOM, support establishment of similar offices in HEIs and establishing an IP help desk at the MCCI to support research and higher learning institutions and individuals in identifying, protecting and exploiting IP assets and promote the use of the IP system;
- (h) Set up fund to support IP applicants and reduce the cost burden involved in protecting IP assets taking into account international best experiences;
- (i) Develop and implement projects aiming at using IP & branding tools to capture intangible values associated to the distinctive characteristics of agricultural products, address the problem faced by the handicrafts sector and support the initiative of Rodrigues;
Building IP assets identification and protection capacity in academic and research institutions & business establishments and support or encourage undertaking IP audit.
- (j) Support the ongoing initiative to introduce IP health check online facility.

IPR Enforcement

Strengths and Weaknesses

Enforcement is a sine-qua-non condition for the successful implementation of any IPDP in Mauritius, specially to address unfair competition with imported counterfeit products.

Mauritius has laws that provide for civil and **criminal** remedies as well as border measures where there is infringement of IPRs. The following are the laws that may be invoked in dealing with infringement of rights:

- (a) Copyright Act 2014, Act No. 2 of 2014,³⁸
- (b) Patent, Industrial Designs and Trademark Act 2002, Act No. 25 of 2002,³⁹
- (c) Protection against Unfair Competition Act 2002, Act No.22 of 2002,⁴⁰ and

³⁸ The Copyright Act, under section 53, provides a range of civil remedies against infringement of copyright, namely; injunction, compensation for damage suffered, forfeiture of any infringing copy or any apparatus, article or thing used for the making of the infringing copy and handing over to the copyright owner or authors any infringing copy. Moreover, the law makes infringement of copyright a punishable criminal offense. The penalty for a first conviction is a fine not exceeding 300,000 rupees and imprisonment for a term not exceeding two years. In the event of a second or subsequent offence, the offender will be liable for the fine that is not exceeding 500,000 rupees and to imprisonment for a maximum term of eight years. In addition to these, the court may order the forfeiture of any apparatus, article or thing which is the subject-matter of the offence or is used in connection with the commission of the offence; or such apparatus, article or thing shall be delivered up to any person lawfully entitled to it. (Section 54 (3) (a) & (4)).

³⁹ Infringement of patent, registered industrial design and trademark will result in civil and criminal liability. The PIDTA deems infringement of patent, registered industrial design and trademark as unfair practice act and provides for compensation for the harm suffered and forfeiture of any article or thing that were used in or gave rise to an act of unfair practice as the court thinks fit. (See Section 52 of PIDTA) The law also makes infringement of a patent or trademark or industrial designs right a criminal offence. A person who knowingly infringes such a right shall be liable to a fine not exceeding 250,000 rupees and a maximum term of imprisonment of five years. (Section 51)

⁴⁰ Infringement of IPR that may be considered unfair practice will result in Civil and criminal liability. The civil remedies include injunction, compensation for damage and any other remedy provided by law. (See section 10) The infringer shall, upon conviction, be penalized to a fine of 250,000 rupees and to a term of imprisonment not exceeding 5 years. (Section 11)

(d) Customs Act 19988, Act No. 47 of 1988 as amended by the Finance Act⁴¹

The remedies can only be obtained when the right holder or authorized person lodges a complaint with the enforcement agencies except the circumstances when Customs officers will take measures on their own initiative to suspend clearance of suspected infringing products.

There are a number of public and private bodies engaged in enforcement of intellectual property rights. The institutions that have mandate in handling and dealing with IPR infringement cases and/or granting legal remedies are below:

- (a) Industrial Property Office Controller⁴²,
- (b) Ordinary Courts⁴³,
- (c) Customs Authority,⁴⁴
- (d) Anti-Piracy Unit (APU) of the Police Force⁴⁵,
- (e) Public Prosecutor's Office⁴⁶, and
- (f) Mauritius Chamber of Commerce and Industry Arbitration & Mediation Center.⁴⁷

The existence of the laws and institutions entrusted with enforcement of IPR is very positive. Moreover, there are encouraging achievements in fighting counterfeiting and piracy. The table below demonstrates this:

Table Two
Statistics of number of infringing optical discs (DVDs and audio CDs) and counterfeit goods secured by the Anti Piracy Unit as at September 2016

Year	Infringing Optical Discs	Counterfeit products
2010	149 911	3 296
2011	157 974	15 286
2012	78 348	5 643
2013	57 276	14 711
2014	30 038	53 328
2015	3 104	2 278

⁴¹ The Act provides for suspension of clearance of suspected infringing products upon the request of the owner of the IPR or at the initiative of the customs officer. In each of the circumstances the owner will require to initiate action before the competent court and obtain order within the prescribed period of time. Failure to do so may result in the clearance of the suspected infringing product.

