

# LAW OF INDUSTRIAL PROPERTY

Legislative power

DECREE Number 12-99-E

The National Congress,

WHEREAS: Our legislation concerning Industrial Property turns out to be not updated, and non-coordinated with the legislation in force on this matter, in other countries with which Honduras has commercial relations.

WHEREAS: It is a need to harmonize our legislation in terms of Industrial Property, with the provisions enclosed in International agreements, subscribed by Honduras.

WHEREAS: Honduras must be inserted in the world market adopting policies oriented to create an appropriate environment for national and foreign investment, protection of Industrial Property, technology transfer, and a benefit to the consumer as a final result.

WHEREAS: the issuing of a new legislation in terms of Industrial Property, incorporated in the Decree hereunder, will allow Honduras to accomplish the international commitments, subscribed in the World Trade Organization (W.T.O.); to become effective as of January first of the year two thousand, which are beheld in the Agreement on Copyright related to Trade (ACT).

THEREFORE,

IT DECREES:

The following:

LAW OF INDUSTRIAL PROPERTY

TITLE I

GENERAL PROVISIONS

SOLE CHAPTER

NATURE AND OBJECT OF THE LAW

ARTICLE I.- The provisions of this Law belong to the public order. Their application corresponds to the State Department in the Ministry of Industry and Commerce, through the Industrial Property Registry Office, branch office of the Copyright Head Office.

ARTICLE 2.- The object of this Law is:

1. Set up the basis so that there shall exist a permanent system of perfecting of the processes and products within the industrial and commercial activities of the country;
2. Promote and foster the inventiveness of industrial application, the best techniques, and the broadcasting of technological knowledge within productive sectors;
3. Propitiate and impel the improvement of the quality of goods and services in industry and commerce, according to the interests of consumers;
4. Favor creativity for the design and presentation of new and useful products;
5. Protect industrial property through the regulation of patents; registration of utility models, industrial designs, trademarks and commercial notices, names of origin and industrial secrets; and
6. Prevent acts that shall attempt against industrial property, or that shall create unfair competition related to it; and, establish the penalties related to them.

ARTICLE 3.- A patent, registration or authorization will not be granted, neither publicity will be ordered in the Official Journal "La Gaceta", for any of the juridical figures or institutions that regulate this Law, when their contents or form shall be opposed to public order, moral, or good habits, or that they shall infringe any legal provision.

## TITLE II

### ABOUT THE INVENTIONS, UTILITY MODELS AND INDUSTRIAL DESIGNS

#### CHAPTER I

#### INVENTIONS

#### SECTION I

#### PROTECTION TO INVENTIONS AND RIGHT TO PATENT

ARTICLE 4.- for the purposes of this Law:

- 1) An invention is any human creation that makes it possible to transform the matter or energy that exists in nature, for its utilization, through the immediate satisfaction of a concrete need. An invention shall be the product of a procedure; and,
- 2) A patent is understood as the special right that the State grants, in relation to acts of exploitation of an invention. The Law determines the effects, scope, obligations and limitations to the patent hereby.

ARTICLE 5.- The following will not be considered an invention, and in virtue of this it will be excluded of protection for patent:

1. The matter that does not adequate to the definition in Article 4;
- 2) The theoretical or scientific principles;
- 3) The discoveries that shall consist in making known or revealing something that already existed in nature, even when it had been previously unknown for mankind;
- 4) The biological material that exists in nature;
- 5) The schemes, plans, rules and methods to fulfill mental actions, games or businesses;
- 6) The computing programs isolately considered;
  1. The ways of presentation of information;
  2. The esthetical creations and the artistic or literary works;
  3. The methods of surgical and therapeutic treatment, or diagnostic methods applicable to the human Agency and the ones related to animals; and,
  4. The juxtaposition of known inventions or mixes of known products, their variation of shape, dimensions or materials, unless it is really about their combination or fusion in such a way that they can not function separately or that the characteristic qualities or functions of the aforesaid shall be modified to obtain an industrial result not obvious to an expert in the matter.

ARTICLE 6.- An invention shall be patentable when it is susceptible to industrial application, when it is novel and has inventive level.

ARTICLE 7.- the following will no be patentable:

1. Essentially biological processes for the attainment or reproduction of plants, animals or their varieties, including the genetic processes or those related to material capable of conducting its own duplication, by itself or by any other indirect way, when consisting in selecting or isolating available biological material and letting it act in natural conditions; and,
2. The vegetal varieties and species and the animal species and breeds.

ARTICLE 8.- It is considered that an invention is susceptible of industrial application when it can be produced or used in any kind of industry, for these purposes, the expression industry will be understood in its widest sense and will include, among others, craftsmanship, agriculture, mining, fishing and services.

ARTICLE 9.- An invention is considered novel when it did not exist within the stage of technology.

The stage of technology will include anything that has been published or made accessible to the public, in any place of the world, through a publication made in a tangible way, oral divulgence, sale or marketing, use or any other mean, before the date of filing a patent application in Honduras, when this is so, before the date of filing the foreign application, of which the priority will be claimed according to Article 141 in this Law, only for the purpose of appraising the novelty. The content of a pending patent application before the Industrial Property Registry Office, whose date of filing, in such case, had been previous to the application being examined, will also be included within the stage of technology, but only as long as that content shall be included in the application with previous date when it had been published.

In order to grant the patent, the publication that would have taken place within the year preceding the date of filing the application in Honduras or, when it is so, within the year preceding the date of the application whose priority will be claimed according to Article 141 in this Law, will not be taken into consideration, as long as such publication had directly or indirectly resulted from acts fulfilled by the same petitioner or his originator, or from an abuse, breach of contract or unlawful act perpetrated against any of them.

The spreading resulting from a publication made by an Industrial Property Office during the registration procedure of a patent, is not included in the exceptions in the preceding paragraph, unless the application was filed by someone who did not have right to the patent, or that the publication had been improperly done by the Industrial Property Office.

ARTICLE 10.- An invention is considered to have inventive level, if it does not result obvious nor has been derived evidently from the stage of technology, according to the criteria of a person versed in the subject.

ARTICLE 11.- The right to the patent will belong to the inventor without prejudice to what it is established in Articles 12 and 13 of the Law hereby. When several people shall produce an invention jointly, the right to the patent will belong to them in common.

The right to a patent can be transferred by acts between living persons or through hereditary succession.

If several people shall independently effect the same invention from one another, the patent will be granted to the person or to its beneficiary, who files the patent application first or who claims the oldest priority date according to Article 141 in this Law.

ARTICLE 12.- When an invention had been produced in fulfillment or compliance with a work or service contract, or employment contract, the right to patent for that invention will belong to the person who contracted the work or service, or to the employer, as it shall correspond, except for a contractual provision opposed.

When the invention should have an economic value much higher than the one the parties could have reasonably foreseen at the time of concluding the contract, the inventor will have the right to a special compensation, which will be set by the competent Court in defect of agreement between the parties.

Any contractual provision less favorable to the inventor, than the ones provided in this Article will be null.

ARTICLE 13.- When an employee who was not under obligation of his employment contract to perform an inventive activity, should fulfill an invention in the area of activities of the employer, or through the use of data or means to which he would have access because of his employment, he will immediately communicate this fact to his employer in writing. If within a term of two (2) months, starting from the date in which the employer would have received such communication, or should have taken knowledge of the invention by any other means, applying the oldest date, the employer will notify in writing the employee his interest for the invention, the employee will have a right to the co-ownership of the patent, having an equitable right to the profits that the use of the invention should occasion. In case the employer would not carry out the notification within the established term, the right to the patent will belong to the employee.

Any contractual provision less favorable to the inventor employee, than the ones provided in this Article will be null ipso jure.

ARTICLE 14.- When the petitioner of a patent shall be the same author of the invention, subject of application, and his financial situation would not let him bear the costs of the amount of the taxes he should pay to file or carry out his application or to keep the granted patent, shall be able to declare this circumstance in the patent application, at the time of paying the corresponding annual taxes. In that case, the petitioner will only be committed to pay one tenth of the amount of the due tax, while the referred financial situation shall persist.

If the application of patent pending or the granted patent should be transferred before two (2) years elapse from the date of filing the application, to a person who was not in the referred financial situation, the transfer will not be registered while the payment of the amount of taxes that would have corresponded to pay is not credited, if he had not made the declaration indicated in the former paragraph.

The Industrial Property Registry Office will be able to ask the petitioner to take refuge under the benefit provided in this Article that shall credit his economic situation, as long as there were reasons to distrust the declaration made by the petitioner, or when it seemed evident that his financial situation had improved after the initial declaration.

## SECTION II

### RIGHTS, OBLIGATIONS AND LIMITATIONS

## RELATED TO THE PATENT

ARTICLE 15.- Invention patents will be granted for a not extendible term of twenty (20) years, starting from the date of filing its application at the Trademark Bureau Office in Honduras.

ARTICLE 16.- To keep a patent or patent pending application in force, annual taxes should be paid. The payments will be done before starting the corresponding annual period. The first annual tax will be paid before starting the third year starting from the date of filing of the patent application. It will be payable in two (2) or more annual taxes made in advance.

A period of grace of six (6) months will be granted for the payment of the annual tax, having to pay the established surtax. During the period of grace, the patent or patent application, depending on the case, will keep its full effect.

The lack of payment of any of the annual taxes according to what it is provided in the Article hereby, will produce the expiration of the patent or patent application , depending on the case, as a matter of law.

ARTICLE 17.- The patent will confer its holder the right to exclude third parties from the use of the patented invention. In such a case and with the limitations provided in this Law, the holder of the patent will have a right to proceed against any person who, without his accord, fulfills any of the following acts:

1. When the patent had been granted for a product:
  - a. Manufacture the product; and,
  - b. Offer for sale, sell or use the product or import it or store it for any of these purposes.
1. When the patent had been granted for a procedure:
  - a. Use the procedure; and,
  - b. Execute any of the acts indicated in numeral 1) paragraph b) in this Article about a product resulting directly from the utilization of the procedure.

The scope of the protection conferred by the patent will be determined by the claims. The claims will be interpreted based on the description and the drawings.

ARTICLE 18.- The rights conferred by the patent will only be effective against acts fulfilled by third parties with industrial or commercial purposes. In particular, such rights will not be effective against acts exclusively fulfilled within the private ambit and with non-commercial purposes, or with experimentation, scientific research or teaching purposes on the object of the patented invention.

