

# Frequently Asked Questions

## What is an industrial design?

An industrial design is the ornamental or aesthetic aspect of an article. The Design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color or any composition thereof. Examples of industrial designs may be the shape of a table or the shape and ornamentation of a spoon.

## Why protect an industrial design?

Registration gives you exclusive rights to your design and enables you to prevent others from making, selling or importing articles bearing or embodying the design which is a copy, or substantially a copy, of the registered design. Unless you register your design, you can make no legal claim of ownership and have no legal protection from imitation.

## What can be registered?

To be eligible for registration, your design must be **new** which means that it must not be the same as any design which has already been disclosed and made available to the public anywhere in the world. However, you have a grace period of one year preceding the filing date where you may market your design without it losing "novelty" and you may still apply for registration. The protection you receive is **only for the appearance of the product and not how it works.**

## Can I apply for the registration of many different designs through a single application?

The answer varies significantly from country to country. In Mauritius, you may apply for the registration of more than one design through a single application as long as they all relate to the same product or "class" of products.

## How do I find out which class and subclass my design falls under?

Mauritius uses the Locarno Classification which lists the headings of the 32 classes and subclasses needed for industrial design application (for more information on Locarno Classification please visit <https://www.wipo.int/classifications/locarno/locpub/en/fr/>)

## How important is it to keep the design confidential before registration?

If you wish to protect your industrial design under a registration system, keeping the design confidential is absolutely crucial. The reason for this is that the central requirement for design protection is that the design must be **new**.

## What cannot be registered?

Designs that do not meet the requirements of novelty and originality.  
Any design which is contrary to public order or morality.

Designs that are considered to be dictated exclusively by the **technical function** of a product.

Such technical or functional design features may be protected depending on the facts of each case, by other IP rights e.g. by Utility Models or Patents.

### **How to apply for an industrial design?**

You must file an application on the forms with the Industrial Property Office of Mauritius, 11<sup>th</sup> Floor, Sterling House, Lislet Geoffroy Street, Port Louis and pay the required fees

### **Who can apply for an industrial design registration?**

The creator or the proprietor of a design may apply for an industrial design. The right to an industrial design shall belong to the creator; such right may be assigned or transferred by succession.

### **How long is registration effective?**

Registration is valid for a period of 5 years and renewable for three consecutive periods of 5 years upon payment of the prescribed fees.