⁴² The Patent, Industrial Designs and Trademark Act provides that the Controller shall :

- (a) either on his own initiative or upon a complaint made, investigate any allegation of an offence under any of the industrial property enactments; and
- (b) refer the matter to the Director of Public Prosecutions for any appropriate action upon conclusion of an investigation. (Section 4 of the Act)

⁴³ The Supreme Court has the jurisdiction to dispose of civil cases involving copyright infringement and a judge in chambers may grant injunction as a conservatory measure (section 53(1) & 2)). The magistrate of the intermediate court is empowered to try any person charged with an offence of infringement of copyright at first instance (section 56(3) (b)). The patent Industrial Designs and Trademark law is silent on the courts that have jurisdiction to dispose of patent, trademark and industrial designs (here in after referred to as "industrial Property right") infringement. The competent court that has jurisdiction to hear civil and criminal cases involving industrial property rights may be determined in accordance with the relevant provisions of the civil and criminal codes.

⁴⁴ The Customs Authority is responsible for enforcing border measures against goods that infringe trade mark, patent, industrial design or copyright as per sections 66A to 66E of the Customs Act 1988. The Customs Authority established the Intellectual Property Unit in 2006 to discharge its boarder measure responsibility.

⁴⁵ The Anti-Piracy unit of the Police Department was set up within the Mauritian police force on August 6, 2002 to deal with cases involving pirated and counterfeit products.

⁴⁶ The office is involved in enforcing intellectual property rights by prosecuting criminal cases.

⁴⁷ The Chamber of Commerce has arbitration and mediation center that may be involved in disposing of IPR disputes.

Source: APU, October 2016

In spite of the fact that encouraging results have recently been achieved, Stakeholders identified a number of weaknesses and challenges. These include:

- (a) Inadequate capacity of enforcement agencies including inadequate staff, lack of training in the field of IP and inadequate facility that may help to differentiate genuine from pirated or counterfeit products;⁴⁸
- (b) Delay in the investigation and disposition of IPR infringement cases;
- (c) Challenge against testimony of enforcement officers and rejection by courts on grounds of lack of or inadequate expertise;
- (d) Inadequate awareness of intellectual property by members of the enforcement agencies and lack of appreciation of adverse impact of infringement of IPR by consumers who make decisions to purchase products based on consideration of low price only;
- (e) Inaccessibility of IP data, which is digitized with the support of WIPO but not yet validated. This may not enable customs officers to take border measures due to lack of knowledge on whether the IP right is validly protected in Mauritius;
- (f) Lack of co-ordination between the police, customs and other law enforcement agencies; and
- (g) Inadequate capacity of copyright owners to take enforcement action due to lack of finance to pay for services of lawyers⁴⁹.

Recommendations

The Government of Mauritius in cooperation with WIPO and other development partners may consider the following:

- (a) Design and implement intellectual property awareness programmes tailored to meet the needs of enforcement officers and create and strengthen awareness of consumers on the adverse impact of IPRs infringement.
- (b) Build capacity of enforcement agencies by:
 - (i) Strengthening the offering of IP course in law faculties of universities and also to disseminate information concerning IP across all course offerings;
 - (ii) Incorporating IP into the curriculum of police academy and judicial training institute and support IP education;
 - (iii) Organizing or facilitating access to specialized training that would enable members of the IP Unit to differentiate between infringing and genuine products and for their testimony be accepted in court;
 - (iv) Organize colloquiums and study visits for training of judges and prosecutors;
 - (v) Exploiting training facilities, opportunities and support available in international organizations & IPR Owners Business Associations;
 - (vi) Facilitate cooperation and information exchange including support by intellectual property owners in identifying infringing products and

⁴⁸ These include close similarity between genuine and infringing products and limitation of inspection of samples by customs officials.

⁴⁹ Officials of the Ministry of Art and Culture reported that the Ministry is trying to develop a mechanism to deal with this problem including provision of financial support.

- establishing and strengthening cooperation and partnership with enforcement agencies that may include sharing information on pirated and counterfeit products.
- (c) Establish an IP enforcement coordination body consisting of representatives of the police, customs authority, Intellectual Property Office, Public Prosecutors Office and MCCI representing the private sector. This body will be responsible for:
 - (i) The development of enforcement strategies and action plan,
 - (ii) Overseeing the implementation of the strategies and ensuring exchange of information,
 - (iii) Liaising with relevant international and regional bodies involved in the enforcement of IPR,
 - (iv) Strengthening of enforcement of intellectual property rights as well as building up of enforcement capacity.
- (d) Design and implement targeted IP awareness and broad based consumer education activities;
- (e) Setting up of a structured cooperation between the WIPO Arbitration and Mediation Centre and the MCCI Arbitration and Mediation Centre to settle efficiently IPR disputes and encourage IP related projects and investments in Mauritius and in the Region.
- (f) Support the validation of IP data and link the database with enforcement agencies to facilitate access to information on validly protected IP assets; and
- (g) Explore *pro bono* legal services or support to meet the challenges encountered by copyright holders