The rights conferred by the patent shall not be effective against any person who markets, acquires or uses the patented product or obtained by the patented process, after the holder of the patent or his licensees had legally introduced the aforesaid product in the national or international commerce.

The patent does not confer the right to impede the acts referred in Article 5 of the Agreement of Paris for the Protection of Industrial Property.

ARTICLE 19.- The rights conferred by a patent shall not be effective against a person who proves that, previous to the date of filing, or, given the case, of priority of the corresponding patent application, was already producing the product or using the procedure that constitutes the invention in the country.

Such person will have right to continue producing the product or using the procedure the way he had been doing it, but this right shall only be granted or transferred together with the establishment or enterprise in which the production or use had been fulfilled.

This exception will not be applicable if the person had acquired knowledge of the intervention by an act in bad faith.

ARTICLE 20.- A patent or patent application shall be granted through acts among living or transferred by hereditary succession.

Any cession or transfer related to a patent or patent application, shall be recorded and registered in the Industrial Property Registry Office. The cession or transfer will only have legal effects before third parties after being registered. Registration will accrue the established tax.

Fault of stipulation opposed in the usage license contract, the following norms will be applicable:

1. The License will extend to all acts indicated in Article 17 of this Law, during all the term of the patent, in all the territory of the country and related to any application of the invention;
2. The licensee will not be able to cede the license nor grant sublicenses;
3. If the license should not be exclusive, the licensor will be able to grant other licenses for the use of the patent in the country, as well as using the patent by himself in the country; and,
4. When a license is granted as exclusive, the licensor would not be able to grant other licenses for the use of the patent in the country, nor use the patent by him in the country.

ARTICLE 22.- The holder of the patent can resign one or several of the claims of the patent, or to the patent as a whole, at any time through a written declaration presented to the Industrial Property Registry Office.

The resignation will be effective as of the date of its presentation, without prejudice of the provided in the last paragraph of this Article.

When, related to the patent, any license or right to credit should appear registered in favor of a third party, the resignation will only be admitted after presentation of a written declaration with authenticated signature of that person, whereupon he consents the resignation, unless the Industrial Property Registry Office considers that circumstances that justify the admission of the resignation exist in any case.

## CHAPTER II

### UTILITY MODELS

ARTICLE 23.- A utility model will be considered as any form, configuration or arrangement of elements of any artifact, tool, instrument, mechanism or other object, or some part of it, that allows a better or different functioning, utilization or manufacturing of the object that includes it, or that provides it with some utility, advantage or technical effect that it did not have before.

Utility models will be protected through the grant of patents.

ARTICLE 24.- The following will not be object of a patent of utility models:

1. The procedures
2. The substances or chemical, metallurgic compositions or compositions of any other kind; and,
3. The matter excluded from protection by the invention patent according to this Law.

ARTICLE 25.- A utility model shall be patentable when it is novel and susceptible of industrial application..

A patent will not be granted when the utility model present minor or secondary differences that do not supply any discernible utilitarian characteristic in terms of the stage of technology.

ARTICLE 26.- The patent application of the utility model shall only refer to one object, without affecting the fact that such an object may include two (2) or more parts that work as a unitary whole. Several elements or aspects of the said object shall be claimed in the same application.

ARTICLE 27.- To conciliate the extremes, the protection that a utility model patent grants will be started from the moment of filing the application, and will expire when granted, fifteen (15) years starting from the date of the said filing.

## CHAPTER III



# INDUSTRIAL DESIGNS

## SECTION I

### PROTECTION OF INDUSTRIAL DESIGNS

ARTICLE 28.- An industrial design will be considered as any bidimensional or tridimensional shape which incorporated to an utility product, gives it a special appearance, and which is suitable to serve as a type or model for its manufacturing.

Industrial designs include:

1. The industrial drawings, that are all combination of shapes, lines or colors incorporated to an industrial product with ornamentation purposes and that give it a peculiar and unique aspect; and,
2. The industrial models constituted by any bidimensional or tridimensional shape that serves as type or model for manufacturing an industrial product, which gives it special appearance as long as it does not involve technical effects, and which have not been solely dictated by technical considerations or exigencies.

ARTICLE 29.- Those industrial designs that shall be original and susceptible to industrial application will be subject to be registered.

Original is understood as such design that is not equal or similar in degree of confusion to another which is already of public knowledge in the country.

An industrial design whose appearance would be dictated entirely by considerations in technical terms or by the fulfillment of a technical function, which does not incorporate any arbitrary contribution of the designer, will not be registered.

An industrial design consisting in a shape whose exact reproduction would be necessary to allow the product that would incorporate the design, to be mechanically mounted or connected to another product it is part of, will not be registered. This prohibition will not be applied, in the case of products in which the design consists on a shape designated to allow the mounting or multiple connection of the products, or its connection within a modular system.

ARTICLE 30.- The right to protection of an industrial design belongs to its creator. If the design had been created by two (2) or more people together, the right will belong to all of them in common. This right shall be transferred by act between living persons or by hereditary succession.

When the industrial design had been created in execution of a work or service contract, or an employment contract, the right to obtain its registration will belong to the person who contracted the work or service, or to the employer, excepting for contractual provisions opposed.

## SECTION II

### ACQUISITION AND SCOPE OF RIGHTS

ARTICLE 31.- The protection of an industrial design confers to its holder the right to exclude third parties from the use of the industrial design. In such a case, and with the limitations provided in the Law hereby, the holder will have the right to act against any person who without his agreement, manufactures, sells, offer for sale, or use, or import or store for any of these purposes, a product that reproduces or incorporates the protected industrial design; or whose appearance offers a general impression equal to the one of the protected industrial design.

The fulfillment of any of the acts mentioned in the preceding paragraph, will not be considered lawful for the sole reason that the reproduced or incorporated design applies to a kind or gender of products different to the ones indicated in the registration of the protected design.

The protection conferred to an industrial design will not extend to the elements or characteristics of the design entirely dictated by technical considerations, or by the fulfillment of a technical function , which do not incorporate any arbitrary contribution of the designer.

The protection conferred to an industrial design will not include the elements or characteristics of the design, whose exact reproduction shall be necessary to allow the product which the design incorporates, to be mechanically mounted or connected to other product which it shall be part of. This limitation will not be applied when dealing with products in which the design consists in a shape designated to allow the mounting or multiple connection of the products, or its connection within a modular system.

The limitations and exceptions provided in Article 18 of this Law will be applicable to the protection of an industrial design.

ARTICLE 32.- The protection of an industrial design is acquired through its registration, in accordance with the procedure provided in this Title.

## SECTION III

### NORMS RELATED TO THE REGISTERED INDUSTRIAL DESIGN

ARTICLE 33.- The Patent of an industrial design will expire five (5) years starting from the date of filing the application in the registry office in Honduras.

ARTICLE 34.- The payment of the tax corresponding to the first five-year period shall be done within six (6) months following the date of filing of the application.

The registration of an industrial design shall be extended for two additional terms of five (5) years each, through the payment of the established extension.

The extension tax will be paid before the expiry of the registration of the industrial design. A period of grace of six (6) months will be granted for the payment of the tax, through the payment of the established surtax. During the period of grace, the registration will keep its full effect.

The Industrial Property Registry Office will record each extension, making the marginal annotations in the corresponding registry.

## CHAPTER IV

### GRANT PROCEDURE

#### Common provisions

ARTICLE 35.- The patent application will be filed in the Industrial Property Registry Office, indicating in the former, the name and other necessary data related to the petitioner, the inventor and the mandatory, as well as the name of the invention.

The patent application shall indicate the date, number and office of filing of any patent or other protection title that had been filed, or of the title that had been obtained in any other Industrial Property office, and which refers totally or partially to the same invention claimed in the application filed in Honduras, otherwise it shall declare not to have presented the aforesaid application.

The patent pending Application and its annexes will be confidential until the moment of its publication.

ARTICLE 36.- The petitioner of a patent shall be a natural or juristic person. If the petitioner shall not be the inventor, the application shall contain the name of the inventor or inventor if this is the case.

ARTICLE 37.- The patent application will only be able to include one invention, or group of related inventions within themselves, so that it conforms a sole inventive concept.

If the application does not accomplish what it is provided in the former paragraph, the registry office will inform it in writ to the petitioner so that, within the term of two

(2) months, he shall divide it into several applications, keeping the date of the initial application, and when applicable, the date of the known priority as the date of each. If the term expires and the petitioner has not fulfilled the division, the application will be considered as abandoned.

ARTICLE 38.- The Industrial Property Registry Office will examine if the application fulfills the requirements of Articles 35 and 45 of the Law hereby.

In case any omission or deficiency is observed, it will be notified to the petitioner so that he carries out the necessary correction within a term of 2 (two) months, under requirement of considering the application abandoned and file it officially.

If the petitioner should not fulfill the correction within the term provided, the Industrial Property Registry Office will make the requirement effective through found resolution. If having met the requirements, the registry office estimated that, in spite of the answer from the petitioner, it does not completely satisfy the requirements, it will proceed to deny the grant of the patent through found resolution.

ARTICLE 39.- On request of the Industrial Property Registry Office, the petitioner shall supply one or more of the following documents related to one of the foreign applications referred in Article 35, third paragraph of this Law, duly translated when indicated, by election of the Registry Office.

1. Copy of the foreign application and its enclosed documents or if it applies, certification in case of not having presented the said application;
2. Copy of all the communication or report received by the petitioner or by his originator referring the results of the search of priorities or examinations accomplished in relation to the foreign application; and,
3. Copy of the patent or other title of protection that had been granted based on the foreign application.

When the application filed in Honduras shall include inventions claimed in two (2) or more foreign applications, in such a way that none of these would totally correspond to that claimed in the former application, the Industrial Property Registry Office, shall ask the petitioner to present the referred documents in the first paragraph of this Article, related to other foreign applications filed in Honduras.

The Industrial Property Registry Office, will be able to request the petitioner or the holder of the patent the filing of the following documents related to the foreign application or the protection title referred on the first paragraph of this Article in any case in which it was considered necessary to better resolve the granting of a patent or the validity of a granted patent,:

1. Copy of any resolution or verdict for which the foreign application had been rejected or the grant requested had been denied; and,

2. Copy of any resolution or verdict for which the foreign application or other title of protection that had been granted based on the foreign application, had been annulled or nullified.

