

# WORLD TRADE ORGANIZATION

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

Original: Spanish

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

EL SALVADOR

By means of a communication, dated 31 January 2000, the following notification of laws and regulations under Article 63.2 of the Agreement, in accordance with the Decision of the Council for Trade-Related Aspects of Intellectual Property Rights of 21 November 1995, contained in document IP/C/2, has been received from the Permanent Mission of El Salvador.

- Annex I lists the "Main dedicated intellectual property laws and regulations".
- Annex II lists "Other laws and regulations".
- The texts of the laws and regulations may be consulted on the web page of the Supreme Court of Justice of El Salvador, whose Internet address is [www.leyes.csj.gob.sv](http://www.leyes.csj.gob.sv).

## ANNEX I

### MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

#### Intellectual Property

- Law to Promote and Protect Intellectual Property Rights<sup>1,2</sup>  
Legislative Decree No. 604 of 15 July 1993, published in Official Journal (Diario Oficial) No. 150, volume 320 of 16 August 1993.
- Regulations under the Law to Promote and Protect Intellectual Property Rights<sup>3</sup>  
Executive Decree No. 35 of 28 September 1994, published in Official Journal No. 190, volume 325 of 14 October 1994.

#### Industrial Property<sup>4</sup>

- Central American Convention for the Protection of Industrial Property<sup>5</sup>  
Ratified on 29 September 1988 by means of Legislative Decree No. 85 published in Official Journal No. 218, volume 301 of 24 November 1988.<sup>6</sup>
- Law to Protect the Emblem of the Red Cross  
Legislative Decree No. 789 of 26 January 1994, Official Journal No. 56, volume 322 of 21 March 1994.
- Decree-Law on the Use and Registration of Coffee and Balsam Brands  
Legislative Decree No. 48 of 29 May 1934, Official Journal No. 124, volume 116 of 7 June 1934.
- Implementing Regulations for the Law on the Use and Registration of Coffee and Balsam Brands  
Executive Decree of 14 November 1934, published in Official Journal No. 258, volume 117 of 24 November 1934.

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<sup>1</sup> This law regulates all aspects of copyright and related rights, and in the area of industrial property governs matters relating to patents for invention and industrial or trade secrets.

<sup>2</sup> See document IP/N/1/SLV/C/1; IP/N/1/SLV/I/1.

<sup>3</sup> See document IP/N/1/SLV/C/2; IP/N/1/SLV/I/2.

<sup>4</sup> See documents IP/N/1/SLV/I/3-5.

<sup>5</sup> The provisions of the Convention are applicable to marks, trade names, advertising slogans or signs and indications of source and appellations of origin.

<sup>6</sup> This Convention will be superseded by the Law on Marks and Other Distinctive Commercial Signs, following ratification by the Legislative Assembly, which will regulate all aspects of the protection of marks, trade names, commercial advertising slogans or signs, emblems, geographical indications and appellations of origin, as well as the repression of unfair competition in such matters. The aim is to update domestic legislation on industrial property.

- Decree on use of the phrase "Bálsamo de El Salvador" as an Appellation of Origin  
  
Legislative Decree No. 162 of 14 December 1933, published in Official Journal No. 281, volume 119 of 20 December 1935. This Decree amends Legislative Decree No. 42 of 30 May 1938, published in Official Journal No. 116, volume 142 of 2 June 1938.
  
- Decree prohibiting unauthorized use of the emblem, official seal, name or initials of the United Nations (Organización de Naciones Unidas – ONU)  
  
Legislative Decree No. 1105 of 14 July 1953, published in Official Journal No. 138, volume 160 of 29 July 1953.

### **Copyright**

- Law on Books  
  
Legislative Decree No. 808<sup>7</sup> of 16 February 1994, published in Official Journal No. 54, volume 322 of 17 March 1994.

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<sup>7</sup> See document IP/N/1/SLV/C/3.

