



HSM IP Patent Client Guide

MAURITIUS

Registration

A patent can be registered in Mauritius pursuant to the *Patents, Industrial Designs and Trade Marks Act (2002)* which provides for national patent applications.

The following information and documentation is required:

1. an application for the grant of the patent
2. a description of the invention
3. one or more claims and any drawings referred to in the description or any claim
4. an abstract
5. applicant's name, address, contact details and nationality
6. Power of Attorney (legalised up to the Mauritius/British consular level and apostilled)
7. certified copy of priority document (if priority is claimed)

It usually takes two years or less for the Industrial Property Office in the Ministry of Foreign Affairs, Regional Integration and International Trade to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Office will issue a Certificate of Registration.

Patent Cooperation Treaty

Mauritius is not a signatory to the Patent Cooperation Treaty (PCT) although the law does make provision for it. National phase filing of a PCT patent is not possible.

Searches

Whilst there is no requirement to conduct a search in Mauritius prior to the filing of an application for registration a search is recommended to ascertain that there will be no discrepancies concerning the innovativeness of the patent. The result can usually be provided within five working days.

Annual Fees

Once a patent has been registered in Mauritius there is an annual fee payable to the Mauritius Government each year. The first fee is due on the third anniversary of the filing date and annually thereafter.

Failure to pay an annual fee will result in either the application being deemed to have been withdrawn or the patent will lapse.

Expiry

A patent registration is valid for 20 years. Once the registration has expired it cannot be renewed.

Abandonment

Please inform us as soon as possible if you wish to abandon your patent or allow it to lapse so that we can update our records and advise the Office accordingly. This will avoid us sending out unnecessary Reminder Notices.

Assignment

Please inform us as soon as possible if the patent has been assigned so that we can file an application to record the assignment in Mauritius.

To record the assignment of a patent registration the only documentation required is the Deed of Assignment and a certified copy of the priority document (if priority is claimed).

It usually takes about four weeks for the Office to process an application to record an assignment. Once the recording is complete the Office will issue a Certificate of Recordal of Assignment.

Change of Particulars

Please inform us as soon as possible if there is any change to the registration so that we can file an application to record the change in Mauritius.

To record a change of name and/or address for a patent registration the only documentation required is the document evidencing the change or an Affidavit certifying the change and a certified copy of the priority document (if priority is claimed).

It usually takes about four weeks for the Office to process an application to record a Change of Particulars. Once the recording is complete the Office will issue a Certificate of Recordal of Change of Name and/or Address.

Our Firm

HSM IP Ltd. provides worldwide intellectual property services. Based in the Cayman Islands and independently owned and operated, our experienced team of attorneys and paralegals deliver first class service to a broad client base which includes major Fortune Global 500 brand owners, international law firms and other specialist IP practices. Our broad perspective, practical approach and international experience allow us to offer clients a unique insight into IP issues internationally.

The success and growth of our firm is due to our keen understanding of our clients' needs for a comprehensive "one-stop shop" which encompasses a wide range of services from the initial consultation process to searches, registrations, annuity payments and monitoring and renewals. Our interactive database helps us to proactively manage each client's portfolio efficiently and cost-effectively in an environmentally friendly and substantially paperless workplace. It also allows us to fulfil our clients' specific reporting and invoicing requirements, including multi-currency invoicing and e-billing. We offer a competitive schedule of fixed fees, inclusive of both disbursements and official fees, which means we can provide clients with an accurate estimate of their project costs before embarking on a global filing programme for their portfolio.

As a leader in the field, HSM IP understands the value of long-term business relationships. We have a wealth of knowledge and specialise in the Caribbean, Central and Latin America and other off shore jurisdictions. Our staff regularly contribute to leading IP publications and we also publish a range of country-specific IP Client Guides which are available on our website.

Supported by HSM Chambers, an offshore law firm with experienced attorneys admitted in multiple jurisdictions, we have substantial experience in taking action to address the infringement of trade marks and patents and in the conduct of passing-off actions. We are also able to offer investigative services to identify the source of, and distributors of, infringing goods, working closely with police and customs officials as necessary. Memberships: INTA, ASIPI, ITMA, MARQUES and IPCA.

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HSM IP Ltd. is a Law Firm recognised under the Legal Practitioners (Incorporated Practice) Regulations, 2006 (as amended).

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