

# **WORLD TRADE ORGANIZATION**

**IP/N/1/VEN/1**  
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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**

**VENEZUELA**

By means of communications dated 9 March 2000 and 15 January 2001, the following notification of intellectual property laws and regulations, under Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), has been received from the Permanent Mission of Venezuela:

- Annex I lists the "Main dedicated intellectual property laws and regulations".
- Annex II lists "Other laws and regulations".

## ANNEX I

### MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

Title Dates of adoption and entry into force	Brief description
<p><b>Intellectual property in general</b></p> <p><u>Marrakesh Agreement Establishing the World Trade Organization</u><sup>1</sup></p> <p>Special Official Gazette No. 4,829 of 29 December 1994</p> <p><u>Constitution of the Bolivarian Republic of Venezuela</u><sup>1</sup>,</p> <p>Promulgated on 15 December 1999, which came into force following publication in the Official Gazette of the Republic of Venezuela, No. 36,860 of 30 December 1999</p> <p><b>Industrial property</b><sup>2</sup></p> <p><u>Decision No. 486 of the Commission of the Cartagena Agreement</u><sup>3</sup>,</p> <p>Establishing the Common Industrial Property Regime.</p> <p>Signed at Lima, Peru, on 14 September 2000. Published in the Official Gazette of the Cartagena Agreement, No. 600, page 2, of 19 September 2000.</p> <p>Entry into force: 1 December 2000.</p>	<p>Articles 98, 124 and 127 of the Constitution of the Bolivarian Republic of Venezuela contain a set of intellectual property rules</p> <p>Decision No. 486 on the Common Industrial Property Regime of the Andean Community replaces Decision No. 344. Decision No. 486 endorses the provisions of the TRIPS Agreement in the areas of general principles; patents for invention; utility models; industrial designs; lay-out designs of integrated circuits; marks; geographical indications; unfair competition; industrial secrets; enforcement measures; border measures and actions for infringement of rights.</p>

<sup>1</sup> See document IP/N/1/VEN/C/1 – IP/N/1/VEN/I/1.

<sup>2</sup> This concept covers all matters relating to trademarks, geographical indications, industrial designs, patents, plant varieties, lay-out designs of integrated circuits, undisclosed information and industrial property in general.

<sup>3</sup> See document IP/N/VEN/I/4.

<p><b>Title</b> <b>Dates of adoption and entry into force</b></p>	<p><b>Brief description</b></p>
<p><u>Decision No. 344 of the Commission of the Cartagena Agreement</u><sup>4</sup>,</p> <p>Establishing the Common Industrial Property Regime</p> <p>Special Official Gazette No. 4,676 of 18 January 1994.</p> <p><u>Decision No. 345 of the Commission of the Cartagena Agreement</u><sup>5</sup>,</p> <p>Establishing the Common Regime for the Protection of Plant Breeders' Rights</p> <p>Special Official Gazette No. 4,676 of 18 January 1994.</p> <p><u>Industrial Property Law</u><sup>6</sup></p> <p>Special Official Gazette No. 24,873 of 14 October 1955.</p> <p><u>Decree No. 3136</u><sup>7</sup></p> <p>Official Gazette No. 36,618 of 22 January 1999.</p> <p><b>Copyright and related rights</b></p> <p><u>Decision No. 351 of the Commission of the Cartagena Agreement</u><sup>8</sup>,</p> <p>Establishing the Common Regime for Copyright and Related Rights.</p> <p>Official Gazette No. 4,720, Special Issue of 5 May 1994.</p>	<p>This Decree regulates Decision No. 345 of the Andean Community on the Common Regime for the Protection of Plant Breeders' Rights.</p> <p>The Decree elaborates the principles contained in Decision No. 345 of the Andean Community, for the purpose of recognizing and guaranteeing the adequate and effective protection of plant breeders' rights.</p>

<sup>4</sup> See document IP/N/1/VEN/I/2.

<sup>5</sup> See document IP/N/1/VEN/P/1.

<sup>6</sup> See document IP/N/1/VEN/I/3.

<sup>7</sup> See document IP/N/1/VEN/P/2.

<sup>8</sup> See document IP/N/1/VEN/C/2.

<b>Title</b> <b>Dates of adoption and entry into force</b>	<b>Brief description</b>
<u>Law on Copyright</u> <sup>9</sup>  Official Gazette No. 4,638, Special Issue of 1 October 1993.  <u>Regulations under the Law on Copyright and Decision No. 351</u> <sup>10</sup>  Official Gazette No. 4,891, Special Issue of 26 April 1995.	

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<sup>9</sup> See document IP/N/1/VEN/C/3.

<sup>10</sup> See document IP/N/1/VEN/C/4.