Creative Industry

Strengths and Weaknesses

Mauritius has talented people, diverse cultural resources, topography and natural scenery and ICT infrastructure that could be tapped and exploited in the development and strengthening of handicrafts and the emerging creative industry in particular the fashion, entertainment, cinema and software industries. Infrastructures that will support the creative industry are built up or are in the process of being built up. These include the Cyber City, which was a result of a project initiated in 2001, and setting up of a film city, which includes the setting up of a film training facility, in the southern part of the country. International filmmakers have already begun coming to the country and shooting films. This may contribute to the strengthening of the local film industry as Mauritians will be involved in the making of or supporting the production of films.

Government provides different incentives that will support creativity and strengthen the creative industry. These include:

- (a) The film rebate scheme where up to a maximum of 40% production expenditure will be refunded and no VAT on production of films for export will be made;
- (b) Exemption from customs duty on importation of lighting equipment for use in film making;
- (c) Financial assistance or grants to artists and performers up to 30, 000 Rupees for the production of their work in DVDs or CDs; and
- (d) International travel grant to performers up to 200,000 Rupees to participate in

internationally established cultural shows/events

Moreover, the government made a commitment to:

- (a) Provide an amount 10 million Rupees to the Mauritius Film Development Corporation for the purchase of equipment, which it will lease to film makers;
- (b) Set up a school of Arts to promote holistic learner development in areas of music, dance, painting and drama;
- (c) Provide incentives to cultural entrepreneurs through a start-up scheme for new entrepreneurs and a special scheme for existing cultural entrepreneurs with a view to giving a new impetus to the sector and boosting artistic creativity;
- (d) Promote the development of a fashion industry and organize regular and seasonal fashion shows both in Mauritius and abroad that would make known internationally the 'Made in Mauritius' label for greater acceptance of Mauritian products in new and emerging markets;⁵⁰and
- (e) Launch a Craft Training Academy, as part of the cabinet decision to revamp the handicraft sector in April 2016.

These are very positive and encouraging. However, stakeholders indicated that the socio-economic contribution of the creative industry is not known. Moreover, copying of Mauritian handicrafts and marketing of inferior products made in foreign countries as made in Mauritius and using designations related to Mauritius such as "Souvenir of Mauritius", "Mauritius Paradise Island" or simply "Mauritius" are sold in prime tourist areas. This will affect the reputation and goodwill of authentic handicraft products and may eventually result in a major loss to the industry that provides employment opportunities to thousands of people, generates revenue and contributes to the GDP.

Recommendations

The Government of Mauritius may consider, with the assistance of WIPO and other development partners, the following:

- (a) Initiate or commission a study to showcase the contribution of the creative industry to social, cultural and economic development.
- (b) Design and implement a branding project aiming at capturing the goodwill and reputation of Mauritian handicrafts to deal with the problem of illicit use of products and assets of Mauritius.
- (c) Promote skills development and innovation within the creative industries.
- (d) Ensure the preservation of Mauritian cultural heritage that may provide a solid basis for the development of the creative industry.

⁵⁰ See government programme and budget speech.

PART- III
Intellectual Property Development Plan For the Republic of Mauritius– PLANNING MATRIX

Overall Goal: To strengthen the IP system of Mauritius, support the protection, generation and commercialization of IP assets, improve awareness and use of IP as a tool for development

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
1. Establishing IP Policy framework, integrating IP into National Development Policies & Setting and building up Institutional capacity	Articulate a National IP Policy and Strategy	Formulating and adopting National policies & strategies involving key stakeholders.	Government of the Republic of Mauritius	WIPO	April-August 2017
	Integrating IP into national and sectoral development policies and strategies.	Identifying and addressing IP issues when revising existing policies, strategies and plans and elaborating new ones.	MOFARIIT and MAC	WIPO WTO; UNCTAD	During revision of existing and development of new policies and strategies
	Ensure policy coherence and coordination.	<ul style="list-style-type: none"> - Broadening the composition and mandate of the national IP council while enriching the IP bill - Enacting the IP bill - Setting up the council 	MOFARIIT State law Office		January – April 2017

