

OPEN ACCESS

Manuscript ID:
ASH-2024-12027853

Volume: 12

Issue: 2

Month: October

Year: 2024

P-ISSN: 2321-788X

E-ISSN: 2582-0397

Received: 18.07.2024

Accepted: 10.09.2024

Published Online: 25.09.2024

Citation:

Louise, Gerard, et al.
“Navigating the Mauritian Creative Landscape: Insights into Collective Management Organization of Copyright and Neighbouring Rights in Mauritius.” *Shanlax International Journal of Arts, Science and Humanities*, vol. 12, no. 2, 2024, pp. 13-23.

DOI:

<https://doi.org/10.34293/sijash.v12i2.7853>




This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License

Navigating the Mauritian Creative Landscape: Insights into Collective Management Organization of Copyright and Neighbouring Rights in Mauritius

Gerard Louise

Institut Escoffier, Saint Pierre, Mauritius

Kumar Dookhitram

*Department of Applied Mathematical Sciences (AMS)
School of Innovative Technologies and Engineering (SITE)
University of Technology, Mauritius (UTM), Mauritius*
 <https://orcid.org/0000-0002-3205-6936>

Michael Blakeney

Faculty of Law, University of Western Australia, Australia

Patrick Allen

Independent Scholar, United Kingdom

Abstract

A thorough analysis of collective management organisations (CMOs) in the unique sociocultural and economic context of Mauritius is presented in this article. By employing a comprehensive methodology that encompasses various case studies and qualitative research techniques like interviews and organisational document analysis, it provides significant understanding of the roles, challenges, and impacts of CMOs in directing and balancing creativity in the Mauritius setting. This study sheds light on the complexities and opportunities present in collective management within Mauritius' dynamic creative sectors through an examination of operational processes, legislative frameworks, and the socio-economic contributions of CMOs. Minimal election attendance, numerous complaints and conflicts, poor enforcement of intellectual property rights, operational inefficiencies, minimal stakeholder involvement, and poor market dynamics are some of the particular challenges that CMOs in Mauritius confront. The modernisation of the legislative framework, the use of technological advancements, capacity building, income stream diversification, public awareness and advocacy campaigns, and the potential for African and regional unity are some of the special opportunities that CMOs have in Mauritius. This paper offers crucial insights for decision-makers, interested parties, and scholars who want to improve the sustainability and efficacy of collective management techniques, with the ultimate goal of promoting an atmosphere that encourages innovation, creativity, and the fair sharing of intellectual property rights in Mauritius.

Keywords: Copyright, Collective Management Organizations, Creativity Sectors, Mauritian Environment, Regulations, Socio-Economic Effects, MASA

Introduction

Collective administration Organisations (CMOs), which date back to the 18th century, are crucial organisations that enable the effective administration and commercialization of intellectual property rights in the ever-changing context of the creative industries and cultural pursuits. Numerous CMOs participate in a wide range of cultural, educational, and social events (Helfer). By facilitating the effective administration of related rights (secondary rights) and copyright (primary rights), these bodies help to guarantee that creators get fair compensation for their contributions. In addition to licencing, collecting,

and disbursing royalties, CMOs help the global creative economy flourish economically and culturally by streamlining the procedures for obtaining permissions and lowering the risk associated with copyright.

In Mauritius, a burgeoning creative sector underscores the importance of comprehending the role and impact of CMOs in fostering an environment conducive to creativity, innovation, and economic advancement. This article endeavours to delve into the intricacies of the sole CMO in Mauritius which is the Mauritius Society of Authors (hereinafter refer to as MASA), scrutinizing its organizational structure, operational functions, challenges, and contributions to the creative ecosystem. The unique blend of cultural diversity and economic dynamics in Mauritius provides a distinctive backdrop for exploring how MASA navigate this landscape to champion the interests of creators, rights holders, and consumers, thereby fostering a vibrant and sustainable creative environment. By serving as vital intermediaries between stakeholders, MASA plays a pivotal role in administering and enforcing intellectual property rights within Mauritius' thriving creative sector.