If the petitioner, having the information or documentation requested according to the first paragraph, numerals 1) and 2) of this Article, at his disposal, did not accomplish to supply it within the provided term, the patent requested will be denied. At request of the petitioner, or officially, the Industrial Property Registry Office, will be able to suspend the action of patent application when a document as the ones indicated in the first paragraph, numerals 1) and 2), or in the second paragraph of this Article, is required, and this document is still in proceeding before the corresponding foreign authority.

The petitioner will be able to present observations and comments on any information or document he supplies in compliance with the Article hereby.

ARTICLE 40.- As of the publication of the application any interested person will be able to present opposition before the Industrial Property Registry Office, making observations and presenting information or documents related to the patentability of the invention, object of the application.

ARTICLE 41.- The Industrial Property Registry Office will be the agency in charge of knowing and resolving the opposition writs that shall be presented before it, which will be carried out according to the procedure provided in the respective Bylaws.

The opposition should be presented within the term established by the Law.

ARTICLE 42.- Grant the patent under the responsibility of the petitioner without prejudice of the rights of third parties, when the Industrial Property Registry Office verifies that the requisites and conditions provided by the Law have been accomplished.

Once resolved the patent grant the Industrial Property Registry Office will carry out the following actions:

1. Register the patent in the corresponding registry;
2. Order the publication of a notice of grant of the patent;
3. Give the Petitioner a grant certificate and a copy of the patent document; and,
4. Put copies of the patent document at the public disposition, which shall be acquired through the payment of the established tax.

ARTICLE 43.- The nullity of a patent, will be filled at the Industrial Property Registry Office, having to be substantiated according to the procedure established in the respective Bylaws.

ARTICLE 44.- The patent shall be revoked by the Industrial Property Registry Office, upon request of any interested person or competent authority, in case of abuse of the rights conferred by the patent, with the purpose of controlling, restricting or suppressing the industrial or commercial activities, in such a way that it unlawfully affects the national economy, and as long as the grant of an obligatory license had not based [sic] to make the situation created by this abuse to cease.

The request of annulment shall not be presented before two (2) years elapse starting from the date of grant of the first obligatory license. The provisions in Article 71 of this Law will be applicable to this license, as it corresponds.

The following situations, among others, will be considered abuses of the patent:

1. Unlawfully impede or affect the establishment or development of new enterprises or industrial or commercial activities in the country, due to the unjustified or abusive conditions imposed by the grant of a license.
2. The products protected by the patent are offered in the country at an unjustifiable high price as a consequence of an abuse of the rights conferred by the patent; and.
3. The patent is used to unjustifiably impede, restrict or control any industrial; or commercial activity related to products or procedures that are not covered by the patent.

## SECTION IV

### ABOUT THE INVENTION PATENTS AND

### UTILITY MODELS

ARTICLE 45.- The application described to obtain an invention patent will contain the following:

1. Name and address of the petitioner;
2. Country of nationality or domicile of the petitioner and when the latter should be a juristic person, the place of its registration of new mortgage;
3. Name of the invention;
4. Name and address of the inventor when he was not the same as the petitioner;
5. Name and address of the agent or attorney in the country, when the petitioner should not have a domicile or establishment in the country;
6. Date, number and office of representation of any patent application or other protection title that had been filed or obtained abroad by the same petitioner or its predecessor in title, and which refers totally or partially to the same invention claimed in the application filed in the country; and,
7. Signature of the petitioner or his agent.

ARTICLE 46.- The application the former Article refers to, will be accompanied with the following documentation:

1. The request itself;
2. Two (2) copies of the description;
3. Two (2) or more copies of the claims;
4. Two (2) or more drawings when necessary to understand the invention; the drawings will be considered an integrating part of the description;
5. Two (2) abstracts; and,
6. The powers that should be required.

ARTICLE 47.- without prejudice of the obligation of the petitioner of accomplishing within the term established by this Law, with the other requirements of Articles 45 and 50 of the Law hereby, the Industrial Property Registry Office will be able to accept applications as long as they are accompanied with at least the following information:

1. An express or implicit indication of requesting the grant of a patent;
2. Data which permit the identification of the petitioner or person who files the application or that allows the competent Industrial Property Registry Office to get in touch with this person;
3. A comprising document of a description of the invention.

ARTICLE 48.- If the application would omit any of the minimal elements indicated in the former Article, its filing will not be considered as valid, and the Industrial Property Registry Office will notify the petitioner so that he corrects the omission. While the latter does not occur, the application will be considered as not filed. Once corrected the omission the date considered as filing date will be that in which all minimal requirements indicated in the former Article had been fulfilled.

When the application shall contain any reference to drawings and these had not accompanied the said application, the Industrial Property Registry Office will notify the petitioner to correct the omission. If the omission were corrected within a term of ninety (90) working days starting from the notification, the filing date will be considered to be the date of reception of the drawings; otherwise, any reference to the omitted drawing will be considered as not made. Nevertheless, if the drawings were presented within the indicated term and did not contain new or additional matter to the one already contained in the initial publication, the date of filing of the application will be considered as the date of accomplishment of the minimal requirements indicated in the former Article.

When a right of pre-emption had been invoked and opportunely accompanied by the required collections to recognize this right, and posterior to the application an extension of the initial description or drawings initially omitted were presented, this will not affect the date of presentation if the extension or the drawings were already enclosed in the application whose priority is invoked, and do not constitute new or additional matter to the one already enclosed in it.

ARTICLE 49.- For the effects of this Law, it will be considered as filing date of an application that fulfills all conditions established by the aforesaid, on behalf of the Industrial Property Registry Office, as it is established by Article 51 of this Law. [sic]

ARTICLE 50.- The description shall spread the invention in a sufficiently clear and complete way, in order to evaluate it after a report from an expert versed in the subject.

The description of the invention will indicate the name of the invention and will include the following information:

1. The technological sector which the invention refers or applies to;
2. The previous technology known by the petitioner, which can be considered useful for the understanding and examination of the invention, and references to the previous documents and publications related to that technology;
3. Description of the invention in terms that allow the understanding of the technical problem and the solution given by the invention and show the advantages there shall be in relationship to the previous technology;
4. Description of the drawings, if any;
5. Description in the way best known to the petitioner to execute or put the invention into practice, using examples and references to the drawings; and,
6. The way in which the invention is susceptible of industrial application and the way in which it can be produced or used, excepting when this turns out to be evident from the description or from the nature of the invention.

When the invention refers to biological material that cannot be described in a way in which a person versed in the subject could execute it, and such material shall not be available to the public, the description will be completed with a deposit of the said material in a deposit institution. In that case, this will be done on the date of filing the application in Honduras at the latest, or in the date defined with priority.

When a deposit of biological material had been done to complement the description, this circumstance will be indicated together with the name and address of the deposit institution, its date and the respective order number, or the number attributed by the institution. The nature and characteristics of the deposited material will also be described when relevant to the publication of the invention.

The deposit of biological material should be done in an institution devoted to this purpose, inside or outside the country, recognized by the Industrial Property Registry Office. In any case, the institutions with the nature of International Deposit Authorities, according to the 1977 Treaty of Budapest, on International Recognition in that matter of Microorganisms to the purposes of the procedure in Patent Matters, will be recognized. The deposit referred will only be valid for these purposes if it is done under conditions that permit any interested person to obtain samples of the said material, as of the date of publishing the corresponding patent



application at the latest, according to this Law, without prejudice of the other conditions that could determine the regulatory dispositions.

ARTICLE 51.- The presentation of drawings will be indispensable when necessary to understand, evaluate or execute the invention.

ARTICLE 52.- The claims will define the matter for which the protection through the patent is desired. The claims shall be clear, concise, and be entirely supported by the description.

ARTICLE 53.- The abstract will include a synthesis of what is published in the description, and a brief description of the claims and drawings there existed, and if applicable it will include the chemical formula or drawing that best characterizes the invention. The abstract will make it possible to understand the essentials of the technical problem and the solution given by the invention, which will exclusively serve the purposes of technical information and successive [sic], and will not be used to interpret the scope of the protection.

ARTICLE 54.- The Industrial Property Registry Office will examine through or with the collaboration of the public or private, national or foreign entities, competent for these purposes and with which it had agreement for these effects, if the invention is patentable according to Articles 4, 5, 6, 7, 8, 9 and 10 of the Law hereby, and if the description, claims, drawings and abstract meet the requirements indicated in Articles 35, 45, 50, 51, 52 and 53 of this Law. The satisfaction of the condition of unity of the invention will also be examined according to Article 26 of the aforesaid.

When applicable, the examination shall be made based on the documents the petitioner presents related to the examinations of novelty or patentability fulfilled by other Offices of Industrial Property, or within the procedure provided by the Patent Cooperation Treaty (PCT) and referred to the same matter claimed in the application being examined. The Industrial Property Registry Office shall totally or in part recognize the results of such examinations, as sufficient to credit the fulfillment of patentability conditions provided in this Law.

ARTICLE 55.- Once the conditions in Articles 35, 39, 45 and 54 of the Law hereby are accomplished, the Industrial Property Registry Office will order to publish the notices containing the abstract of the invention, in the Official Journal "La Gaceta", for three (3) consecutive times, with intervals of thirty (30) days. Once this term is elapsed without an opposition being formulated, the corresponding resolution of grant of patent will be issued, and will be signed by the Minister or State Department Assistant Secretary in the Ministry of Industry and Commerce, or by the Secretary-General, General Director or Assistant Director of Copyright, or faulting any of them, by the Industrial Property Registrar or his legal substitute.

ARTICLE 56.- When a person had requested an inscription as such and it had not been approved or he later changed his mind it will turn into a patent of utility model

application and it should be carried out as such. The request of conversion will accrue the established tax.

The conversion of the application will only proceed when the nature of the invention shall permit it and without prejudice of that provided in Article 25, second paragraph of the Law hereby.

ARTICLE 57.- Any person can request the nullity of a patent, by demonstrating that the patent was granted violating any of the provisions stated in Articles 5, 6, 7, 8, 9, 10, 50, and 52 of this Law.

When the violations indicated in the preceding paragraph, were only applicable to some of the claims or to some parts of a claim, the nullity will be declared only in relationship with such claims or those parts of the claims, as it corresponds. In that case, the nullity shall be declared in the form of a limitation of the corresponding claim.

