

WORLD TRADE ORGANIZATION

RESTRICTED

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

Original: Spanish

COMMUNICATION FROM ECUADOR

The following communication, dated 30 June 1997, has been received from the Permanent Mission of the Republic of Ecuador.

I am writing to inform you that I have received instructions from the competent authorities of the Government of Ecuador regarding the WTO accession commitments in the area of protection of intellectual property rights, and have been asked to draw the attention of the Members of the Council for Trade-Related Aspects of Intellectual Property Rights to the following:

1. In compliance with Ecuador's commitment to the WTO to apply the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) no later than 31 July 1996 as recorded in paragraph 78 of the Report of the Working Party on the Accession of Ecuador (document WT/L/77 of 14 July 1995), the Government of Ecuador published the TRIPS Agreement in Official Register No. 977 of 28 June 1996, and thus did not avail itself of the transitional period under Article 65.2.
2. With the publication of the TRIPS Agreement in the Official Register, Ecuador brought the said legal provisions into force, giving them full effect. Consequently, they may now be invoked before the courts of Ecuador.
3. In order to ensure full application of the TRIPS Agreement, the Ecuadorian Government is currently preparing for submission to Congress a legal reform aimed at subjecting domestic legislation to the TRIPS standards for the sake of clarity and uniformity of the intellectual property system in Ecuador.
4. In this connection, the Ministry of Foreign Trade, Industrialization and Fishery, which is responsible for the Directorate of Industrial Property of Ecuador, in cooperation with the Andean Development Corporation (CAF), is being advised by a specialized consultancy firm with a view to reforming the following legislation:
 - (i) The Law on Trademarks;
 - (ii) the Law on Patents;
 - (iii) the Copyright Law; and
 - (iv) the Plant Varieties Regime.

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5. In addition, the Government of Ecuador intends to create the *Instituto Ecuatoriano de la Propiedad Intelectual* (Ecuadorian Intellectual Property Institute) as a national body responsible for the specialized handling of all matters relating to intellectual property and for ensuring compliance with the TRIPS Agreement at the national level.