This article aims to provide useful insights into the operation of the distinctive CMO in Mauritius through the examination of carefully chosen case studies. As a result, it offers practical advice for improving collective management techniques within the creative ecosystem. The functions, difficulties, and effects of CMO in guiding and balancing creativity in the Mauritius context have been profoundly understood via the use of qualitative research methods including interviews and organisational document analysis. The structure of the paper is as follows: We present a comprehensive overview of the literature in the next section. Next, we set up Mauritius' regularity framework. After a discussion of Mauritius's creative industries and cultural scene, a thorough explanation of MASA as a CMO is given. The opportunities and challenges are then further discussed, and subsequently, methods for resolving the difficulties are suggested. The paper is concluded in the last section.

Literature Review

Amédée offered a perceptive examination of Mauritius' paradigm of social and economic growth. The article's main points were the significance of basing policy decisions on intended results and the government's role in promoting equal distribution and wealth development. The article provided a thorough summary of Mauritius' success story, however it noticeably omitted a discussion of copyright issues and intellectual property rights, which are essential components of innovation and economic growth. Today's knowledge-based economies depend on them to draw in foreign investment, drive technological development, and cultivate an innovative culture (Amédée).

Flynn examined the implications of copyright law's research exclusions for academic text and data mining research. It examined whether restrictions and exceptions in different nations were sufficient to support research endeavours and clarified the relationship between copyright law and educational goals. For academics, international stakeholders, and politicians looking to improve research practice harmonisation across jurisdictions, the study offered insightful information (Flynn).

Helfer gave a thorough rundown of CMO roles and responsibilities within the global ecosystem. This book looked at the origins of CMO historically, as well as their current position in the digital era and its legal and economic underpinnings. It examines important topics such CMO governance and transparency, licencing policies, and the difficulties brought on by the expansion of copyright markets worldwide. The book also covered the current discussions surrounding the collective management of rights in the digital sphere and the legal frameworks that oversee CMOs on a national and worldwide scale. It provided understanding of the intricate connections between politicians, users, rightsholders, and CMOs. All things considered, scholars, decision-makers, and professionals looking for a thorough grasp of the copyright environment will find this second edition of *Collective Management of Copyright and Related rights* to be a useful tool (Helfer).

An economic examination of CMO place in the copyright ecosystem was presented in Watt's article. The analysis looked at the financial justification for

collective copyright management, emphasising how CMOs may assist in lowering the high transaction costs related to individual copyright licencing and enforcement. It looked at how CMOs may improve access and utilisation to boost the total creation and distribution of creative works. It also covered the possible negative aspects of CMOs, such their propensity for monopolistic conduct and the possibility of ineffective royalty distribution. It looked at how competition and legal frameworks may be utilised to solve these problems and guarantee that CMOs act in the public's and creators' best interests (Watt).

The intricacies of managing copyright and associated rights collectively were examined in Ficsor's work, with a focus on the discussion of whether this system should stay optional or move towards being expanded or required. The study emphasised the difficulties presented by digital technology, stressing the simplicity with which illicit distribution may occur as well as the effects that internet piracy and unlawful file sharing have on copyright-based businesses. Furthermore, Ficsor's study focused on the requirement for updated collective copyright management systems to improve accountability, transparency, and efficiency. Particularly in African nations, these solutions might guarantee equitable recompense for copyright holders, improve licencing procedures, and save expenses (Ficsor).

Through his research, Uchtenhagen illuminated the benefits and problems that come with communal management in the music industry and provided insight into how copyright administration is changing. His study addressed the significance of updated collective copyright management systems to improve effectiveness, accountability, and transparency. Particularly in the context of the music business, these technologies might guarantee equitable recompense for copyright holders, speed licencing procedures, and save expenses. (Uchtenhagen).

In his paper, Gervais explored the intricacies of copyright law, concentrating on adjacent rights and their effects on the economy. The study aims to investigate the development of copyright laws in Canada, the United States, and Europe, with a

focus on the significance of adjacent rights for sound recording artists and performers. It also covered the global norms established by agreements such as the Universal Copyright Convention and the Berne Convention, emphasising Canada's part in these multinational frameworks. The legal foundations, economic implications, and changing nature of intellectual property rights in the digital era were also clarified in this article (Gervais).