A patent shall be declared null when it had been granted to that who did not have right to the patent, according to Articles 11, 12, and 13 in this Law; in this circumstance the nullity shall only be requested by the interested person to whom the right to the patent belongs.

In this current case, the General Director of Copyright or in its defect, the Assistant Director, will be the ones who will declare the nullity, through a duly founded resolution in which the ownership of the right to the patent will be resolved, and will order what proceeds in right.

## SECTION II

### ABOUT INDUSTRIAL DESIGNS

ARTICLE 58.- the application for registration of an industrial design will be presented in writ before the authority of the Industrial Property Registry Office, and will include the following:

1. Name and other data required, relative to the petitioner, the designer and the mandatory, if the petitioner was not the designer, the application shall indicate how the right to registration was acquired;
2. The request of registration of the industrial design;
3. Three (3) graphic or photographic representations of the industrial design, but having bidimensional designs incorporated in a flat material, the representation shall be substituted with a sample of material that the design incorporates;
4. The indication of the kind or gender of products the design will be applied to and the class and subclass of these products; and,
5. The receipt of the established tax.

The date of reception by the Industrial Property Registry Office will be considered as the date of filing of the application, as long as it includes at least the following elements:

1. Three (3) implicit or explicit indications of requesting an industrial design.
2. Data that permit the identification of the petitioner or person that files the application, or that allow the Industrial Property Registry Office to get in touch with that person; and,
3. Three (3) graphic or photographic representations of the industrial design, but having bidimensional designs incorporated in a flat material, the representation shall be substituted with a sample of material that the design incorporates.

If the application shall omit any of the elements indicated in the paragraph above, its date of filing will not be valid, and the Industrial Property Registry Office will notify the petitioner so that he corrects the omission. While it is not corrected, the application will be considered as not filed. If the omission is corrected, the date in which at least the conditions indicated in the preceding paragraph were accomplished will be considered as the date of filing.

ARTICLE 59.- The Industrial Property Registry Office will examine if the application fulfills the conditions from Article 58 of the Law hereby and if the industrial design meets the conditions established in Article 28 of this Law, first paragraph. The dispositions of Article 38, second and third paragraph of the aforesaid, as long as it corresponds will be applicable.

ARTICLE 60.- Once the requisites and conditions referred in Article 61 of this Law are accomplished, the Industrial Property Registry Office will order the publication of the notices in the Official Journal "La Gaceta", for three (3) consecutive times with intervals of thirty (30) days. Once this term is elapsed without an opposition being formulated, the corresponding resolution of grant of patent will be issued, and will be signed by the Minister or State Department Assistant Secretary in the Ministry of Industry and Commerce, or by the Secretary-General, General Director or Assistant Director of Copyright, or faulting any of them, by the Industrial Property Registrar or his legal substitute.

At the request of the petitioner, who will appear at any moment before the publication is carried out, the Industrial Property Registry Office will postpone the publication for the term indicated in the request, which will not exceed twelve (12) months, starting from the date of filing of the application.

Once the term indicated in the former paragraph expires, without any opposition being presented, and having accomplished all conditions established by this Law, the Registry Office will register the industrial design, order the publication of a notice announcing the grant of the concession, and it will give the petitioner the corresponding certificate of registration.

ARTICLE 62.- The creator of the industrial design will be mentioned as such in the corresponding registration and the official documents related to it unless that through a written declaration addressed to the Industrial Property Registry Office, the creator indicates he does not wish to be mentioned. Any pact or agreement by which the creator of the industrial design previously obliges himself to fulfill that declaration, will be null.

ARTICLE 63.- Any interested person will be able to request the nullity of the industrial designs if he proves that the registration was made against any of the dispositions of Articles 28 and 29 of this Law.

A registration of industrial design shall be declared null when it had been granted to someone who did not have the right to registration according to Article 30 of this Law. Under this circumstance the nullity shall only be requested by the person to whom the right to registration belongs. It will correspond to the General Director of Copyright, or in his defect to the Assistant Director to resolve the request through a founded resolution in which the ownership of the right shall be resolved. This action will prescribe after five (5) years starting from the date of the grant of registration, after two (2) years starting from the date in which the person who the right to registration belongs to, had knowledge of the marketing of the product that incorporates the design in the country, applying the term that expires first.

ARTICLE 64.- The provisions relative to the invention patents included in Articles 20, 21, and 57, third paragraph of this Law, will be applicable to the industrial designs as it corresponds.

## CHAPTER V

### OBLIGATORY LICENSES AND OTHER MEASURES RELATED TO THE USE OF PATENTS

ARTICLE 65.- For the effects of the Law hereby, the following will be understood by use of a patent:

1. When the patent had been granted for a product, the supply of the home market according to the demand of the product, either by local production, import, or both;
2. When the patent had been granted for a procedure not included in numeral 3) of the Article hereby, the use of this procedure in commercial scale in Honduras; and,
3. When the patent had been granted for a procedure to obtain of a product, the supply of the home market according to the demand of the product obtained through that system, through the use of the procedure in the country or abroad.

ARTICLE 66.- At the request of any person who proves his capacity to use the patented invention, presented after four (4) years starting from the date of filing of

application of the patent, or three (3) years starting from the date of grant of the patent, applying the term that expires later, the Industrial Property Registry Office shall grant an obligatory license for the use of a patent, if it were not in use according to Article 65 of this Law, after an audience of the patent holder.

An obligatory license will not be granted when it is demonstrated that the lack or insufficiency of use is due to a fortuitous case or force majeure, or to circumstances that are out of the will or control of the holder of the patent, which justify the lack or insufficiency of industrial use of the patented invention. The lack of financial resources or lack of financial viability of the use, will not be considered proving circumstances.

Before granting an obligatory license, the Registration Office will give opportunity to the holder of the patent to proceed to its use within the term of two (2) years starting from the notification made to him.

ARTICLE 67.- The person who requests an obligatory license according to Article 62 of this Law, should authentically prove to have previously asked the holder of the patent for a contractual license, and that he has not been able to obtain it within reasonable conditions and terms. The application for obligatory license will indicate the conditions under which the license is claimed to be obtained.

When the obligatory license is requested for a patent in which some technology of semiconductors is claimed, the license will only be granted only for public use, not commercial use, in favor of a public authority or any other person who acts on its behalf, or to rectify a practice that goes against competition, through the corresponding administrative or judicial procedure.

The resolution of grant of the obligatory license will establish:

1. The scope or extension of the license, specifying in particular the term and acts, which will mainly be to supply the home market of the country;
2. The quantity and way of payment the licensee shall fulfill, having this payment to be determined based on the amplitude of the use of the invention object of the license, and the economical value of the license; and,
3. Other conditions that the Industrial Property Registry Office would estimate necessary or convenient for the best use of the patent.

ARTICLE 68.- An obligatory license granted according to Article 66 in this Law shall be revoked by the Industrial Property Registry Office, at request of the interested person, if the beneficiary of the license should not accomplish the obligations that are his duty, or if the circumstances that originated the license had disappeared and it would not be probable for them to surge again. The obligatory license shall be modified by the Registration Office, at the request of any of the parties when new facts or circumstances justify it, particularly when the holder of the patent had granted contractual licenses in more favorable conditions than the ones agreed to the beneficiary of the obligatory license.

The obligatory license provided in Article 66 of the Law hereby shall not be granted with a character of exclusive. Such license will not be object of cession nor sublicense, and shall only be transferred with the business or establishment, or with that part of the enterprise or establishment, in which the invention is the invention is industrially used. The transfer will fit to the dispositions of Article 20, paragraph second of it, as it corresponds.

ARTICLE 69.- When an invention claimed in a patent could not be industrially used in the country, without infringing a previous patent, the Industrial Property Registry Office, at the request of the holder of that patent or his licensee, or the beneficiary of an obligatory license on this patent, shall be able to grant an obligatory license about the previous patent, as necessary to avoid the infraction of that former patent.

Such license will only be granted when the claimed invention in the posterior patent shall involve a technical advance of a considerable economical importance with respect to the invention that is object of the previous patent.

When an obligatory license should be granted according to the former paragraph, the Industrial Property Registry Office will be able, in the same circumstances, to grant an obligatory license with respect to the posterior patent, if the holder of the previous patent, his licensee or the beneficiary of an obligatory license on the said former license shall request it.

An obligatory license of the kind provided in this Article shall not be granted with exclusive character. This obligatory license shall only be object of cession, transfer or license of the dependent patent whose industrial use requires the license. The cession, transfer or sublicense of the obligatory license will be subject to the provisions of Article 20, second paragraph of the Law hereby, as it corresponds.

Articles 67 and 68 of this Law will be applicable to the licenses provided in the Article hereby, as it corresponds.

ARTICLE 70.- For reasons of public interest, and particularly in case of emergency or for national security reasons, nutrition or public health, the State Department in the Ministry of Industry and Commerce, on request of any natural or juristic person, State entity, or officially, will be able to order the following at any time:

1. That an invention, object of a patent or patent pending application be used by a state entity or one or more people of public or private right, designated for the purpose; and,
2. That an invention object of a patent or patent pending application shall remain open to de grant of licenses of public interest. In this case the Industrial Property Registry Office will grant a license of use to any person that shall request it and shall have the capacity of accomplishing such use in our country.

ARTICLE 71.- Any license of public interest will generate the corresponding pay in favor of the holder of the patent, granted by the General Director of Copyright, and in the lack of an agreement, the pay will be fixed by the State Department in the Ministry of Industry and Commerce before the Copyright Head Office. The decision of the Ministry in terms of the payment by the holder of the patent shall be object of remedy of appeal through executive action, and once this is exhausted, the legal process will remain unobstructed.

A license of public interest shall refer to the execution of any act referred in Article 17 of this Law.

The dispositions of Articles 67, second paragraph, and 68 of the Law hereby, will be applicable to the grant of licenses of public interest, as it corresponds.

ARTICLE 72.- The patents or registrations expire and the rights they protect fall into the public domain in the following cases:

1. At the expiration of its effect; and,
2. For not fulfilling the payment of rights they are subject to or within the term of the period of grace of six (6) months after this.

The expiration operated by the sole course of time, will not require an administrative resolution.

