

**INFORMATION AND COMMUNICATION TECHNOLOGIES  
AUTHORITY**

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**Ref. ICTA/DIT/TD/1/2024**

**5 February 2024**

**THE TELECOMMUNICATION DIRECTIVE 1 OF 2024**

The Information and Communication Technologies Authority, in the discharge of its statutory functions under the Information and Communication Technologies Act 2001 (the Act), and in addition to the determination 03/18 delivered by the ICT Appeal Tribunal upheld by the decision of 2022 SCJ 362 of the Supreme Court of Mauritius, hereby issues the following Directive, pursuant to section 17 (3) of the Act, combined with sections 16 (c), 18 (1)(m), 18(1)(n), 18(1)(o), 24, 26(a), 26(e) and 29 of the Act.

**1. Short Title**

This Directive shall be cited as The Telecommunication Directive 1 of 2024- (TD 1 of 2024)

**2. Interpretation**

**“Deep Packet Inspection”** means the evaluation of both the data part and the header of a packet that is transmitted through an inspection point.

**“HTTP traffic”** means Hypertext Transfer Protocol. It is a traffic currently recognised as the most commonly used Internet traffic. It mainly consists of HTTP request and response messages.

**“IP address”** means an identifier for a computer or device connected to the Internet, which according to the IPv4 standard, consists of a 32-bit numeric address written as a dotted quad, that is four numbers separated by periods. Each number can take values between 0 and 255;

**“Internet Service Providers” (ISP)** means a person who provides other persons with access to the Internet;

**“URL filtering”** means limiting access by comparing web traffic against a database to prevent end users from accessing specific websites/webpages.

### **3. Explanatory Note**

- 3.1. The ICT Authority in the exercise of its statutory functions under section 18 (1)(m) the Information and Communication Technologies Act issues the following Directive in line with the determination 03/18 of the ICT Appeal Tribunal upheld by decision of 2022 SCJ 362 of Supreme Court to the effect that the Authority has the duty to request Internet Service Providers (ISP) to curtail illegal access to content for which **MC Vision Ltd (MCVision)** holds Intellectual Property Rights/Distribution rights in the Republic of Mauritius;
- 3.2. This Directive therefore sets out obligations on licensed Internet Service Providers (ISP) with a view to curtailing access to websites which illegally host audiovisual content for which MCVision has Intellectual Property Rights/Distribution rights in the Republic of Mauritius;
- 3.3. Under section 18 (1) (m) of the ICT Act, one of the functions of the ICT Authority is to “*take steps to regulate or curtail harmful and illegal content on Internet and other information and communication services*”;
- 3.4. Noting that the contents to be blocked are solely within the control of MCVision, the latter will provide to the ISPs the required list of IP addresses and/or websites URLs to be blocked;
- 3.5. The origin of this list being within the sole control of MCVision, the Authority shall not be held liable for the accuracy of the said list;
- 3.6. Notwithstanding paragraph 3.5, the Authority has received the assurance from MCVision that while drawing the said list, all necessary safeguards have been put in place to prevent overblocking and that access to this list will be at no cost to the ISP.

### **4. Obligations of Licensed ISPs to implement a Filtering Set-up**

- 4.1. Every ISP shall, at its own cost, implement, an on-premises filtering set up within its local network, consisting of the necessary non-intrusive (no Deep Packet Inspection) technical filtering infrastructure required to block access to online harmful and illegal contents for Internet users from the Republic of Mauritius to cater for the following scenarios:
  - 4.1.1. For plain HTTP traffic, blocking of online harmful and illegal contents should be done not only at the website level (blocking of an entire website), but it should also be able to block any particular online harmful and illegal webpage or specific image or video on this website without blocking the entire website itself (URL filtering);

- 4.1.2. For HTTPS traffic, blocking is to be done only at the website level considering the fact that a non-intrusive filtering solution will be able to block only at the web domain level and acknowledging the fact that in some cases, even at the domain level, blocking will not be possible.
- 4.2. For the purpose of this Directive, the ISP shall implement on its filtering set-up the list to be provided by MCVision in relation to websites which hosts content for which MCVision owns Intellectual property Rights/Distribution rights in the Republic of Mauritius;
- 4.3. The filtering set up of each ISP should become operational at latest on 4 May 2024.

## **5. Obligation of Licensed ISP to enter into an Agreement with MCVision**

- 5.1. For the purpose of this Directive, licensed ISP have the obligation to enter into an agreement with MCVision as and when same is requested by the latter for the purpose of implementing the list specified in paragraph 4.2.
- 5.2. The Agreement specified in paragraph 5.1 shall detail out the method by which the list will be shared by MCVision with the ISP as well as any other associated conditions.
- 5.3. Where any ISP does not agree with the terms proposed by MCVision in its agreement, it may refer the matter to the Authority and request for a mediation or an arbitration as per the procedure laid out in section 29 of the ICT Act.