Regulatory Framework

The Copyright Act is the primary piece of law in Mauritius that governs the creation and functioning of the MASA as a Collective Management Organisation (CMO). This legal framework includes applicable government policies, collective rights management laws, including copyright and neighbouring rights. Section 11 of the 1986 Act stipulated that the author's economic rights would last for 25 years following his or her death. Nonetheless, a photographic work or an applied art piece will have its commercial rights preserved for a period of 14 years after the work is created. This statute outlines the MASA's responsibilities, rights, and procedures for accountability in the Mauritius setting. On March 12, 1968, Mauritius gained its independence and that same day ratified the Universal Copyright Convention, which is overseen by the United Nations Educational, Scientific, and Cultural Organisation (UNESCO). In 1997, the Copyright Law of 1986 was modified to conform to the requirements set out in the TRIPS Agreement.

A key international instrument framework for copyright administration is the Bern Convention for the Protection of Literary and Artistic Works. As a signatory (May 10, 1989), Mauritius is able to oversee foreign works inside its boundaries. This is very important since it guarantees reciprocity, which allows Mauritius writers and composers to get paid for their works when they are used in other Bern Convention member nations.

Similar frameworks exist in other countries: For instance, 'Society of Authors, Composers and Publishers of Music (SACEM)' operates under the French Intellectual Property Code (Intellectual Property Code), which provides the legal basis for copyright protection and collective management.

The primary legal framework governing 'Indian Performing Right Society (IRPS)' is the Copyright Act of 1957, as amended. The Act outlines the rights of authors and creators and provides the legal basis for collective management of these rights. 'Southern Africa Music Rights Organisation (SAMRO)' operates under the South African Copyright Act of 1978, which provides the legal framework for copyright protection and collective management. These regulations provide detailed rules on the operation of CMOs, including licensing, royalty collection, and distribution. 'Copyright Society of Malawi (COSOMA)' operates under the Copyright Act of 1989, which outlines the rights of authors and provides the legal basis for collective management.

On January 1st, 1995, Mauritius joined the World Trade Organisation (WTO). It is therefore subject to the WTO's agreements, such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The 1997 Act created new opportunities for performers and phonogram manufacturers as well as for improved author rights protection. It also presents fair compensation for phonogram makers and performers. The new understanding was presented to visual arts makers in the 'Droit de Suite (Right of Continuation)' limb. As the Minister and Parliament delegated control of MASA's operations to the Board of Management in accordance with Section 32, the 1997 Act also gave the MASA the authority to create its own regulations, indicating a measure of independence in its operations. A judgement of a court of law or tribunal was included immediately after subparagraph (xii) in the 1999 revision to Section 2(i) of the 1997 Act's paragraph (b) of 'artistic, literary, or scientific work'.

Following extensive negotiations with writers and music association producers, the Ministry in charge of copyright affairs has adopted a new regulation for the first time since the 1986 passage of the Copyright Act. Nevertheless, this Regulations only covers licencing fees for musical compositions; it ignores licencing for reprographic rights, which prevents writers of literary works from being paid for their creations. Furthermore, it is unclear how users are categorised and why the amount that has to be paid is what it is. Notably, the Regulation does not provide for the 'droit de suite' for painters and other

producers of visual art, depriving these right holders of the chance to profit from their work.

This reveals a flaw in the existing system that must be fixed to guarantee that all artists working in various media receive equitable protection and pay. It runs counter to what Richard Watt stated on Copyright Collectives, which are associations of copyright holders banding together to oversee the financial rights associated with their various copyrights (Watt). Put more simply, the MASA ought to have been equipped with three primary functions: granting users' access to its members' copyrights and payment; distribution amongst the members; and initiating legal action against copyright infringement on behalf of its members.

Cultural Landscape and Creative Industries in Mauritius

Due to the diversity of its population, which includes populations of Creole, Indo-Mauritian, Sino-Mauritian, and Franco-Mauritian people, Mauritius has a rich cultural legacy. The creative industries - which include music, literature, visual arts, performing arts, and traditional crafts - are greatly influenced by this cultural tapestry. In Mauritius, the creative industry is very important economically and has a role in social cohesion, tourism, and cultural identity. Mauritius's cultural legacy is safeguarded by a number of laws and programmes.

