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INFRINGEMENT

# INTELLECTUAL PROPERTY RIGHTS

Border and  
Inland Intellectual Property Protection  
by MRA Customs

NOVEMBER 2022

## **INTELLECTUAL PROPERTY RIGHTS (IPR)**

Intellectual Property (IP) is increasingly being recognised as an economic asset as Mauritius moves towards a knowledge-based economy. The capacity to exploit IP assets will be a determining factor in the development of the economy over the next decade. The Mauritius Revenue Authority, through its Customs Department, makes 90% of all seizures of counterfeit goods worldwide.

MRA Customs is the primary Government agency responsible for regulating all imports and exports of goods. As an intellectual property right owner, one may ask MRA Customs to assist in protecting IP rights.

### **BENEFITS OF A PROPER IPR SYSTEM**

- Protects society from dangerous goods such as counterfeit pharmaceutical products and spare parts etc;
- Assist in the national socio-economic development;
- Stimulates innovation, encourages transfer of technology; and
- Attracts investment and correlates to national competitiveness.

### **PROCEDURES OF APPLICATION FOR BORDER PROTECTION**

As the owner or authorised user of a patent, industrial design, collective mark, or mark, copyright, utility model, layout design, breeder's right, trade name or geographical indication, one may apply in writing, to the Director-General of the MRA, to suspend the clearance of any goods imported, being exported or found inland on the grounds that his/her patent, industrial design, collective mark or mark copyright, utility model, layout design, breeder's right, trade name or geographical indication is being or is likely to be infringed. Pre-requirements for application are as follows:

- a. Certified copy of registration certificate from Industrial Property Office;
- b. Any evidence that you are the owner or the authorized user of a patent, industrial design or a copyright;
- c. A Power of Attorney in case you are not the right owner; and
- d. Security in the form of a bank guarantee.

Once the application is approved, it will be valid for a period of 2 years and before expiry of this period, he/she will have to submit a fresh application.

## EX-OFFICIO ACTION

MRA Customs may act upon its own initiative to suspend the clearance of goods where there is prima facie evidence that an intellectual property right is being infringed, even if you have not yet made an application for border protection. MRA Customs will get in touch for follow-up actions.

## DE-MINIMIS IMPORTS

IPR laws have been enacted to protect IP right holders from commercial exploitation of their trademarks by unauthorized persons. Small quantities of goods of a non-commercial nature, intended for personal use, sent in small consignments or contained in the luggage of a passenger, master or crew, will be released by MRA Customs.



## FOR FURTHER INFORMATION

### IPR UNIT, CUSTOMS DEPARTMENT

Custom House, Mer Rouge, Port-Louis, Mauritius

Phone: +230 202 0500

e-mail: [iprcustoms@mra.mu](mailto:iprcustoms@mra.mu)

Website: [www.mra.mu](http://www.mra.mu)



Custom House, Mer Rouge, Port-Louis

T: +230 202 0500 | F: +230 216 5946 | E: [customs@mra.mu](mailto:customs@mra.mu) | W: [www.mra.mu](http://www.mra.mu)