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
			Council of Ministers Parliament		
	Develop and implement Institutional IP Policies.	Encourage the development and adoption of institutional IP policies taking into account the nature and needs of the institution.	University of Mauritius MRC; Public HEIs & R&D institutions	WIPO IPO	January 2017 to February 2018
	Set up IP Offices or strengthen Technology Transfer Offices & build IP management capacity.	<ul style="list-style-type: none"> -Strengthen the TTO of MRC & KMO of UOM; -Assigning additional staff, Training of personnel and equipping TTO & KMO - Developing operational manuals including draft license agreements - Supporting the establishment & strengthening of similar offices in public R&D organizations & HEIs. 	MOFARIIT IPO MRC UOM Concerned public R&D organization & HEIs	WIPO	January 2017 to January 2019
2. Strengthening IP Legal framework.	- Enacting IP bill	-Expedite the enrichment & finalization of the IP bill involving stakeholders and	MOFARIIT IPO	WIPO	December 2016 to

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
	- Drafting & issuing implementing regulations	addressing issues raised with respect to international exhaustion by MCCI -Draft regulation for the implementation of the IP bill -Enact the IP bill and the implementing regulations.	State law Office Council of Ministers Parliament		August 2017
	Enact new laws governing the protection of TK and regulating Access to genetic resources and ensuring equitable sharing of benefits	-Draft laws taking into account relevant international treaties, the works of the WIPO intergovernmental committee on traditional knowledge, genetic resources and expressions of folklore and experiences of other countries -Enact the draft laws	-Ministry of Agro industry and Food Security -Ministry of environment and Sustainable Development -IPO -State law Office -Council of Ministers -Parliament	WIPO; CBD secretariat; FAO; UNEP	June 2017 to May 2019

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
	Accede to relevant International IP Agreements.	<ul style="list-style-type: none"> - Address the concerns raised by the Bar Association regarding accession to Madrid protocol using studies made on benefits of the Protocol and organizing discussion forum -Expedite the process of accession to the PCT, Hague Agreement and Madrid Protocol - Undertake studies on, and accede to, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh VIP Treaty) and Beijing Treaty on Audio visual Performances, WIPO Phonogram and Performers Treaty (WPPT), WIPO Copyright Treaty (WCT);International Convention for the Protection of New Varieties of Plant (UPOV Convention), Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and geographical Indications. -Train personnel of IPO & provide the necessary facility and office space to let the office cope up with the workload 	<ul style="list-style-type: none"> -MOFARIIT -IPO -State law Office -Council of Minsters -Parliament 	WIPO	January 2017 to January 2018

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
		resulting from accession to international treaties			
3. Strengthening IP Institutions	Broaden the mandates of the IP office to enable it play a meaningful role in supporting and promoting development	- Expedite the process of reviewing and enacting the draft IP Bill	-MOFARIIT -IPO -State law Office -Council of Minsters -Parliament		December 2016 – March 2017
	Building human resource capacity of ITD, IPO, the Copyright Desk of MAC and RMS	-Designing and implementing Capacity building programmes; - Training staff of the offices at different levels-short, medium and long, and using different tools including on the job training, attachment, study tours, and taking part in long term training programmes such as Master's degree in Intellectual Property offered by WIPO in collaboration with universities. - Recruit and assign additional staff to IPO having legal and technical background and ITD	-MOFARIIT -IPO -MAC -RMS -FAREI	WIPO; WTO;	March 2017 to February 2020

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
	Equipping IPO with the necessary office facilities and space	<ul style="list-style-type: none"> -Procure or secure support from development partners in meeting equipment needs of the office -Identify appropriate location and rent office space 	MOFARIIT IPO	WIPO WTO UNDP	March 2017 to February 2018
	Linking IP database to users	<ul style="list-style-type: none"> -Validate IP data -Make it accessible to users 	IPO	WIPO	April to June 2017
	Streamlining IP administration	<ul style="list-style-type: none"> - Undertake study or case study to be undertaken on streamlining IP institutions taking into account international best practices, the needs of users of the IP system and interests of the county 	MOFARIIT	WIPO	July to October 2017
	Train IP practitioners.	<ul style="list-style-type: none"> -Strengthen the offering of IP courses in UOM & Other HEIs - Organize short training programmes - Facilitate participation in training programmes organized abroad & 	IPO	WIPO	Beginning from January 2017

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
		explore opportunities offered by the WIPO Distance Learning Programmes			
4. Generation of IP Assets and use of IP.	Establish structures to enhance generation of IP Assets & use of IP	<ul style="list-style-type: none"> -Support the development and issuance and implementation of institutional IP policies to prevent loss of valuable IP assets; - Encourage the establishment and strengthening of institutional units such as technology transfer offices to support R&D effort & facilitate protection of IP assets - Support the establishment of IP help desk in MCCI to meet the needs of the business community - Promote the use and awareness of IP by potential beneficiaries or users of the system such as individual researchers, academic & R&D institutions and business establishments. 	<ul style="list-style-type: none"> -IPO -HEIs & R&D Institutions -MCCI 	WIPO	June 2016 to May 2018
	Support and Strengthen generation of IP assets	-Promote the significance and use of technological information continued in patent documents	IPO	WIPO	Beginning from