## ANNEX II

## OTHER LAWS AND REGULATIONS

Title Dates of adoption and entry into force	Brief description
<p><b>Intellectual property in general</b></p> <p><u>Decree No. 368, with the status and force of law, on Simplification of Administrative Formalities</u></p> <p>Official Gazette No. 36,845 of 7 December 1999. Entry into force: 7 December 1999.</p> <p><u>Partial Reform of the Institutional Law on the Central Administration, Decree No. 369</u></p> <p>Official Gazette No. 36,850 of 14 December 1999. Entry into force: 14 December 1999.</p> <p><u>Decree No. 1580 – Regulation of Autonomous Services with no Legal Personality</u></p> <p>Official Gazette No. 29,123 of 27 November 1996. Entry into force: 13 November 1996.</p> <p><u>Decree No. 1768 – Establishing the Autonomous Intellectual Property Service without legal personality, attached to the Ministry of Industry and Trade</u></p> <p>Official Gazette No. 36,192 of 24 April 1997. Entry into force: May 1998.</p> <p><u>Decree No. 150, with the status and force of law, on Partial Reform of the Institutional Customs Law</u></p> <p>Official Gazette No. 5,353, Special Issue of 17 June 1999.</p> <p><u>Decree No. 356, with the status and force of law, on Investment Promotion and Protection</u></p> <p>Special Official Gazette No. 5,390 of 22 October 1999. Entry into force: 21 December 1999.</p>	<p>Simplifies administrative formalities for individuals in their dealings with the public administration, in order to promote efficient and expeditious administrative procedures.</p> <p>Contains institutional rules relating to the Government entities which administer intellectual property rules in Venezuela.</p> <p>Regulates the activity of autonomous services. It should be pointed out that the Government agency which administers intellectual property in Venezuela has the legal status of an autonomous service.</p> <p>This body of rules regulates the organization and functioning of the Autonomous Intellectual Property Service.</p> <p>This law regulates customs-related rights and obligations and the legal relations arising therefrom. In particular, it contains rules relating to intellectual property enforcement measures.</p> <p>The purpose of this law is to regulate domestic and foreign investments and investors and to provide a stable legal framework in which investments or investors can operate with legal certainty.</p>

<b>Title</b> <b>Dates of adoption and entry into force</b>	<b>Brief description</b>
<p><u>Institutional Code of Criminal Procedure</u></p> <p>Official Gazette No. 5,208, Special Issue of 23 January 1998. Entry into force: 1 July 1999.</p> <p><u>Article 546 of the Civil Code</u></p> <p>Official Gazette No. 2,990, Special Issue of 26 July 1992.</p> <p><u>Articles 45 to 50 of the Law on Chattel Mortgages and Non-Dispossessionary Pledges</u></p> <p>Official Gazette No. 1,575, Special Issue of 4 April 1973.</p> <p><u>Institutional Law on Administrative Procedures</u></p> <p>Official Gazette No. 2,818, Special Issue of 1 July 1981.</p> <p><u>Law to Promote and Protect Freedom of Competition</u></p> <p>Official Gazette No. 34,880 of 13 January 1992.</p> <p><u>Resolution No. 4328 on the Establishment of Mortgages on Industrial Property and Copyright</u></p> <p>Official Gazette No. 30,432 of 25 June 1974</p>	<p>Contains rules on due process enshrined in the national Constitution and in the laws, treaties and agreements ratified by the Republic of Venezuela.</p> <p>This Article defines the nature of intellectual property rights.</p> <p>These Articles lay down the rules applicable to mortgageable rights in the field of both copyright and industrial property.</p> <p>This law regulates all aspects of administrative formalities, the rights of individuals in relation to Government departments, the way in which such rights are exercised, and administrative procedures and appeals.</p> <p>The purpose of this law is to promote and protect the exercise of free competition and efficiency for the benefit of consumers and producers. It also prohibits monopolistic and oligopolistic conduct and practices, as well as other practices which might impede, restrict, pervert or limit the enjoyment of economic freedom.</p> <p>In this Resolution, the then Ministry of Development laid down the procedure for processing applications by natural or legal persons wishing to take out mortgages on commercial establishments and industrial machinery, or on copyright and industrial property, in accordance with Article 19.6 of the Law on Chattel Mortgages and Non-Dispossessionary Pledges.</p>