**ANNEX II**

**OTHER LAWS AND REGULATIONS**

<b>TITLE DATES OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><u>1983 Constitution</u> (Articles 2, 103 and 110, paragraph 3)</p> <p>Decree No. 38 of 15 December 1983, Published in Official Journal (Diario Oficial- D.O.) No. 234, volume 281 of 16 December 1983.</p> <p>(Entry into force: 24 December 1983)</p>	<p>Recognizes and guarantees private property rights. Recognizes intellectual and artistic property rights for the period of time and in the form specified by the law.</p>
<p><u>Commercial Code</u> (Articles 5 and 570-585)</p> <p>Adopted by Legislative Decree No. 671 of 8 May 1970, published in Official Journal No. 140, volume 228 of 31 July 1970.</p> <p>(Entry into force: 8 August 1970)</p>	<p>Regulates distinctive commercial signs.</p>
<p><u>Law on Commercial Procedures</u> (Article 9)</p> <p>Approved by Legislative Decree No. 360 of 14 June 1973, published in Official Journal No. 120, volume 239 of 29 June 1973.</p> <p>(Entry into force: 7 July 1973)</p>	<p>Establishes the procedure for protection of a registered trade mark.</p>
<p><u>Civil Code</u> (Article 570)</p> <p>Approved by Legislative Decree No. 7 of 23 August 1859, published in Official Gazette (Gaceta Oficial) No. 85, volume 8 of 14 April 1860.</p> <p>(Entry into force: 1 June 1860)</p>	<p>Recognizes copyright and industrial property rights.</p>

<p style="text-align: center;"><b>TITLE</b> <b>DATES OF ADOPTION AND</b> <b>ENTRY INTO FORCE</b></p>	<p style="text-align: center;"><b>BRIEF DESCRIPTION</b></p>
<p><u>Criminal Code</u> (Articles 226, 227, 228, 229, 230 and 231)</p> <p>Adopted by Legislative Decree No. 1030 of 26 April 1997, published in Official Journal No. 105, volume 335 of 10 June 1997.</p> <p>(Entry into force: 18 June 1997)</p>	<p>Establishes the penalties applicable to intellectual property offences.</p>
<p><u>Commercial Registry Law</u></p> <p>Adopted by Legislative Decree No. 271 of 15 February 1973, published in Official Journal No. 44, volume 238 of 3 May 1973.</p> <p>(Entry into force: 11 May 1973)</p>	<p>Regulates the registration of patents for invention, commercial and industrial patents, copyright, marks and trade names.</p>
<p><u>Regulations to the Commercial Registry Law</u></p> <p>Approved by Executive Decree No. 33 of 4 May 1973, published in Official Journal No. 82, volume 239 of 7 May 1973.</p> <p>(Entry into force: 15 May 1973)</p>	<p>Regulates the procedures and requirements for registration of intellectual property.</p>
<p><u>Investment Law</u> (Article 3.h)</p> <p>Adopted by Legislative Decree No. 732 of 14 October 1999, published in Official Journal No. 210, volume 345 of 11 November 1999.<sup>8</sup></p> <p>(Entry into force: 19 November 1999)</p>	<p>Recognizes intellectual property rights as assets or investment resources.</p>
<p><u>Consumer Protection Law</u> (Article 14)</p> <p>Adopted by Legislative Decree No. 666 of 14 March 1996, published in Official Journal No. 58, volume 330 of 22 March 1996.</p> <p>(Entry into force: 30 March 1996)</p>	<p>Waives the obligation to print the formula or industrial secret for product processing on product containers or packaging.</p>

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<sup>8</sup> This Law will be published on 1 April 2000 and repeals the Law to Promote and Guarantee Foreign Investment

<b>TITLE DATES OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><u>Regulations on the Central American origin of merchandise</u> (Article 5)</p> <p>Executive Decision (Acuerdo Ejecutivo – A.E.) No. 482, Resolution 6-92, of 30 June 1992, published in Official Journal No. 123, volume 316 of 6 July 1992.</p> <p>(Entry into force: 14 July 1992)</p>	<p>Regulates appellations of origin pertaining to Central American goods.</p>