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
		- Promote effective use of WIPO ARDI & ASPI programmes			January 2017
	Provide a conducive environment to attract and retain researchers as well as deal with the problem of brain drains.	<ul style="list-style-type: none"> - Improve working conditions -Develop and implement attractive salary and career development structure - Put in place incentive schemes and award systems to encourage researchers involved in the generation of IP assets. 	<ul style="list-style-type: none"> -Public HEIs R&D institutions -Government of Mauritius 		January 2017 to December 2017
5. Strengthening IP Asset Commercialization	Set up policy, legal and institutional framework that will facilitate commercialization of IP assets.	<ul style="list-style-type: none"> - Address the issue of ownership of research results made using public resources in national IP policy and strategy; - Encourage and support issuance of Institutional IP policies - Strengthen the capacity of TTO of MRC & KTO of UOM as well support the establishment and strengthening of 	<ul style="list-style-type: none"> -MOFARIIT -MRC -UOM -State law Office -Council of Ministers 	WIPO	April 2017 – May 2018

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
		<p>such bodies in other HEIs and R&D Institutions</p> <ul style="list-style-type: none"> - Strengthen legal framework by enacting laws that will enable protection of new plant varieties 	<ul style="list-style-type: none"> -Parliament -Concerned public HEIs and R&D Institution 		
	Support commercialisation of IP assets.	<ul style="list-style-type: none"> - Support protection of IP assets outside of Mauritius - Increase awareness of different IP tools and the scope of protection -Promote linkages between institutions that generate IP assets and the productive sectors. 	<ul style="list-style-type: none"> -MOFARIIT -IPO -MRC -MCCI 		Beginning from January 2017

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
6. Promoting IP awareness and use.	Strengthen IP awareness	<ul style="list-style-type: none"> -Design and implement target oriented IP awareness and outreach programmes\ on a priority basis -Strengthen the offering of IP in University of Mauritius -Support and encourage incorporating IP into the curriculum of other higher learning institutions, primary and secondary schools -Train journalists and encourage the use of print and electronic media in sensitizing potential right holders, various stakeholders and the general public on the importance of IP -Provide IP promotional materials such as the PANORAMA Multimedia Toolkit and WIPO comic books and support their translation into the country's national languages 	<ul style="list-style-type: none"> -IPO -MAC -RSM -UOM -Ministry of Education and Human Resources, Tertiary Education and Scientific Research -Other relevant Ministries 	WIPO; WTO	June 2017- May 2019

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
	Promote use of the IP System	<ul style="list-style-type: none"> - Expedite the enactment of the industrial property bill that will provide with utility model and protection of new plant varieties - Strengthen the capacity of the TTO of MRC & KTO of UOM, support establishment of similar offices in HEIs and establishing an IP help desk in the MCCI to support research and Higher learning institutions and individuals in identifying, protecting and exploiting IP assets and promote the use of the IP system - Set up fund to support IP applicants and reduce the cost burden involved in protecting IP assets taking into account international best experiences -Developing and implementing projects aiming at using IP & branding tools to capture intangible values associated to the distinctive characteristics of agricultural products, address the problem faced and strengthening the 	<ul style="list-style-type: none"> -Gov't of Mauritius -IPO -MRC -MCCI 	WIPO	January 2017 – December 2020

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
		<p>handicrafts sector including support the initiative of Rodrigues</p> <ul style="list-style-type: none"> - Building IP assets identification and protection capacity in academic and research institutions & business establishments and support or encourage undertaking IP audit - Support the ongoing initiative to introduce IP health check online facility 			
7. Strengthening IPR enforcement	Enhance IP Awareness	<ul style="list-style-type: none"> - Design and implement intellectual property awareness programmes tailored to meet the needs of enforcement officers and - create and strengthen awareness of consumers on the adverse impact of IPRs infringement 	<ul style="list-style-type: none"> -IPO -Customs APU -Public Prosecutors Office -Courts -Relevant Ministries 	WIPO	June 2016- May 2018

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
	Build capacity of enforcement agencies	<ul style="list-style-type: none"> -Strengthening the offering of IP course in Faculty of Law and Management of Universities; -Incorporating IP into the curriculum of police academy and judicial training institute and support IP education -Organizing or facilitating access to specialized training that would enable members of the IP Unit to differentiate between infringing and genuine products and their testimony be accepted in court; -Organize colloquiums and study visits for training of judges and prosecutors -Exploiting training facilities, opportunities and support available in international organizations & IPR Owners Business Associations; -Facilitate cooperation and information exchange including support by intellectual property owners in identifying infringing products and establishing and strengthening 	<ul style="list-style-type: none"> -UOM -Judicial Training Institute -IPO -Customs Authority APU 	<ul style="list-style-type: none"> WIPO WCO Interpol IPR owners business associations 	Jan 2017 to December 2019