### TITLE III

### PROTECTION OF INDUSTRIAL SECRECY

### SOLE CHAPTER

### ABOUT INDUSTRIAL SECRETS

ARTICLE 73.- An industrial secret will be considered as any information not published that a natural or juristic person owns, that can be used in any productive, industrial or commercial activity, and which is susceptible of being transmitted to a third party.

ARTICLE 74.- An industrial secret will be recognized as such for the effects of its protection when the information that constitutes it is not, as a whole or within the configuration and precise reunion of its components, generally known, neither easily accessible to those belonging to the circles that usually handle the respective information; and, which has been object of reasonable measures taken by its legitimate owner to keep it secret.

ARTICLE 75.- The legitimate owner of an industrial secret will have action to impede the fulfillment and discontinuance of the following acts in particular, without prejudice of the actions applicable for damages:

1. Use, without authorization of the owner or legitimate possessor, the industrial secret to which there has been access with subjection to a secrecy obligation resulting from a contractual or labor relation;
2. Communicate or publish, without authorization of the legitimate owner, the industrial secret referred in numeral 1) for the own benefit or the advantage of a third party, or to injure the said owner;
3. Acquire the industrial secret by illicit or unfaithful means, or acquire it knowing or having to know that the person who communicated the secret acquired it through those means, or that did not have authorization of its legitimate owner to communicate it; and,
4. Use, communicate or publish the industrial secret if it has been acquired by the means or under the conditions referred in numeral 3).

ARTICLE 76.- An industrial secret will be considered acquired by illicit or unfaithful means when the acquisition would result, among others, from industrial espionage, breach of contract or other obligation, breach of trust, disloyalty, noncompliance of a loyalty duty or the instigation to commit any of these acts.

ARTICLE 77.- When the procedure before a competent national authority to obtain licensed, permits or authorizations of marketing or sale of a pharmaceutical or agro-chemical product that contains a new chemical component, requires the presentation of secret data or information, these will remain protected against their disloyal commercial use by third parties.

## TITLE IV

### ABOUT DISTINCTIVE SIGNS

#### CHAPTER I

#### DEFINITIONS

ARTICLE 79.- For the effects of the Law hereby it will be understood by:

1. Distinctive sign, any sign useful to identify an business in its commercial activity or a product or service of another of the same gender;
2. Mark, any visible sign able to distinguish the products or services of a business, with respect to the products or services of other businesses;
3. Collective Mark, is any visible sign useful to distinguish the origin or any other common characteristic of the products or services of different companies that use marks under the control of the holder;



4. Trade name, the name, denomination, designation or abbreviation that identifies or distinguishes a company or establishment in its commercial activity;
5. Emblem, any sign used to identify or distinguish a business;
6. Sign, a visible sign that identifies a certain commercial place;
7. Publicity expressions or indications, any inscription, notice, slogan, combination of words, design, print or any other means as long as it is original and characteristic, used with the purpose of calling on the attention of consumers or users on a certain product, merchandise, service, business or establishment, used to identify or distinguish a business;
8. Geographical indication, any name, denomination, expression, image or sign indicating directly or indirectly, that a product or service comes from a country, a group of countries, a region, location, or specific place; and,
9. Appellation of origin, a geographical indication constituted by the denomination of a country, region or specific place used to designate a product natural from them, whose characteristics are due exclusively or essentially to the geographical environment in which it is produced, including natural and human factors; the denomination constituted by a name that refers to a specific geographical area without being the one of a country, region or specific place, will also be considered as appellation of origin when it is used related to natural products from that area.

## CHAPTER II

### TRADEMARKS

#### SECTION I

##### TRADEMARK RIGHTS

ARTICLE 80.- The right to the exclusive use of a trademark is acquired through its inscription in the Industrial Property Registry Office.

The registration of a trademark will be granted, under the responsibility of the petitioner and without prejudice of right of third parties, to the person who first files the corresponding application. If two (2) or more people shall simultaneously request the registration of the same trademark for the same products or services, the registration will be granted to the person who would be using the trademark in Honduras, without interruption, since the oldest date unless it is a trademark notoriously known whose user had adopted in bad faith.

The trade name used as trademark will have a right to protection in its capacity as trademark, as long as its registration has been done in the classes of interest and the acquisition of the exclusive right on it will be ruled by the provisions of the Law hereby.

ARTICLE 81.- For the effects of the Law hereby it will be understood that a trademark is in use, when the products or services distinguished with it, have been placed in the market or are available in the market under that trademark, in the amount and way that normally corresponds, taking into consideration the dimension of the domestic market; the nature of the given products or services and the formalities under which its commercialization is accomplished in the Honduran market.

ARTICLE 82.- The trademarks shall consist, among others, in fantasy denominations, names, pseudonyms, commercial slogans, shapes, portraits, letters, figures, monograms, labels, coats of arms, cotton prints, vignettes, fringes, lines, stripes, combinations and arrangement of colors. They shall also consist in the form, presentation or conditioning of the products or their packing or wrapping, or from the means or places of expenditure of the corresponding products or services.

Without prejudice of the other provisions of the Law hereby and from other applicable norms, trademarks shall also consist in national or foreign geographical indications as long as they are sufficiently arbitrary and distinctive of the products or services they apply to, and that its use shall not be susceptible of creating confusion neither creating wrong or unjustified expectations in the public about the origin, source, qualities or characteristics of the products or services for which the trademarks are used.

ARTICLE 83.- The signs included in any of the following prohibitions will not be registered as trademarks, when:

1. They consist of usual or common shapes of the products or their packing, or of necessary shapes or shapes imposed by the nature of the given product or service itself;
2. They consist of shapes that provide a functional or technical advantage to the product or service it applies to;
3. They exclusively consist on a sign or indication which can be used in the market to qualify or describe any characteristic of the given products or services;
4. They consist exclusively of a sign or indication, which in the common language or commercial usage of the country, is a common or usual designation, generic denomination or the technical name of the given products or services;
5. They consist in a simple color considered in isolation;
6. They do not have enough distinctive breadth respecting the products or services to which they apply;
7. They are against the moral or public order;
8. They consist of signs, words or expressions that ridicule or tend to ridicule people, ideas, religions or national symbols, of third countries or international entities.

9. They can deceive the commercial means or the public about the source, nature, way of manufacturing, qualities, aptitude for the use or consumption, amount or any other characteristic of the given products or services;
10. They are identical or resemble a trademark whose registration had expired or had not been renewed, or had been cancelled upon request of its holder or annulled by any causal, in a way that could induce the public to error, and which was applied for the same products or services, or for other products or services that, due to their nature, could be associated to those, unless one (1) or two(2) years had elapsed, in case of a collective mark, from the date of expiry, cancellation or voiding of the registration;
11. They contain an appellation of origin protected in accordance with this Law for the same products, or for different products when their use could cause a risk of confusion or association with the denomination or represent an unfair utilization of its notoriety; or consist of a geographical indication which does not conform to the provisions in Article 82 second paragraph of this Law;
12. They reproduce or imitate official signs of control or guarantee adopted by a State or public entity, without the dull authorization from the State;
13. They reproduce coins or bills of legal course within the territory of any country, securities or other commercial documents, seals, stamps or government obligations in general;
14. They include or reproduce medals, prizes, diplomas or other elements that make suppose the obtaining of guerdons with respect to the corresponding products or services, unless such guerdons had actually been agreed to the petitioner of the registration or his originator, and this is proven at the time of requesting the registration;
15. The names, emblems and distinctive marks of the Red Cross and religious and welfare entities legally recognized;
16. They include a total or partial reproduction or imitation of a coat of arms, flag or other emblem, initial, denomination or abbreviation of denomination of any State or international organization, without the authorization of the given State or international organization;
17. They consist of the Olympic Symbol or include it, as it is defined in the 1981 Treaty of Nairobi, on the protection of the Olympic Symbol; and,
18. They include the denomination of a vegetal variety protected in the country or abroad, if the sign shall be devoted to products or services related to this variety or if its use is susceptible of producing confusion or association with it.

Nevertheless, the provisions in numerals 3, 4, 5, and 6) from the former paragraph of the Law hereby, a sign shall be registered as a trademark when the person who requests its registration had been constantly using it in the country and it would be appreciated that because of such use the mark has acquired enough distinctive character in the commercial means and before the public, as to deserve protection in the capacity of a trademark, in terms of the products or services it applies to.

The prohibition provided in numeral 10) from the first paragraph of this Article, will not apply in the situation of a registration which had expired because of a lack of

revocation (sic), or which had been cancelled upon request of its holder, as long as the registration had been made by the same person who was holder of the expired or cancelled registration, or by the person who obtained the annulment of the registration under the protection of Article 84, numeral 2) from the Law hereby.

ARTICLE 84.- A sign included in any of the following prohibitions derived from rights of third parties, will not be registered as a trademark:

1. It is identical, or resembles a registered trademark or trademark applied for registration in Honduras, in a way that can visually, grammatically or phonetically create confusion, requested by a third party since a prior date that distinguishes the same products or services, or products or services different but susceptible to be associated or related to the ones the former trademark distinguishes;
2. It is identical, or resembles a trademark non registered but used by a third party who would have better right to obtain the registration, in a way that can visually, grammatically or phonetically create confusion, as long as the mark is for the same products or services or for products or services different but susceptible to be associated or related to the ones the used mark distinguishes;
3. It is identical or resembles a trade name, expressions or brands or an emblem used in the country by a third party since a prior date, as long as given the circumstances it could create confusion;
4. It constitutes the total or partial reproduction, imitation, translation or transcription of a distinctive sign used in Honduras, that is well known by the public or by the entrepreneurial circles in the country, and which belongs to a third party, whichever the products or services, to which the sign applies to, are; when its use were susceptible of creating confusion or a risk of association with the well known trademark;
5. It consists of the name, signature, title, hypocoristic or portrait of a person different to the one who requests the registration, unless the consent of that person is proven or, if he had died, the consent of his descendants or ascendants in the closest degree; and,
6. It infringes a copyright or a right on an industrial design or is opposed to the unfair competition prevention regulations.

## SECTION II

### TRADEMARK REGISTRATION PROCEDURE

ARTICLE 85.- The application for registration of a trademark will be filed in the Industrial Property Registry Office and will indicate the data related to the petitioner and the mandatory.