Since its founding in 2003, the National Heritage Fund has been in charge of monitoring and preserving historic places while also educating the public. ('Intentional Cultural Heritage Destruction as a Violation of Human Rights') Both physical and intangible cultural treasures are protected by law according to the National treasures Act of 2003 and additional laws like the Le Morne Heritage Trust Fund Act and the Aapravasi Ghat Trust Fund Act. Twelve religious places in Mauritius have been named National Heritage, a testament of the society's tolerance and spiritual development. The nation's dedication to protecting cultural heritage is further demonstrated by its ratification of many UNESCO treaties, such as the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage of Humanity and the 1972 World Heritage convention. The creative industry, which contributes 3.5% of

GDP, is a rapidly growing sector of the economy, led by the Economic Development Board.

Disappointingly, the United Nations Conference on Trade and Development (UNCTAD) and the Ministry of Industrial Development and SMEs and Cooperative neglected the cultural sector in their Industrial Policy and Strategic Plan for Mauritius 2020–2025. This error is a lost chance to support the expansion of the cultural sector in the context of the economy. On the other hand, copyright concerns were fully covered in a previous publication titled ‘Understanding Intellectual Property: A Practical Guide for Business & Entrepreneurs’, demonstrating a level of attention to the subtleties of creative industries.

The MASA actively works to advance and defend the rights of artists and creators in Mauritius by collaborating with a variety of fields, such as visual arts, music, and literature. Here are some particular instances of how MASA works with various industries (sunlife):

Music Sector

Royalty Collection and Distribution: MASA plays a crucial role in the collection and distribution of royalties for its members in the music industry. This ensures that artists receive fair compensation for their work, which is essential for the sustainability of their interest.

International Collaborations: MASA has established reciprocal agreements with 43 foreign collective management organisations, such as SAMRO (South Africa) and ASCAP (USA). This network helps Mauritian musicians gain access to international markets and ensures that they can collect royalties from performances and broadcasts abroad.

Literature Sector

Support for Writers: MASA represents the rights of authors and literary creators, advocating for their interests in copyright matters. This includes the management of rights related to published works, ensuring that authors are compensated for their literary contributions.

Promotion of Literary Works: MASA promotes the works of its literary members in providing protection from illegal copying, helping to enhance

their visibility and marketability. This is crucial for fostering a vibrant literary culture in Mauritius.

Visual Art Sector

Protection of Artistic Rights: MASA extends its services to visual artists by protecting their copyrights and neighbouring rights. This is vital for artists to maintain control over their works and to receive recognition and remuneration for their creations.

Cultural Initiatives: MASA engages in initiatives that promote cultural diversity and artistic expression, which benefit visual artists by providing platforms for showcasing their work and connecting with broader audiences.

Through these exchanges, MASA supports the growth of the cultural industry in Mauritius economically while also defending the rights of artists working in a variety of artistic mediums. MASA promotes cooperation and offers vital services that contribute to the nation’s artistic growth and sustainability.

The creative industries in Mauritius hold significant potential for growth and economic diversification. Several areas within the creative sector offer promising opportunities for development:

Music and Performing Arts: Mauritius has a rich musical heritage and a thriving performing arts scene. By investing in music education, fostering talent development programs, and creating platforms for live performances, the country can nurture its musical talent and promote the growth of music industry. Collaboration with international artists and participation in global music festivals can help Mauritian musicians gain exposure and access new markets.

Film and Animation: The film industry in Mauritius has been gaining momentum, with the government offering tax incentives and rebates to attract foreign productions. By investing in state-of-the-art film studios, post-production facilities, and skilled crew, Mauritius can position itself as a preferred filming destination. Additionally, the development of a robust animation industry can create opportunities for the creation of original content and the export of animation services to global markets (Economic Development Board).

Fashion and Design: Mauritius has a thriving textile industry and a growing pool of talented fashion designers. By investing in fashion education, providing support for emerging designers, and promoting Mauritian fashion brands internationally, the country can capitalize on its design potential. The development of a fashion design hub, complete with incubation facilities and access to funding, can foster the growth of the fashion industry and create employment opportunities for skilled professionals.

Visual arts and Crafts: Mauritius boasts a rich tradition of visual arts and crafts, from intricate embroidery to unique pottery. By promoting these art forms, both domestically and internationally, the country can preserve its cultural heritage while creating economic opportunities for artisans (MOORE Mauritius). The establishment of craft villages, where visitors can interact with artists and purchase handmade products, can help promote cultural tourism and support the livelihoods of local craftspeople.