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
		cooperation and partnership with foreign enforcement agencies that may include sharing information on pirated and counterfeit products.			
	Establish an IP enforcement coordination body	<ul style="list-style-type: none"> - set up a body consisting of representatives of police, customs authority, Intellectual Property Office, Public Prosecutors Office and MCCI - Define the mandates and responsibilities of the body 	Gov't of Mauritius		February 2017
	Support enforcement of IPRs	<ul style="list-style-type: none"> -Support the validation of IP data and link the data base with enforcement agencies to facilitate access to information on validly protected IP assets -Explore <i>pro bono</i> legal service or support to meet the challenges of Copyright holders 	<ul style="list-style-type: none"> -IPO -MAC -RMS -Law Society of - Mauritius Bar Association 	WIPO	January to March 2017

Specific Goal	Identified Needs	Main Activities	Responsible bodies	Development Partners	Timeline
8. Strengthening the Creative Industry.	Address the needs of the creative industry sector and enhancing its contribution to social, cultural and economic development.	<ul style="list-style-type: none"> - Initiate or Commission a study to showcase the contribution of the creative industry to social, cultural and economic development - Design and implement a branding project aiming at capturing the good will and reputation of Mauritian handicrafts and deal with the problem of illicit use of products and assets of Mauritius - Promote skills development and innovation within the creative industries -Ensure the preservation of Mauritian cultural heritage that may provide a solid basis for the development of the creative industry. 	<ul style="list-style-type: none"> -MAC -SMEDA 	WIPO	August 2017- January 2019

Annex 1: List Of Stakeholders Consulted During Bilateral Meetings

No.	Name of Person	Title	Institution
1	Mr. Sunil Boodhoo	Director	International Trade Division, Ministry of Foreign Affairs, Regional Integration and International Trade
2	Ms. Natasha Ponen	Senior Trade Policy Analyst	International Trade Division, Ministry of Foreign Affairs, Regional Integration and International Trade
3	Ms. Zainab Chaumun	Trade Policy Analyst	International Trade Division, Ministry of Foreign Affairs, Regional Integration and International Trade
4	Mr. Ranjive Beergaunot	Ag Controller	Industrial Property Office, Ministry of Foreign Affairs, Regional Integration and International Trade
5	Mr N. Mardaymootoo	Senior Industrial Property Officer	Industrial Property Office
6	Mrs B. N. Nauzeer	Senior Industrial Property Officer	Industrial Property Office
7	Mrs S. Parthay	Ag Principal Industrial Property Officer	Industrial Property Office
8	Mr C. Gooljar	IP Officer	Industrial Property Office

No.	Name of Person	Title	Institution
9	Mrs M. Ramdharrysing	Industrial Property Officer	Industrial Property Office
10	Mr D. Captieux	Team Leader	MRA
11	Mr V. Seerattun	Inspector	Anti-Piracy Unit – Mauritius Police Force
12	Mr V. Bhurosah	Senior Analyst	Ministry of Finance and Economic Development
13	Mr R. Goolamode	Analyst	Ministry of Finance and Economic Development
14	Mrs. Hema Boolell	Head, Strategy Policy and Planning Department	Prime Minister's Office
15	Mr P. A. Jankee	Knowledge Transfer Officer	University of Mauritius
16	Mr P. Mussai	Research Scientific Officer	Mauritius Oceanography Institute
17	Mr D. Degambur	Scientific Officer (Fisheries Division)	Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
18	Dr D M Narrainen	Lecturer	University of Technology
19	Dr M. G. H. Badaloo	Research Officer/SRO	Mauritius Cane Industry Authority
20	Dr A. Moorgawa	Research Officer	TEC

No.	Name of Person	Title	Institution
21	Ms H. D. Naujeer	Scientific Officer	National Parks and Conservation Service, Ministry of Agro Industry and Food Security
22	Mr A. Sobratee	Administrator	Ministry of Education and Human Resources, Tertiary Education and Scientific Research
23	Ms S. Bhima	Chairperson	Industrial Property Tribunal
24	Mr Y. Nazroo	Secretary of the Bar Council	Mauritius Bar Association
25	Mr S. Ghurburrun	Director	Geroudis
26	Mr Kam Sing	Ag Deputy Master Registrar	Supreme Court
27	Mr J. Lam Yuk Poon	ASG	Attorney General's Office
28	Ms K. Davay	State Counsel	Attorney General's Office
29	Mr A. Oozeer	Barrister	IJLS
30	Mr W. Khadun	DPO/SDPO	Data Protection Office
31	Mr Ranoo Patil Hunma	Senior Manager	State Informatics Ltd
32	Mr Nitish Gobin	Division Manager	Enterprise Mauritius

