

WORLD TRADE ORGANIZATION

IP/N/1/GTM/1
14 November 2000

(00-4837)

**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: Spanish

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

GUATEMALA

By means of communications dated 5 and 24 October 2000 and 7 November 2000, the following notification of main intellectual property laws and regulations and the list of other related laws and regulations, under Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Decision of the TRIPS Council of 21 November 1995, contained in document IP/C/2, has been received from the Permanent Mission of Guatemala:

- Annex I lists the "Main dedicated intellectual property laws and regulations".
- Annex II lists "Other laws and regulations".
- Replies by Guatemala to the Checklist of Issues on Enforcement.¹

¹ See document IP/N/6/GTM/1.

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

- Decree No. 57-2000 – Industrial Property Law²

Published in the Official Journal (Diario Oficial) of 27 September 2000.
Entered into force as of 1 November 2000.

- Decree No. 33-98 – Law on Copyright and Related Rights³

Published in the Official Journal (Diario Oficial) of 21 May 1998.
Entered into force as of 21 June 1998.

As amended by Decree No. 56-2000.
Published in the Official Journal (Diario Oficial) of 27 September 2000.
Entered into force as of 1 November 2000.

Note: The regulations for the main laws are being prepared and will be notified subsequently.

² See document IP/N/1/GTM/I/1/Rev.1.

³ See document IP/N/1/GTM/C/1/Rev.1.

ANNEX II
OTHER LAWS AND REGULATIONS

TITLE DATES OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Political Constitution of the Republic of Guatemala</u>, of 31 May 1985. (Articles 39, 41, 42, 57, 59, 62, 63 and 119)</p> <p>Entry into force: 14 January 1986.</p> <p><u>Decree No. 2-89 – Judicial Organization Law</u> of 10 January 1989. (Article 188)</p> <p>Entry into force: 28 March 1989</p> <p><u>Decree No. 17-73 – Criminal Code</u>, of 27 July 1973. (Articles 274; 274"A", "B", "C", "D", "E", "F" and "G"; and 275)</p> <p>Entry into force: 15 September 1973</p> <p><u>Decree No. 51-92 – Code of Criminal Procedure</u>, (Articles 5 and 70-463)</p> <p>Entry into force: 28 September 1993</p> <p><u>Decree No. 107 – Code of Civil and Commercial Procedure</u>, of 14 September 1963. (Articles 61, 63, 66, 67, 96-210, and 596-635)</p> <p>Entry into force: 1 July 1964.</p> <p><u>Decree No. 119-96 – Law on Administrative Litigation Procedure</u>, of 21 November 1996. (Articles 1-19)</p> <p>Entry into force: 20 January 1997.</p> <p><u>Decree No. 114-97 - Law on the Executive Structure</u>, of 3 November 1997. (Article 32(a) and (b))</p> <p>Entry into force: 18 December 1997.</p>	<p>Recognizes and guarantees the right to private property. Recognizes the exclusive ownership of the author and inventor in their works and creations and commits the State to developing and promoting culture, arts and technological innovation.</p> <p>Establishes provisions on legal representatives, for the purposes of appearing before the courts.</p> <p>Fixes the penalties applicable to intellectual property offences.</p> <p>Sets out the criminal procedure applicable to criminal proceedings for intellectual property offences.</p> <p>Sets out the civil procedure applicable to civil proceedings brought in conformity with intellectual property legislation.</p> <p>Sets out the administrative principles and measures for contesting decisions taken by the Intellectual Property Register, and provisions on administrative proceedings, their automatic initiation and appeals against decisions.</p> <p>Establishes provisions on protecting consumers, promoting competition and the legal repression of unfair competition.</p>