This application will be accompanied with:

1. Twenty (20) copies of the reproduction of the trademark, indicating complete list of the products or services for which the trademark registration is requested, the international class, and enclosing the corresponding legal stamps;
2. A complete description of the trademark, in which the essential part or its main distinctive sign are determined with plain language and precision, and the inscriptions and references they contain, written in another language, are inserted, translated into Spanish;
3. The document of mandate; and
4. Certificate of origin when it claims the property.

The petitioner shall be a natural or juristic, national or foreigner person, and he shall enclose the relative documents.

ARTICLE 86.- In case of not having fulfilled any of the conditions in Article 85 of the Law hereby, The Registry Office will notify the petitioner to fulfill correcting the error or omission within the term of thirty (30) days, keeping the proceeding in suspense and under warning of considering the application abandoned, and filing it officially.

If the error or omission is not corrected within the established term, the Registry Office will make the warning effective through a found resolution.

ARTICLE 87.- The Industrial Property Registry Office will examine if the trademark falls into any of the prohibitions provided in Articles 83 and 84 numeral 1) and 4) of the Law hereby, as long as there is information available that allows determining the notoriety of the trademark according to this literal.

Should the trademark is included in any of the prohibitions referred, the Registry Office, will notify the resolution to the petitioner, indicating the objections that impede registration, giving him a term of sixty (60) days to withdraw, modify or limit his application or answer the objections stated, as it corresponds. Once the established term elapses without the petitioner having objected the resolution or if having done it the Office estimated that the objections stated subsist, the registration will be denied through found resolution.

ARTICLE 88.- Once fulfilled the exams according to Articles 86 and 87 of the Law hereby, the Industrial Property Registry Office will order the application to be advertised through the publication of a notice in the Official Journal "La Gaceta", for three (3) times, with intervals of ten (10) days each, and in consecutive way.

The notice to be published will include the reproduction of the trademark and will indicate the date of filing of the application, name and address of the petitioner, list of products or services it applies to and the corresponding class.

ARTICLE 89.- Any interested person shall present opposition against the registration of a trademark within the period of publication and up to thirty (30) days

starting from the date of the last publication of the notice that advertises the application. The opposition shall be presented indicating the reasons it bases on, enclosing or announcing the proofs that would be pertinent, having to be substantiated in accordance with the procedure established in the Bylaws.

The registration of a trademark shall be only granted for some of the products or services indicated in the application, or it shall be granted with an express limitation for certain products or services, when the opposition were limited or did not justify a total denial of the requested registration, and as long as the coexistence of both trademark were not susceptible to create confusion.

ARTICLE 90.- Any opposition supported in the former use of the trademark will be declared contrary to law if the opponent did not prove to have previously requested the registration of the used trademark to the Industrial Property Registry Office. The Office shall accumulate the files related to the registration application object of the opposition and to the registration application of the used trademark, in order to resolve whatever proceeds.

When the former use of the trademark of the opponent in the country be proven, and the trademark would fulfill the conditions established in this Law, the Industrial Property Registry Office will proceed to the registration that had been requested for the said trademark, besides this, it shall grant the registration of the trademark against which the opposition was interposed, if it was estimated that the coexistence of both trademarks will not be susceptible to create confusion. In a given case, the Registry Office will be able to respectively limit the list of the products or services for which each of the given trademarks shall be used, and will be able to impose other conditions relative to the use of those trademarks when necessary, to avoid any risk of confusion.

ARTICLE 91.- If an opposition would not be presented within the established term, the Industrial Property Registry Office will proceed to register the trademark, after emission of the corresponding resolution, which will be signed by Minister or State Department Assistant Secretary in the Ministry of Industry and Commerce, or by the Secretary-General or General Director of Copyright, or faulting him the Assistant Director, or by the Industrial Property Registrar, as well as any other resolution of conclusive nature.

The office will issue the holder a certificate of registration of the trademark which will contain the data included in the corresponding registration, which will be signed by the Industrial Property Registrar, and will constitute the title that verifies the exclusive right on the trademark, sticking the corresponding legal stamps.

### SECTION III

#### TERM AND RENEWAL OF TRADEMARK REGISTRATION

ARTICLE 92.- The registration of a trademark will expire after ten (10) years, starting from the date of grant of the registration.

ARTICLE 93.- the registration of a trademark shall be renewed for successive periods of ten (10) years, starting from the date of expiry of the preceding registration, being a necessary requisite for the renewal to have paid the annual subsistence taxes established in the Law hereby.

ARTICLE 94.- The renewal of a trademark registration will be carried out through the filing of the renewal application, to the Industrial Property Registry Office within the year previous to the date of expiry of the preceding renewal registration. The renewal shall also be done within a period of grace of six (6) months starting from the date of expiration of the registration or from the former renewal, having to pay in such case the established surtax , besides, the corresponding renewal tax. During the period of grace, the registration of the trademark will keep its full effect.

At the moment of making the renewal no change, neither enlargement of the list of the products or services for which the trademark were registered will be introduced in the trademark, but the holder of the trademark will be able to reduce or limit the said list.

The registration of renewal in the registration will mention any reduction or limitation made in the list of the products or services that the trademark distinguishes.

ARTICLE 95.- To enlarge the list of products or services distinguished by a registered trademark it will be necessary to fulfill a new registration of the trademark for the additional products or services willing to cover. Such registration will be requested and carried out according to the provisions established by the registration of trademarks.

#### SECTION IV

#### RIGHTS, OBLIGATIONS AND LIMITATIONS RELATIVE TO THE REGISTRATION

ARTICLE 96.- The registration of a trademark confers its holder the right to act against third parties, who without his consent, accomplish any of the following acts:

1. Apply, adhere or fix in any way, a distinctive sign, identical or similar to the trademark, on products for which the trademark has been registered, or on containers, wrapping, packing or conditioning of such products, or on products that have been produced, modified or treated through services for which the trademark has been registered;

2. Suppress or modify the trademark whose holder or a person authorized for this purpose had applied, adhered or fixed on the products referred in the preceding literal;
3. Manufacture labels, containers, wrapping, packing or other analogous elements that reproduce or contain a reproduction of the trademark, as well as marketing or unlawfully hold such elements;
4. Refill or re use containers, wrapping or packing that bear the trademark for commercial purposes;
5. Use an identical or similar sign to the trademark in the market for the same products or services for which the trademark has been registered, or for different products or services when the use of such a sign respecting those products or services could create confusion or a risk of association with the holder of the registration; and,
6. Use in the market a sign identical or similar to the registered trademark in circumstances in which such use could induce the public to error or confusion, or could cause its holder an unfair financial or commercial injury because of a dilution of the distinctive force or the commercial value of the trademark or from an unfair utilization of the renown or distinctive force of the trademark.

The following acts, among others, will be understood as use of a sign in the market:

- a. Introduce in the market, sell, offer for sale or distribute products or services with the sign;
- b. Import, export, store or transport products with the sign;
- c. Use the sign in publicity, publications, commercial documents or written or oral communications regardless of the means of communication used, without prejudice to the applicable norms on comparative publicity; and,

ch) Adopt or use the sign as name of the domain, electronic mail address, name or designation in electronic means or other similar means used in electronic communication or in electronic commerce.

ARTICLE 97.- The registration of the trademark does not confer its holder the right to prohibit a third party the use of his own name, pseudonym or domicile, a geographical name or any other true indication for identification purposes or for information on his products or services, as long as such use is fulfilled in good faith and shall not be capable of inducing the public to error on the source of the products or services.

ARTICLE 98.- The registration of the trademark does not confer its holder the right to prohibit a third party the use of the trademark relating to the products lawfully marked which the aforesaid holder, his licensee or any other person with the consent of the holder had sold or introduced in some other way in the market of Honduras or abroad, as long as this products and the containers or packing in



immediate contact with such products had not suffered any modification, alteration or deterioration.

ARTICLE 99.- All products commercialized in the country shall clearly indicate the country of production or manufacturing, the name of the producer or manufacturer, and the association or relation within the said producer or manufacturer, and the holder of the trademark being used on the product, when they were not the same.

## SECTION V

### TRANSFERS AND TRADEMARK USE LICENSES

ARTICLE 100.- The rights relative to a trademark, registered or applied for registration shall be transferred by act between living persons and by hereditary succession.

The transfer shall be done independently from the enterprise or part of the enterprise holder of the right, and with respect to all or some of the products or services that the trademark distinguishes. Nevertheless, the transfer shall not be done, and the one made shall be void when it could have the effect of creating confusion, particularly concerning the source, nature, way of manufacturing, characteristics, quality or aptitude for use or consumption of the products or services to which the trademark is applied.

Any cession or transfer of a registered trademark should be recorded and registered in the Industrial Property Registry Office. The cession or transfer will not have legal effects before third parties while it is not registered. The registration will accrue the established tax.

The transfer of a trademark by a merger of companies or by any form of civil or commercial succession, will be registered in virtue of any public document that proves the merger or corresponding succession.

ARTICLE 101.- The holder of the right on a trademark will be able to grant another person, through a written contract, a license to use the trademark. Any contract of license of use of a trademark registered or applied for registration shall be submitted to the Industrial Property Registry Office for its registration. The contract will not have legal effects before third parties while it is not registered. The registration will accrue the established tax.

In defect of stipulation in opposition to a contract of license, the following norms will be applied:

1. The licensee will have a right to use the trademark during all the effect of the registration, including its renewals, in all the territory of the country and

respecting all products or services for which the trademark has been registered;

2. The licensee will not be able to transfer the license, nor to grant sublicenses;
3. When the license shall not be exclusive, the licensor will be able to grant other licenses to use the trademark in the country, as well as to use the trademark by himself in the country; and,
4. When the license had been granted as exclusive, the licensor will not be able to grant other licenses for the use of the trademark in the country, nor to be used by him.

ARTICLE 102.- To the Industrial Property Registry Office, the inscription of contracts for license or their use in the following cases [sic]:

1. When they do not contain clauses that assure an effective control on the part of the holder of the trademark, of the quality of the products or services of the licensee for which the trademark is used;
2. When it includes prohibitions or limitations for export;
3. When they contain clauses that commit to use raw materials, intermediate goods or source equipment indicated by the holder of a trademark. Nevertheless, clauses of this nature will exceptionally be accepted if its need is demonstrated and as long as the price of the given goods corresponds to the current levels in the international market;
4. When sale or resale prices of the products are interposed;
5. When the obligation of paying royalties to the holder of the trademark for non used trademarks is established;
6. When the obligation of permanently use personnel indicated by the holder of the trademark;
7. When the knowledge and resolutions of conflicts that can be originated by interpretation or compliance of the contracts is submitted to foreign courts; and,
8. When they contain other clauses or obligations of analogous effects to those mentioned in numerals 2) and 7) of the Law hereby.