Creative Entrepreneurship and Innovation: To fully harness the potential of the creative industries, Mauritius should focus on fostering a culture of creative entrepreneurship and innovation. This can be achieved through the creation of incubators and accelerators that provide mentorship, funding, and access to resources for creative startups. Additionally, the government can offer tax incentives and grants to encourage investment in the creative sector and support the commercialization of creative ideas.

By investing in these areas and promoting collaboration between the public and private sectors, Mauritius can unlock the growth potential of its creative industries and establish itself as a vibrant hub for artistic expression and innovation.

MASA as a Collective Management Organization

In Mauritius, the MASA serves as a CMO, acting as a middleman between the owners of intellectual property, users, and artists. It plays a vital role in guaranteeing fair compensation for creators, defending their moral and financial interests, and encouraging the dissemination of cultural works while abiding by copyright laws and industry standards. It makes licencing, monitoring, and

enforcement of copyright and neighbouring rights easier. Three items have been successfully inscribed on the UNESCO Representative List of Intangible Cultural Heritage by the National Heritage Trust Fund, which also acts as the National Repository for the preservation of intangible cultural heritage. Regarding author rights administration, the MASA functions under the extended licence regime (Ficsor) And it is high time for the legislator to consider the mandatory regime as it is the sole CMO in operation.

The Collective Management Organisation (CMO), known as MASA in Mauritius, is responsible for managing the rights to music and some literary works. It has not yet expanded its purview to include the visual and performing arts. By granting licences, collecting royalties, and distributing earnings fairly, this organisation manages the rights of writers, composers, publishers, and performers, among other creators and rights holders. To guarantee the efficient administration and distribution of rights, MASA's operational methods combine technical, legal, and administrative procedures.

MASA is primarily in charge of two categories of rights: mechanical rights and performing rights. Koskinen-Olsson and Lowe defined mechanical rights as those that pertain to the distribution and replication of sound recordings for actual retail sales, which are generally asserted by publishers (Koskinen-Olsson and Lowe). The public performance of music via live concerts, radio and television shows, streaming, and background music in public areas is covered under performing rights. MASA does, however, handle the adjacent rights of sound recordings for writers, composers, and publishers of music; Daniel Gervais' description of MASA's role in this regard is inaccurate (Gervais). MASA has not, in spite of its best efforts, broadened its licencing scheme to cover the public performance rights of sound recordings for phonogram manufacturers and performers, as suggested by (Uchtenhagen).

The Copyright Act, which establishes guidelines for managing collective rights, copyright and neighbouring rights, and certain operational tasks, governs the foundation of MASA in Mauritius, where it operates as a CMO. In order to shed light on the Board of Management's organisational structure,

this section explores the makeup of the Board of Management. The Board of Management has comprised elected members of the MASA General Assembly and public workers as representatives of writers since its founding in 1986. At first, the Minister in charge of copyright issues was required under the Copyright Act 1986, Section 15, to nominate a Chairman, three members, and the Permanent Secretary of the Ministry. To maintain a balance between elected members and ministerial appointees, five writers were also chosen by other members to serve on the Board.

In 1997, the Board's membership changed to include a Chairman chosen by the Minister, one MASA member, six ministry representatives, and seven elected MASA members in accordance with section 32 of the Copyright Act. Due to this change, the Board now consists of seven writers and eight non-authors, demonstrating the underrepresentation of authors inside their own society. Following modifications in 2014, in accordance with section 43(4) of the Copyright Act, the Board was composed of a Chairperson, two authors designated by the Minister, five representatives from ministries, and three members of MASA chosen at the general assembly.

With only three of the eleven Board members being writers, this correction kept the gap intact, creating questions regarding authorial representation. The authors have hoped that CISAC and WIPO will provide recommendations in support of right holders' oversight of MASA. Section 43(3) of the Copyright Act was further revised in 2017 in response to political and popular pressure, raising the representation of writers on the Board to seven and decreasing the number of Minister-appointed members to one. Though the MASA's operational costs are covered by copyright fees collected before distribution, concerns remain about the substantial participation of state personnel on a Board intended to be managed by rights holders, even in light of these reforms.