No.	Name of Person	Title	Institution
33	Mr S. Aujayeb	Economist/Senior Economist	FAREI
34	Mr Y. Mungroo	Ag PSO	Ministry of Agro Industry and Food Security
35	Dr M. G. H. Badaloo	Research Officer/SRO	MCIA
36	Mrs N. Ramburn	Principal Research Scientist	FAREI
37	Mr D. Bundhoo	Lead Analyst	Ministry of Finance
38	Mr. Raju Jaddoo	Secretary General	MCCI
39	Mr. Barlen Pillay	Manager, Legal Department	MCCI
40	Mrs A. Pompon	Analyst	Mauritius Chamber of Agriculture

No.	Name of Person	Title	Institution
41	Mr R. Gajadhur	Ag Principal Consumer Affairs Officer	Ministry of Industry, Commerce and Consumer Protection
42	Mrs G. Sonea	Business Development Officer	SMEDA
43	Mrs H. M Xavier	Industrial Property Officer	Industrial Property Office
44	Mr D. Jeewooth	MSO	Rights Management Society
45	Mr S. Multa	Analyst (Trade)	Ministry of Industry, Commerce and Consumer Protection
46	Mrs K. Manna	Analyst (Industry)	Ministry of Industry, Commerce and Consumer Protection
47	Mr V. N. Boodhun	Principal Culture Officer	Ministry of Arts and Culture

No.	Name of Person	Title	Institution
48	Mr D. Callychurn	Cooperative Development Officer	Ministry of Business, Enterprise and Cooperatives
49	Mr B. Mungure	Commercial Executive	SMEDA

Annex II: List Of Workshop Participants

No.	Name	Designation	Organisation	Tel	Fax	Email
1.	Mr S. Aujayeb	Economist/Seni or Economist	FAREI	4651011		vaujayeb@yahoo.com
2.	Dr M. G. H. Badaloo	Research Officer/SRO	MCIA	4541061	4541971	goolam.badaloo@msiri.mu
3.	Mr R. Baichoo	Consumer Affairs Officer	Ministry of Industry, Commerce and Consumer Protection	57603100	2113010	rabaichoo@govmu.org
4.	Mr R. Beergaunot	Ag Controller	Industrial Property Office	2085714	2109702	branjive@yahoo.com
5.	Mr V. Bhurosah	Senior Analyst	Ministry of Finance and E. Development	2013414	2087854	vbhurosah@govmu.org
6.	Mr N. Boodhoo	Director	M/Foreign Affairs, RI and IT	2081658	2126368	unilboodhoo59@gmail.com
7.	Mr V. N. Boodhun	Principal Culture Officer	Ministry of Arts and Culture	2122112	2100442	arvindboodhun@gmail.com

No.	Name	Designation	Organisation	Tel	Fax	Email
8.	Mrs N.Butonkee	Analyst	M/Foreign Affairs, RI and IT	2081658	2126368	nbutonkee@govmu.org
9.	Ms R. Bundhun	RTN	Ministry of Foreign Affairs, RI & IT.	57288875		raifabundhun@govmu.org
10.	Mr D. Captieux	Team Leader	MRA	2020500	2164361	David.Captieux@mra.mu
11.	Mrs Z Chaumun	Trade Policy Analyst	M/Foreign Affairs, RI and IT	2081658	2126368	zchaumun@govmu.org
12.	Mr J. Chellum	General Secretary	Association des Consommateurs de l'Ile Maurice	2082193		acimbellvillage@gmail.com
13.	Mrs B. Corceal	Industrial Property Officer	Industrial Property Office			baracol@hotmail.com

No.	Name	Designation	Organisation	Tel	Fax	Email
14.	Mr S. Curpen	Associate Research Scientist	Mauritius Oceanography Institute	2060560		scurpen@moi.intnet.mu
15.	Mr D. Degambur	Scientific Officer (Fisheries Div)	Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands	2384100	2384184	Ddegambur24@gmail.com
16.	Mr A. Demunger	General	M/Foreign Affairs, RI and IT	58023208		akshay.demunger@gmail.com
17.	Mr T. Garburrin	APS	Ministry of Business, Enterprise and Cooperatives	4053100		tgarburrin@govmu.org
18.	Mr C. Gooljar	Industrial Property Officer	Industrial Property Office	213 0307	2109702	cgooljar@govmu.org
19.	Dr N. Gopaul	Research Coordinator	Mauritius Research Council	465 1235	4651239	mrc@intnet.mu
20.	Mr S. Hardowar	Lecturer	University of Mauritius	4037888		s.hardowar@uom.ac.mu