<b>Title</b> <b>Dates of adoption and entry into force</b>	<b>Brief description</b>
<p><u>Decision No. 391 of the Commission of the Cartagena Agreement – Common Regime on Access to Genetic Resources</u></p> <p>Signed in Caracas, Venezuela, on 2 July 1996.</p> <p>Official Gazette of the Cartagena Agreement, No. 213 of 17 July 1996.</p> <p><u>Law on Biological Diversity</u></p> <p>Official Gazette No. 5,468, Special Issue of 24 May 2000.</p>	<p>Decision No. 391 regulates member countries' access to genetic resources and products thereof, for a variety of purposes, and pursuant to the principles and provisions contained in the Convention on Biological Diversity. Its general provisions are directed to promoting the use and sustainable development of genetic resources, strengthening integration and scientific, technical and cultural cooperation among the member countries and contributing to their harmonious and full development.</p> <p>Lays down guiding principles for the conservation of biological diversity pursuant to the principles and provisions of the Convention on Biological Diversity. Its general provisions include a classification of biological diversity as comprising legally protected environmental assets of fundamental importance to life, and their conservation and sustainable use as being of public interest. It provides for the exercise of sovereign rights over those resources by the State. It also includes provisions on the recognition and protection of the traditional knowledge of indigenous and local communities.</p>
<p><b>Industrial Property</b></p> <p><u>Decision No. 291 of the Commission of the Cartagena Agreement – Common Regime for the Treatment of Foreign Capital and on Marks, Patents, Licences and Royalties</u></p> <p>Official Gazette No. 4,284, Special Issue of 28 June 1991.</p> <p><u>Decree No. 2095 Containing Regulations under the Common Regime for the Treatment of Foreign Capital and on Marks, Patents, Licences and Royalties</u></p> <p>of 13 February 1992.</p> <p><u>Law and Regulations on Commercial Advertising</u></p> <p>Official Gazette No. 21,563 of 6 September 1944; and Official Gazette No. 21,552 of 3 November 1944.</p> <p><u>Articles 37 and 55 of the General Food Regulations</u></p> <p>Official Gazette No. 25,864 of 16 January 1959.</p>	<p>This Decision lays down the meaning to be assigned to foreign and domestic investment and regulates investment mechanisms, the rights and obligations of investors and the importation of technology.</p> <p>These regulations elaborate the spirit, object and purpose of the rules contained in Andean Decision No. 291.</p> <p>This set of rules deals with commercial advertising in order to establish competition for other producers or distributors of goods or effects of the same or similar nature.</p> <p>Article 37 lays down labelling requirements for food packaging.</p> <p>Article 55 lays down the appeal procedures to be followed by persons who incur a fine for breaking the law.</p>

<b>Title</b> <b>Dates of adoption and entry into force</b>	<b>Brief description</b>
<p><u>Articles 26 and 30 of the Commercial Code</u></p> <p>Official Gazette No. 475 of 21 December 1955.</p> <p><u>Revenue Stamp Law</u></p> <p>Special Official Gazette No. 5,391 of 22 October 1999 Entry into force: 22 December 1999</p> <p><b>Copyright and related rights</b></p> <p><u>Statutory Deposit Law</u></p> <p>Official Gazette No. 4,623, Special Issue of 3 September 1993. Entry into force: 3 September 1993</p> <p><u>Regulation to the Statutory Deposit Law</u></p> <p>Official Gazette No. 5,163 of 13 August 1997 Entry into force: 13 August 1997</p> <p><u>Law on Books</u></p> <p>Official Gazette No. 36,189 of 21 April 1997 Entry into force: 21 April 1997</p> <p><u>Regulation to the Law on Books</u></p> <p>Official Gazette No. 5,285, Special Issue of 18 December 1998 Entry into force: 18 December 1998</p> <p><u>National Cinematography Law</u></p> <p>Official Gazette No. 4,626, Special Issue of 8 September 1993 Entry into force: 8 September 1993</p> <p><u>Regulation to the National Cinematography Law</u></p> <p>Official Gazette No. 4,689, Special Issue of 2 February 1994</p>	<p>Deals with the fees payable in connection with the granting of industrial property rights.</p> <p>Contains specific rules on preserving the memory of the national cultural heritage.</p> <p>Elaborates the spirit, object and purpose of the Statutory Deposit Law.</p> <p>The law contains comprehensive regulations on the protection, promotion and distribution of books throughout the national territory, as well as the development and promotion of the Venezuelan publishing industry.</p> <p>Elaborates the spirit, object and purpose of the Law on Books.</p> <p>The purpose of this law is to regulate the development, promotion, dissemination and protection of national cinematography and cinematographical works.</p> <p>Elaborates the spirit, object and purpose of the National Cinematography Law.</p>



<b>Title</b> <b>Dates of adoption and entry into force</b>	<b>Brief description</b>
<u>Institutional Agreement Against Piracy</u>  of 4 June 1996	The purpose of this agreement between the National Executive and a group of private institutions is to prosecute the counterfeiting of works, products and productions protected by the Law on Copyright; the Anti-Piracy Unit (Comanpi) of the Judicial Police Technical Department was set up under the agreement.

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