

## PROTECTING INTELLECTUAL PROPERTY RIGHTS

Customs has an important role to play in protecting society against fake, pirated and counterfeit goods. By protecting Intellectual Property Rights Customs:

- Safeguards State revenues;
- Assists in creating an environment constructive to investment and economic growth; and
- Protects the public from dangerous and hazardous goods.

Every year the range of products being counterfeited is growing exponentially. Fake and counterfeit goods are not limited to t-shirts, watches and perfume only. They also include:

- Pharmaceutical products and prescription drugs are being manufactured and distributed with little or no active ingredients;
- Sub-standard car parts and aircraft spares; and
- Computer parts with operating speeds artificially increased.

These are only a few examples. The consequences and costs when such parts fail, can be immeasurable.

Mauritius Customs Department will not tolerate imports of fake, pirated and counterfeit goods at all. Up to now it has made a lot of seizures in that respect. However, MRA Customs Department cannot fight this battle alone. It can only protect those Right Holders who make requests for assistance.

Therefore it is critical for Rights Holders to:

- Apply to Mauritius Customs for assistance in protecting their rights.
  - Provide all the information requested by MRA Customs Department.
  - Furnish security in the form of a bank guarantee of **Rs20, 000** at time of initial registration. **(Copy of Specimen bank guarantee as per annex I)**
  - Provide MRA Customs Department within ten (10) working days with a copy of a Court Injunction that it has initiated legal proceedings against the importer.
- At that time Customs will determine the amount of additional bank guarantee that must be subscribed, if any, to protect the Director General of the Mauritius Revenue Authority (MRA) against any loss or damage that may result from the suspension of the clearance of any consignment of goods suspected to be infringing and to cover any reasonable expenses likely to be incurred as a result of such suspension.

- Once MRA Customs Department has a court injunction, it will be able to seize the counterfeit goods.
- If the Rights Holders fail to identify whether the suspect goods are infringing and provide an injunction within the prescribed time frames, MRA Customs Department will have no alternative than to release the goods.

Once Customs is authorized to destroy the goods, MRA Customs Department and the Rights Holders will need to decide on the most effective and cost efficient way to do so.

If the Rights Holders accept, the goods may be debranded under Customs control and offered to a charitable institution. If the Rights Holders do not authorize debranding or donation, the goods will need to be destroyed under Customs supervision.

All costs associated with debranding or destruction must be borne by the Rights Holders.

The war against counterfeiting can only be waged and won with the unflinching collaboration and commitment of Rights Holders who have a **PRIMARY** responsibility to register their trademarks and take measures to protect their rights in line with the provisions of the law. **MRA Customs Department** has the **SECONDARY** responsibility to assist the Rights Holders in collaboration with other agencies to protect the economy and people of Mauritius against fake and counterfeit goods.

The IPR Unit at MRA Customs Department is here to help Rights Holders. For any further information, you may contact the following officers of the IPR Unit.

Technical officer	K. Jadahsing	Office: 202 0500
		Mobile:
Team Leader	M. Sookia	Office: 202 0500
		Mobile: 259 8548

**Office Address: MRA Customs Department  
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Mer Rouge,  
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