No.	Name	Designation	Organisation	Tel	Fax	Email
21.	Mr R. Jaddoo	Secretary General	Mauritius Chamber of Commerce and Industry	2083301	2080076	mcci@mcci.org
22.	Mr P. A. Jankee	Knowledge Transfer Officer	University of Mauritius	4037335	4549642	pa.jankeee@uom.ac.mu
23.	Mr D. Jeewooth	Management Support Officer	Rights Management Society	4672219	4540578	mrms.didier@intnet.mu
24.	Mr C. Lagesse		MCCI	2083301	2080076	mcci@mcci.org/ bpillay@mcci.org
25.	Mr N. Mardaymootoo	Senior Industrial Property Officer	Industrial Property Office	2137286	2109702	nmardaymootoo@govmu.org
26.	Mrs P. Maudhoo	Industrial Property Officer	Industrial Property Office	2137286	2109702	yashree@yahoo.com
27.	Mr Y. Mungroo	Ag PSO	Ministry of Agro Industry and Food Security	4660794	4644335	yamungroo@govmu.org

No.	Name	Designation	Organisation	Tel	Fax	Email
28.	Ms H. D. Naujeer	Scientific Officer (National Parks and Conservation Service)	Ministry of Agro Industry and FS	4644053	4660453	npcs@govmu.org
29.	Mrs R. Narrainen	Manager	MCCI	2083301	2080076	mcci@mcci.org/ bpillay@mcci.org
30.	Mrs B. N. Nauzeer	Senior Industrial Property Officer	Industrial Property Office	2124431	2109702	nooreza.nauzeer@yahoo.com
31.	Mr Y. Nazroo	Secretary of the Bar Council	Mauritius Bar Association	2139131	2139131	mba@mb.intnet.mu/ynazroo@gloverchamber.com
32.	Mr S. Oxenham		MCCI	2083301	2080076	mcci@mcci.org/ bpillay@mcci.org
33.	Mr R. Padayachy		MCCI	2083301	2080076	mcci@mcci.org/ bpillay@mcci.org

No.	Name	Designation	Organisation	Tel	Fax	Email
34.	Ms K. Peersia	Programmes Officer	Tertiary Education Commission	4678800	4676579	kpeersia@tec.mu
35.	Mr B. Pillay	Manager	MCCI	2083301	2080076	mcci@mcci.org/ bpillay@mcci.org
36.	Mrs N. Ponen	Senior Trade Policy Analyst	M/Foreign Affairs, RI and IT	2081658	2126368	nponen@govmu.org
37.	Mr S. Purmessur	Deputy Permanent Secretary	M/Foreign Affairs, RI and IT	4052516		spurmessur@govmu.org
38.	M K. Putchay	Legal Research Officer	Attorney General's Office	2034740	2120451	kaputchay@govmu.org
39.	Mr P. Radha	Director of Trade	Ministry of Industry, Commerce and Consumer Protection	2125462	2087325	pradha@govmu.org
40.	Ms P. Ramdawa	Assistant Manager	Enterprise Mauritius (Operations Department)	57903388	2129767	pritulukshmi.ramdawa@em.intnet.mu

No.	Name	Designation	Organisation	Tel	Fax	Email
41.	Mrs M. Ramdharrysing	Industrial Property Officer	Industrial Property Office	2086524		mrasing@msn.com
42.	Mr A. Roopun	Adviser Communication	M/Foreign Affairs, RI and IT	52549234		aroopun@govmu.org
43.	Mr J. M Rouillard		MCCI	2083301	2080076	mcci@mcci.org/ bpillay@mcci.org
44.	Mr O. Sayed-Hossen	Ag APS	International Trade Div			osayed-hossen@govmu.org
45.	Ms H. Seeboruth	Analyst	Min of Industry, Commerce and Cons. Protection	2107100		hseeboruth@govmu.org
46.	Mr V. Seerattun	Inspector	Anti-Piracy Unit	2117494	2110877	<u>vinod4698@hotmail.com</u>
47.	Mr A. Sobratee	Administrator	Ministry of Education and Human Resources,	6015200	6975346	sobs@govmu.org

No.	Name	Designation	Organisation	Tel	Fax	Email
			Tertiary Education and Scientific Research			
48.	Mrs G. Sonea	Business Development Officer	SMEDA	2330500		pgsonea@yahoo.com / gsonea@smeda.mu
49.	Mrs H. M Xavier	Industrial Property Officer	Industrial Property Office	2108918 / 57405851		midgexavier@yahoo.co.uk
50.	Mr. Getachew Mengisite Alemu	Intellectual Property Consultant	United States of America	+1 240 705 2194		getachewal@gmail.com
51.	Mrs. Loretta Asiedu	Senior Counsellor	World Intellectual Property Organization (WIPO)	+41 22 338 118		Loretta.asiedu@wipo.int