Some of MASA's key achievements include:

Promoting Cultural Diversity: MASA makes arts and culture a vector for boosting cultural diversity in Mauritius. It does this through better promotion and protection of artists' interests, which acts as an

impetus for economic development (MASA).

Protecting Artists' Rights: MASA is mandated to administer the economic and moral rights of authors on their behalf according to Mauritian Copyright Law. This helps ensure rights are fairly compensated for their work.

Expanding Copyright Law: The Copyright Act 2014, which MASA operates under, broadened the definition of copyright to include moral rights, folklore and traditional cultural expressions. It also extended the scope of protection for copyright and related rights.

Providing Membership and Support: MASA offers membership to artists and provides forms for declaring different types of artistic works including musical, literary, films, and more. This helps artists formally register their creations with the society.

Overall, MASA plays a vital role in promoting Mauritius, vibrant cultural industries and supporting the livelihood of its artists. While it has made important strides, there is still work to be done to fully realize its mission.

Challenges and Opportunities

In Mauritius, the MASA faces a myriad of challenges that hinder its operational efficiency and long-term sustainability. These challenges include limited financial resources, institutional capacity gaps, technological constraints, and the fragmented nature of the creative industries. Moreover, the diverse interests of stakeholders further complicate the collective management of rights. Despite these obstacles, there exist opportunities for collaboration, innovation, and capacity-building, which can enhance the competitiveness and resilience of the creative sector.

The absence of a national Intellectual Property (IP) policy in Mauritius, as highlighted in the Intellectual Property Report of 11 January 2017, presents significant challenges for organization like MASA. These challenges encompass various aspects:

Limited Financial Resources: MASA akin to many CMOs operates on a non-profit-making basis, relying on royalties collected from copyright holders for financial sustenance. However, constraints arise due to the organisation's focus primarily on licensing

musical works, neglecting potential revenue streams from reprographic works, rental rights, or Droit de suite (Watt). This financial constraint hampers MASA's ability to diversify and maximize its resources effectively.

Technological Constraints: Outdated technological systems within MASA pose a significant barrier to the efficient rights administration. The lack of modern digital infrastructure inhibits the implementation of contemporary licensing and distribution mechanisms, hindering the monetization of creative works and stunting sectoral growth (Hooijier and Baloyi). The absence of online platforms for licensing of works and royalty distribution further exacerbates operational inefficiencies.

Regulatory Complexities: Navigating the intricate regulatory landscape governed by intellectual property laws, licensing regulations, and industry-specific policies present a significant challenge for CMOs like MASA. Compliance with these regulations requires substantial administrative resources and expertise, placing additional burdens on MASA and diverting focus from core functions. The limited regulatory support, exemplified by the sole Regulation in 2022 supporting the Copyright Act for musical works, underscore the need for comprehensive regulatory frameworks to clarify the importance of copyright fees and facilitate sustainable growth.

In the face of these challenges, MASA has the opportunity to transform obstacles into steppingstones for growth and innovation. By fostering collaboration among stakeholders, embracing technological advancements, and advocating for robust regulatory frameworks, MASA can enhance its operational efficiency, strengthen its financial sustainability, and empower its members to thrive in the dynamic landscape of the creative sector. Embracing these opportunities will not only benefit MASA but also contribute to the overall development and prosperity of Mauritius's creative industries.

Strategies for Overcoming the Challenges

A MASA Perspective AS the MASA is going through the complexities of the creative sector, it is crucial to adopt strategic initiatives to overcome the challenges it faces. From MASA's perspective, the

following strategies can help strengthen its position and empower its members.