TITLE DATES OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Decree No. 2-70 – Commercial Code</u>, of 28 January 1970. (Articles 4, 362-367, 655, 657 and 668)</p> <p>Entry into force: 30 March 1970.</p> <p><u>Government Agreement No. 182-2000 – Regulations of the Ministry of the Economy</u>, of 12 May 2000 (Article 29)</p> <p>Entry into force: 26 May 2000</p> <p><u>Decree No. 9-98 – Foreign Investment Law</u>, of 20 February 1998. (Articles 2, 5 and 7)</p> <p><u>Decree-Law No. 1-85 – Consumer Protection Law</u>, of 14 January 1985. (Articles 2, 3.5 and 14.4)</p> <p>Entry into force: 15 January 1985</p> <p><u>Decree-Law No. 106 – Civil Code</u>, of 14 September 1963. (Articles 442, 443, 451, 464, 468, 470, 485, 486 and 490)</p> <p>Entry into force: 1 July 1964</p> <p><u>Decree No. 1441 – Labour Code</u>, of 5 May 1971. (Article 63)</p> <p>Entry into force: 5 July 1971</p> <p><u>Decree No. 70-96 – Law on the Protection of the Subjects, Proceedings and Persons Connected with the Administration of Criminal Justice</u>, of 27 August 1996. (Articles 2, 10 and 11(a))</p> <p>Entry into force: 27 December 1996</p> <p><u>Decree No. 41-92 – Law Regulating the Use and Receipt of Signals Via Satellite and their Distribution by Cable</u>, of 26 May 1992. (Article 9(g))</p>	<p>Regulates unfair competition, business enterprises, trademarks and patents, as well as trade names, notifications and notices as elements of enterprises.</p> <p>Establishes the Intellectual Property Register, which is the body responsible for promoting observance of intellectual property rights, as well as for their listing and registration</p> <p>Gives foreign investors full rights, use, enjoyment, and ownership of their investment.</p> <p>Protects against any act or procedure which alters or whose purpose is to alter the quality of products, as well as the protection of goods.</p> <p>Specifies goods which may be seized, ownership and its protection and copyright.</p> <p>Regulates the obligation of employees to keep technical, commercial or manufacturing secrets relating to products whose disclosure could injure the enterprise.</p> <p>The main purpose is to provide protection to persons who are exposed to risks because of their participation in criminal proceedings as witnesses or who provide information related to offences.</p> <p>Establishes that the supplier of cable television services is the only person responsible for receiving satellite signals, distributing them and also for the earth station and cable distribution of the signal, without prejudice to civil, criminal or other sanctions that might apply in accordance with the laws of the Republic or international agreements ratified by Guatemala.</p>

<p>TITLE DATES OF ADOPTION AND ENTRY INTO FORCE</p>	<p>BRIEF DESCRIPTION</p>
<p><u>Decree No. 94-96 – General Telecommunications Law,</u> of 17 October 1996. (Article 28)</p> <p>Entry into force: 17 November 1996</p>	<p>Establishes that any operator of commercial telecommunications networks must provide access to essential resources to any operator who so requests subject to the corresponding payment. The access granted must be of the quality and in the nodes requested provided that this is technically feasible.</p>
<p><u>Decree-Law No. 433 – Radiocommunications Law,</u> of 10 March 1976. (Article 41, Nos. 12) and 15))</p>	<p>Prohibits the total or partial simultaneous or delayed transmission of programmes originating in foreign or national broadcasting organizations without the prior authorization of the original stations.</p>
<p><u>Decree No 37-95,</u> of 15 May 1995. (Article 1)</p>	<p>Approves the Final Act Incorporating the Results of the Uruguay Round of Multilateral Trade Negotiations.</p>
<p><u>Inter-American Convention on Copyright in Literary, Scientific and Artistic Works, Washington DC,</u> of 22 June 1946, approved by Decree No. 844 of 7 November 1951, and ratified on 10 January 1952</p>	<p>International rules on copyright in literary, scientific and artistic works.</p>
<p><u>Universal Copyright Convention and Protocols, Geneva,</u> of 6 September 1952, approved by Decree-Law No. 251 of 16 July 1964 and ratified on 17 July 1964.</p>	<p>International rules on copyright, complemented by its respective Protocols</p>
<p><u>International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, Rome,</u> of 26 October 1961, approved by Decree No. 37-76 of 29 October 1976.</p>	<p>International rules on performers, producers of phonograms and broadcasting organizations.</p>
<p><u>Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms, Geneva,</u> of 29 October 1971, approved by Decree No. 36-76 and ratified on 3 November 1976.</p>	<p>International rules on producers of phonograms against unauthorized duplication of their respective phonograms.</p>

TITLE DATES OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<u>Berne Convention for the Protection of Literary and Artistic Works – Paris Act</u> , of 24 July 1971, amended on 2 October 1979, approved by the Congress of the Republic through Decree No. 71-95, ratified on 20 June 1996, and published in the Official Journal (Diario Oficial) of 26 August 1997.	Rules on literary and artistic works
<u>General Inter-American Convention for Trademark and Commercial Protection, Washington</u> , of 20 February 1929, published in the Official Journal (Diario Oficial) of 9 December 1929	International rules on trademarks, repression of unfair competition and false indications of geographical origin.
<u>Paris Convention for the Protection of Industrial Property</u> , of 20 March 1883, and amended on 2 October 1979, ratified on 20 April 1998 and published in the Official Journal (Diario Oficial) of 31 July 1998.	International rules on industrial property.