Without prejudice of the dispositions in this Article, the Industrial Property Registry Office will be able, in exceptional cases, to accept the inscription of contracts for license of use that do not fulfill some of the requisites previously indicated, when fully according to the Registry Office wishes it is demonstrated that the contract constitutes a positive contribution for the economical or commercial interests of the country.

ARTICLE 103.- a contract for license shall be declared null by the competent judicial authority, when demonstrated within the respective procedure that the execution of the contract will involve restrictive practices of the competition or an abuse of dominant position in the market. Once the nullity resolved, the decision will be communicated to the Industrial Property Registry Office, who will cancel the registration that had been done for this contract.

ARTICLE 104.- Upon request of any interested person or any competent authority, or at the government's initiative, the Industrial Property Registry Office will be able to annul the registration of the contract for license and prohibit the use of the trademark by the licensee when, by defect of an adequate quality control or for any abuse of the license, a misleading or injure for the consumer public could take place.

## SECTION VI

### TERMINATION OF THE TRADEMARK REGISTRATION

Article 105.- Under request of any interested person the nullity of the registration shall be declared if it is demonstrated that it was fulfilled in contravention to Articles 83 and 84 of this Law.

The nullity of registration of a trademark shall not be declared for reasons that had stopped being applicable at the time of resolving the nullity petition. When the reasons for nullity were only given respecting one or some of the products or services for which the trademark was registered, the nullity will only be declared for those products or services.

The action of nullity based in a contravention to Article 84 of this Law shall be initiated within five (5) years after the date of objected registration or within three (3) years after the date in which the use of the trademark whose registration is objected started, applying the term that expires latter. The action of nullity will not prescribe when the objected registration had been acted in contravention to Article 83 of the Law hereby; or had been done in bad faith.

A nullity action based upon the best right of a third party, to obtain the registration of a trademark, can only be filed by the person who claims such right. The nullity will be substantiated in accordance with the procedure established in the Bylaws.

ARTICLE 106.- Under request of any interested person the Industrial Property Registry Office will be able to cancel the registration of a trademark, when this had not been used in the country according to Article 81 of this Law, during three (3) uninterrupted years preceding the date in which the action of cancellation is begun. The cancellation will not be declared when there had been justifying motives for the lack of use or when the annual tax for rehabilitation had been paid.

The cancellation of a registration for lack of use of the trademark shall also be asked for as defense against an opposition, a nullity request or an action for infraction interposed based on a trademark previously registered.

The cancellation and rehabilitation procedure will be substantiated in compliance with the procedure established in the Bylaws.

ARTICLE 107.- The justified causes of the lack of use of a trademark will be those that are based on facts or circumstances not controlled by the trademark holder's will, which he could have not avoided nor helped. The insufficiency of financial or technical resources in order to accomplish a productive or commercial activity, and the insufficiency of demand for the product or service that the trademark distinguishes, will not be considered as justified causes.

When the lack of use of a trademark would only affect one or some of the products or services for which the trademark had been registered, the cancellation of the registration will be resolved in a reduction or limitation of the list of products or services included in the registration of the trademark, eliminating those products or services for which the trademark had not been used.

The use of the trademark by a licensee or other authorized person, will be considered as fulfilled by the holder of the registration, for all effects related to the trademark use. The use of a trademark in a way that differs from the way in which it was registered, only in terms of details or elements that do not affect the distinctive character of the trademark, will not be a reason for the cancellation of the registration, neither will it diminish the protection that corresponds to the trademark.

ARTICLE 108.- The burden of the proof of use of the trademark will correspond to the holder of the trademark.

The use of the trademark will be proven through documentary evidence that demonstrates that the trademark has been used according to the indications in Article 81 of this Law. The Industrial Property Registrar will be able to regulate the probatory formalities of the trademark use.

Any evidence of trademark use presented for the purposes of this Law will have value of affidavit, being the holder of the trademark responsible for its veracity.

ARTICLE 109.- The holder of a trademark will be able to ask at any time for the cancellation of the corresponding registration, or the reduction or limitation of the list of products or services for which the trademark had been registered. The application for cancellation, reduction or limitation will accrue the established tax.

When any license, right or credit in favor of a third party, the cancellation, reduction or limitation related to the trademark appeared recorded, it will only be registered after presenting a written declaration with authenticated signature of that person, whereupon he consents such cancellation, reduction or limitation.

### CHAPTER III

### COLLECTIVE MARKS

ARTICLE 110.- the provisions in Chapter II of the current Title, will be applicable to the collective marks, excepting the special provisions included in the current Chapter.

ARTICLE 111.- The registration application for a collective mark shall indicate that the trademark is collective, and will be filed enclosing three (3) copies of the Bylaws of trademark use.

The Bylaws of use for a collective mark shall detail the characteristics common to the products or services for which the trademark will be used, the conditions and formalities under which it may be used, and the persons who will have a right to use it. It shall also include provisions pertinent to assure and control the use of the trademark use according to its use bylaws and stipulate penalties for any use opposed to the said Bylaws.

ARTICLE 112.- The examination of the application for registration of a collective mark, will include the execution of the conditions of Article 111 of the Law hereby.

ARTICLE 113.- The publishing of the registration application of a collective mark, will include the conditions indicated in the second paragraph of Article 88 of this Law.

The marks of a trade association will be registered in the respective registry and a copy of the Bylaws of trademark use will be enclosed in it.

The holder of the collective mark, will communicate the Industrial Property Registry Office, any change introduced in the Bylaws of collective mark use.

The changes in the Bylaws of trademark use, will be registered in the registry through the payment of the established tax, and will only take effect after its registration.

CHAPTER 115.- A collective mark shall not be object of use license, in favor of people different to those authorized to use the trademark, according to the Bylaws of trademark use.

CHAPTER 116.- The holder of a collective mark will be able to use the mark, as long as it is also used by the other persons who are authorized to do so, according to the Bylaws of trademark use.

The use of the collective mark by the people authorized to use it , will be considered as accomplished by the holder.

ARTICLE 117.- At the request of an interested person or competent authority, the registration of a collective mark shall be declared null in the following cases:

1. When the trademark has been registered in contravention to Articles 83, 84 and 111 of the Law hereby;
2. When the Bylaws of trademark use is opposed to moral and public order and good manners;
3. When for more than one (1) year the collective mark had been used only by its holder and not by the other authorized people according to the Bylaws of the trademark use; and ,
4. When the holder of a collective mark uses or allows the trademark to be used in a way that violates the provisions of its Bylaws of use, or accomplishes or permits the use of the trademark susceptible to deceive the commercial means or the public about the origin or any other characteristic of the products or services for which that trademark is used; it proceeds as well, to declare the nullity when the holder tolerates such illicit use or ignores it due to a lack of sufficient control.

## CHAPTER IV

### TRADE NAMES, EXPRESSIONS AND BRANDS, EMBLEMS AND SIGNS

#### SECTION I

##### TRADE NAMES

ARTICLE 118.- The trade name of a business and the right to its exclusive use will be under protection through its registration in the Industrial Property Registry Office, without prejudice of the provisions established in the Commercial Code.

ARTICLE 119.- Without prejudice of the provisions included in the Second Section, Chapter III, Title II from Book III of the Commerce Code, a trade name shall not consist of a designation or other sign, which because of its nature, or for the use that could be made of it, would be opposed to moral or public order, or be susceptible of deceiving or creating confusion in the commercial means or among the public about the identity, nature, area of activities, line of business and any other aspect related to the business or establishment identified with that trade name, or relative to the products or services that produces or markets.

A distinctive sign notoriously known in the country and belonging to a third party shall not be adopted or used as trade name. Neither the trade name of an extinct business or establishment will be adopted as trade name before one (1) year starting from the date of extinction, without prejudice of the provisions related to civil and commercial succession.

ARTICLE 120.- The holder of a trade name shall prove the existence of the business before the Industrial Property Registry Office, every five (5) years, through an undoubted document. Otherwise the commercial name shall be cancelled under request of the interested party.

The registration of the trade name, its modification, opposition, cancellation and annulment will be accomplished following the established procedures for the registration of trademarks, but the classification of products and services used for trademarks will not be applicable.

## SECTION II

### SLOGANS, EXPRESSIONS OR BRANDS

ARTICLE 121.- Slogan, expressions or brands are understood as any inscription, advertisement, phrase, combination of words, design, print, name, hero, symbol or any other similar means, as long as it is original or characteristic, that it is used with the purpose of calling the attention of the consumers or users on a specific product, merchandise, service, business or establishment.. The slogans, expressions or brands can be used in posters, murals and, in general, in any other publicity means.

The trademark or trade name can be part of the expression or publicity indication, as long as they are registered in favor of the same holder.

When filing the application for expression or publicity indication the trademark or trade name they will be applied to shall be indicated.

The following shall not be used or register as slogans, expressions or brands:

1. Words or combination of words exclusively descriptive of the qualities of the merchandises, products or services or activity of the business;
2. Those that lack originality or that are known to the public in relationship to other products, merchandise, services, businesses or establishments of a different holder;
3. Those against the moral, public order or good manners, or which make an attempt on ideas, religions or feelings worthy of considerations;
4. Those that tend to discredit a business or establishment, their products, merchandise or services, or that contain offenses or individual allusions;
5. Those included in any of the prohibitions enclosed in Article 83 numeral 9) of the Law hereby;
6. Those that include a trademark or a trade name which can not be lawfully used by whom shall try to make use of them; and,
7. Those that had been registered by other people or that can potentially cause confusion or originate error.

Once an expression or publicity indication is registered, it has a right to protection for ten (10) renewable years; but its existence depends on, according to the situation, the trademark or trade name to which it makes reference. Excepting for the provisions in this Title the norms on trademarks and trade names enclosed in the Law hereby, are applicable to the expressions or brands, in what they weren't compatible given the nature of institutions.

## SECTION III

### EMBLEMS, SLOGANS AND SIGNS

ARTICLE 122.- The emblem, slogan or sign used by a business will be protected according to the provisions relative to the trade name, which will be applicable as it corresponds. The emblem, slogan or sign shall be registered as well, according to those dispositions.