Capacity- Building Initiatives: MASA has to recognize the importance of investing in its own institutional capacity to adapt to evolving technologies, legal frameworks, and industry dynamics (Merino and Carmenado). By organizing training programs and skill development workshops, MASA can enhance the expertise of its staff and Board members. Collaborations with educational institutions and industry experts can provide valuable insights and resources to strengthen MASA's organizational capabilities (Rens et al.). This investment in human capital will enable MASA to navigate the changing landscape more effectively and provide better services to its members:

- a. **Educational Workshops:** Conduct workshops and seminars to educate artists about their rights under copyright law and the benefits of MASA membership. This can help increase awareness and encourage more artists to engage with the organisation.
- b. **Community Engagement:** Develop outreach programs targeting underrepresented groups in the arts to ensure that all artists, regardless of their background, are aware of MASA's services and protections.
- c. **Online Platforms:** Enhance digital platforms for easier access to resources, registration, and right management. This includes creating user-friendly websites and mobile applications to facilitate artist engagement.
- d. **Social Media Campaigns:** Utilize social media to promote awareness of copyright issues and MASA's role in protecting artists. Engaging content can help reach a broader audience and attract new members.
- e. **Resource Allocation:** Allocate resources towards research and development to stay update on global trends in copyright and the cultural industry, allowing MASA to adapt its strategies accordingly.

Stakeholder Collaboration: MASA has to acknowledge the significance of fostering partnership and alliances with various stakeholders, including creators, rights holders, government agencies, and industry associations. By aligning

interests and pooling resources, MASA can address common challenges, streamline processes, and promote a conducive environment for creativity and innovation. MASA believes that the Government of Mauritius and WIPO should actively involve authors and artists when making changes to Copyright and Neighbouring rights laws. The absence of a representative from MASA on the Intellectual Property Council in Mauritius is a concern that needs to be addressed. MASA shall be committed to advocating for its rightful place at the table to ensure that the interests of its members are represented in policy decisions.

Regulatory Reforms: MASA shall recognize the need for regulatory reforms that promote transparency, efficiency, and accountability in collective management practices. By advocating for simplified licensing procedures, harmonized legal frameworks, and clear guidelines for rights administration, MASA shall aim to reduce administrative burdens and foster trust among stakeholders. MASA should believe that comprehensive regulations, such as Copyright Act Regulation introduced in 2022 to support the administration of musical works, should be expanded to cover a broader range of creative works. This will provide a more robust regulatory environment for MASA to operate effectively and ensure fair remuneration for its members.

By implementing these strategies, MASA is confident that it can overcome the challenges it faces and emerge as a stronger, more resilient organization that effectively represents the interests of authors and artists in Mauritius. Through capacity-building, stakeholder collaboration, and regulatory reforms, MASA shall aim to create an enabling environment for the growth and development of creative sector.

Conclusion

In conclusion, the landscape of the sole Collective Management Organization (MASA) in Mauritius is intricately shaped by legal, institutional, and socio-economic dynamics, influencing their operation and societal impact. Despite encountering challenges, the CMO serves as a pivotal agent in fostering creativity, innovation, and sustainable development in Mauritius. To maximize their potential, policymakers and stakeholders must address

regulatory gaps, enhance collabo and leveraging technology, policymakers and stakeholders must address regulatory gaps, enhance collaboration, and leverage technology.

Collective Management Organization is pivotal in harmonizing creativity in Mauritius, effectively balancing the interests of creators, rights holders, and consumers. By addressing inherent challenges and capitalizing on available opportunities within the Mauritian creative landscape, MASA can significantly contribute to the growth and sustainability of the creative industries, enriching the cultural fabric and fostering socio-economic development in Mauritius.

This article offers valuable insights into collective management practices within Mauritius' creative industries, offering practical recommendations for policymakers, stakeholders, and researchers. By elucidating operational mechanisms, challenges, and socio-economic impacts of the CMO, it lays the groundwork for enhancing its effectiveness and sustainability.

Through continued collaboration and innovation, Mauritius can fully harness the potential of collective management to cultivate a vibrant, inclusive, and resilient creative ecosystem. This endeavour not only enriches cultural life but also stimulates economic growth and fosters social cohesion both domestically and internationally.

Despite the formidable challenges faced by Collective Management Organization, the MASA, in Mauritius, there exist ample opportunities for collaboration, innovation, and capacity-building to bolster their effectiveness and sustainability. By addressing financial constraints, embracing technological advancements, fostering stakeholder collaboration, and advocating for regulatory reforms, the MASA and/or other newly created CMOs can navigate the complexities of the creative sector and emerge as catalysts for growth and prosperity. Through concerted efforts and strategic interventions, Mauritius can unleash the full potential of its creative industries, enriching cultural expression, driving economic growth, and empowering creators for generations to come.

Nevertheless without the backing of decision-makers and interested parties, MASA's problems

cannot be handled and the opportunities won't materialise. In order to improve collective management techniques' sustainability and efficacy and to foster an environment that promotes innovation, creativity, and the equitable sharing of intellectual property rights in Mauritius, decision-makers, interested parties, and scholars ought to peruse the suggested recommendations. Future research on MASA's function in the regulatory framework governing the use of immersive technology and artificial intelligence in the creative industries is necessary.

References

- Amédée, Darga. "The Mauritian Success Story: Why is this Island Nation an African Political and Economic Success?." *Advocate for Change*, 2011.
- CISAC. "Organisations." *CISAC*.
- Economic Development Board. "Creative Industry." *Economics Development Board Mauritius*.
- Ficsor, Mihaly. "Collective Management of Copyright and related Rights at a Triple Crossroads: Should it remain Voluntary or may it be Extended or made Mandatory." *UNESCO*, 2003.
- Flynn, Sean, et al. "Research Exceptions in Comparative Copyright." *PIJIP/TLS Research Paper Series No. 72*, 2021.
- Gervais, Daniel. "Collective Management of Copyright and Neighbouring Rights in Canada: An international Perspective." *Canadian Journal of Law and Technology*, vol. 1, no. 2, 2002, pp. 21-50.
- Helfer, Laurence R. "Collective Management of Copyright and Human Rights: An Uneasy Alliance Revisited." *Collective Management of Copyright and Related Rights*, edited by D. Gervais, Kluwer Law International, 2010, pp. 75-103.
- Hooijier, Robert, and J. Joel Baloyi. *Collective Management Organisations - Tool kit - Neighbouring Rights*. WIPO Publication, 2016.
- Indian Performing Rights Society. "Growing Role of CMOs in a Transforming Market." *IPRS*.
- Koskinnen-Olsson, Tarja, and Nicholas Lowe. *Educational Material on Collective Management of Copyright and Related Rights. Module 2: Management of Copyright And Related Rights in the Field of Music*. WIPO, 2012.
- Merino, Susana Sastre, and Ignacio de lo Rios Carmenado. "Capacity Building in Development Projects." *Procedia - Social and Behavioral Sciences*, vol. 46, 2012, pp. 960-67.
- Ministry of Foreign Affairs. *Understanding Intellectual Property A Practical Guide for Businesses & Entrepreneurs*. Government of Mauritius.
- Rens, Andrew, et al. *Intellectual Property, Education and Access to Knowledge in South Africa*. TRALAC, UNCTAD and ICTSD, 2006.
- Sunlife. "Understanding the Cultural Diversity and History of Mauritius." *Sun Life*, 2018.
- U.S. Department of State. "Investment Climate Statements 2014." *U.S. Department of State*.
- Uchtenhagen, Ulrich. *Copyright Collective Management in Music*. WIPO Publications, 2005.
- UNCTAD. *Industrial Policy and Strategic Plan for Mauritius 2020-2025: Revitalizing Mauritius Economic Growth*. Ministry of Industrial Development, SMEs and Cooperative (Industrial Development Division), 2020.
- Watt, Richard. *Collective Management as a Business Strategies for Creators: An Introduction to the Economics of Collective Management of Copyright and Related Rights*. World Intellectual Property Organisation, 2016.
- WIPO. *Basic Notions of Copyright and Related Rights*. World Intellectual Property Organization.
- WIPO. *Making Innovation Policy Work for Development*. World Intellectual Property Report, 2024.
- WIPO. *Understanding Copyright and Related Rights*. World Intellectual Property Organization, 2016.

Author Details

Gerard Louise, *Institut Escoffier, Saint Pierre, Mauritius* **Email ID:** gelou2063@gmail.com

Kumar Dookhitram, *Department of Applied Mathematical Sciences (AMS), School of Innovative Technologies and Engineering (SITE), University of Technology, Mauritius (UTM), Mauritius*, **Email ID:** kdookhitram@utm.ac.mu

Michael Blakeney, *Faculty of Law, University of Western Australia, Australia*,
Email ID: michael.blakeney@uwa.edu.au

Patrick Allen, *Independent Scholar, United Kingdom*, **Email ID:** patallens@gmail.com