## CHAPTER IV

### GEOGRAPHICAL INDICATIONS

#### SECTION I

##### GEOGRAPHICAL INDICATIONS IN GENERAL

ARTICLE 123.- A geographical indication shall not be used in the commerce in relationship with a product or service, when such an indication were false or misleading regarding the origin of the product or service, or when its use could induce the public to a confusion or create in it unjustified expectations about the origin, source, characteristics or qualities of the product or service.

ARTICLE 124.- A trader will be able to use his name or domicile on the products he sells, even when these came from a different country, as long as that name and domicile appears accompanied of the precise indication of the country or place of manufacturing or production of the goods, or other sufficient indication, in sufficiently outstanding characters in order to avoid any error about the real origin of the products.

ARTICLE 125.- Any interested person, particularly the producers, manufacturers and artisans, consumers and the State, will be able to act individually or in common, before the Industrial Property Registry Office, for any effect related to the accomplishment of the provisions in Article 123 of the Law hereby.

#### SECTION II

##### APPELLATIONS OF ORIGIN

ARTICLE 126.- The Industrial Property Registry Office will keep a register of appellations of origin, in which national appellations of origin will be registered, upon request of one or several of the producers, manufacturers or artisans who have their place of production or manufacturing in the region or place of the country to which the appellation of origin belongs to, or upon request of any competent public authority.



The foreign producers, manufacturers or artisans, as well as, the competent public authorities of foreign countries, shall register foreign appellations of origin that correspond when this were provided in any agreement or treaty which Honduras shall be part of or, if there did not exist applicable agreement or treaty, when reciprocity of treatment should be granted to the nationals and residents of Honduras in the foreign country.

ARTICLE 127.- A name shall not be registered as appellation of origin when it is:

1. According to the definition of Article 79, numeral 8) of the Law hereby;
2. Against good manners or public order, or that could induce the public to an error about the source, nature, way of manufacturing, characteristics or qualities, or aptitude for the use and consumption of the respective products; and,
3. Common or generic denomination of any product. A denomination is appraised common or generic when it is considered as such, both by the connoisseurs of this kind of product, and by the public in general.

ARTICLE 128.- The application of registration of an appellation of origin shall indicate:

1. Name, address and nationality of the petitioner or petitioners and the place where their establishments of production or manufacturing are located;
2. Appellation of origin whose registration is requested;
3. Geographical area of production to which the appellation of origin refers;
4. Products for which the appellation of origin is used;
5. Brief description of the essential qualities or characteristics of the products for which the appellation of origin is used; and,
6. The application for registration of an appellation of origin will accrue the established tax, except when its registration was requested by a public authority. In case of foreign public authorities this exemption will be subject to the reciprocity of treatment.

The registration of an appellation of origin shall be requested accompanied by the generic name of the respective product or an expression related to this product, but the protection conferred by this Law will not be extended to the generic name and expression used.

ARTICLE 129.- The application of registration for an appellation of origin will be examined with the purpose of verifying:

1. That the conditions from Article 128 of this Law are accomplished, and,
2. That the denomination whose name is requested, is not included in any of the prohibitions provided in Article 127 of this Law.

Once the examination of the application is carried out, this will be announced through the publication of a notice. Any interested person shall present opposition against the registration of the appellation of origin.

The procedures related to the examination, the publication, the opposition and the registration of the appellation of origin, will be ruled by the provisions applicable to the registration of trademarks, as it corresponds.

ARTICLE 130.- The resolution through which the registration of an appellation of origin and the registration in the corresponding books shall be granted, and must indicate:

1. The geographical area of production to which the appellation of origin refers to, whose producers, manufacturers or artisans will have the right to use the said appellation;
2. The products to which the appellation of origin will be applied; and,
3. The essential qualities or characteristics of the products to which the appellation of origin will be applied, except for the cases in which because of the nature of the product or any other circumstances it would not be possible to detail such characteristics.

ARTICLE 131.- The registration of an appellation of origin will have an indefinite duration.

The registration of the appellation of origin shall be modified at any time when any of the items referred in Article 130 of this Law changed. The modification of the registration will accrue the established tax and will submit to the procedure provided for the registration of appellations of origin, as it corresponds.

ARTICLE 132.- A registered appellation of origin shall be used, for commercial purposes for the products indicated in the registration, only by the producers, manufacturers or artisans who perform their activity within the geographical area indicated in the registration.

Only the producers, manufacturers or artisans authorized to use a registered appellation of origin will be able to use the expression "APPELLATION OF ORIGIN" together with the name.

All producers, manufacturers or artisans who perform their activity within the geographical area and related to the products indicated in the registration, will have a right to use the registered appellation of origin, including those who were not within the ones who requested the registration.

The actions related to the right to use a registered appellation of origin will be put into practice before the competent Court.

The provisions of Articles 97 and 98 of this Law will be applicable to the registered appellations of origin, as it corresponds.

ARTICLE 133.- Upon request of the persons indicated in Article 125 of this Law, the Industrial Property Registry Office will be able to cancel the registration of an appellation of origin when it is proved that:

1. The appellation of origin is included in any of the exclusions provided in Article 127 of this Law; and,
2. The qualities or characteristics indicated in the registration about the products designated by the appellation of origin do not correspond to those of the products that are put in the market-place with that appellation of origin.

## CHAPTER VI

### DISTINCTIVE SIGNS NOTORIOUSLY KNOWN

#### SECTION I

##### DETERMINATION OF NOTORIETY

##### PRINCIPLE OF PROTECTION

ARTICLE 134.- A distinctive sign notoriously known will be protected against its unauthorized use in accordance with the provisions of this Chapter, without prejudice of the other dispositions of this Law that were applicable, and without prejudice of the provisions applicable to protection against unfair competition.

##### CRITERIA OF NOTORIETY

ARTICLE 135.- To determine the notoriety of a distinctive sign, any relevant circumstance will be taken into consideration, and in particular the following factors, among others:

1. The degree of knowledge of the sign among the members of the pertinent sector, the duration, amplitude and geographical extension of use of the sign, within the country;
2. The duration, amplitude and geographical extension of promotion of the sign, within the country;
3. The publicity and presentation in fairs, trade shows or other events, from the establishment, activity, products or services the sign shall apply to;
4. The existence and antiquity of any registration or registration application of the sign, distinctive in the country;

5. The exercise of the actions standing for the distinctive sign, and in particular any decision taken by any national authority in which the notoriety of the sign had been recognized; and,
6. The value of any investment made to promote the distinctive sign, or to promote the establishment, activity, products or services to which the sign applies.

The following will not be conditions in any case to recognize the notoriety of a distinctive sign:

- a. The sign being registered or in proceeding for registration abroad;
- b. The sign being used formerly or currently in the market abroad; and,
- c. The sign being notoriously known abroad.

## PERTINENT SECTORS TO DETERMINE NOTORIETY

ARTICLE 136.- The following will be considered as pertinent sectors of reference to determine the notoriety of a distinctive sign, among others:

1. The potential or real consumers of the kind of products or services the sign applies to;
2. The people who participate in the merchandising channels of the kind of products or services the sign applies to;
3. The entrepreneurial circles that act in trends relative to the kind of establishment, activity, products or services the sign applies to.

## SECTION II

### ACTIONS

#### ACTIONS AGAINST THE USE OF A NOTORIOUS SIGN

ARTICLE 137.- The legitimate holder shall impede any third party to accomplish the acts indicated in Article 96 of this Law, respecting the sign.

#### DETERMINATION OF THE UNAUTHORIZED USE

ARTICLE 138.- The use of the notoriously known distinctive sign will consist in the use of it as a whole or of an essential part, or a reproduction, imitation, translation or transliteration of the sign, susceptible of creating confusion, in relation to establishments, activities, products or services, to identical or similar to the ones the notoriously known sign is applied.

The use of the notoriously known distinctive sign will consist of the use of it as a whole or of an essential part, or a reproduction, imitation, translation or transliteration of the sign, even respecting establishments, activities, products or

services different to the ones the notoriously known sign is applied, or for non commercial purposes, if such a use could cause any of the following effects:

1. Risk of confusion or association with the holder of legitimate owner of the sign, or with its establishments, activities, products or services;
2. Unfair financial or commercial damage to the holder or legitimate owner of the sign due to a dilution of the distinctive force or commercial or publicity value of the sign; and,
3. Unfair use of the sign's prestige, or of the renown of its holder or legitimate owner.

It should be understood that there is use of the notoriously known distinctive sign whichever the means of communication used, including when being used as a domain name, electronic mail address, name or designation in electronic or other similar means used within the electronic communication means.

The action against any unauthorized use of a notoriously known distinctive sign, will prescribe after five (5) years starting from the date in which the holder or legitimate owner of the of the sign have had knowledge of such use, unless this had been started in bad faith, case in which the action will not prescribe. This action will not affect the one that could correspond for damages in accordance with the common law.

## RELEVANCE OF THE FAITH

ARTICLE 140.- In resolving on an action relative to the unauthorized use of a notoriously known distinctive sign, the good or bad faith of the parties in the adoption and use of this sign, will be taken into consideration.

## TITLE V

### COMMON NORMS

#### CHAPTER I

##### GENERAL DISPOSITIONS

ARTICLE 141.- The Honduran or foreigner domiciled in Honduras who shall, compliant to this Law, file an invention or utility model patent application, or an application for the registration of industrial design or trademark which he had already filed in another country, which Honduras is related to by a Treaty, in virtue of which a right to priority shall be recognized, or which agrees reciprocity for those effects to the people of Honduran nationality or domiciled in Honduras, as well as to the beneficiary of that person, he will be granted right to priority.

The right to priority will last twelve (12) months, concerning invention and utility model patents, and six (6) months for registries of industrial designs and trademarks; unless the applicable treaty provides different terms. All applications filed in Honduras under the protection of a right to priority and within the corresponding priority term, will not be denied, invalidated, or annulled by facts happened within the interval, accomplished by the petitioner himself or by a third party and these facts will not give occasion to the acquisition of any right of third parties, related to the object of this application.

The claiming of priority will be done through an express declaration that shall be presented along with the application for patent or registration, or within a term of thirty (30) days, starting from the date of filing of that application.

The declaration of priority will indicate the office where the priority application was filed, its filing date and number, if this was assigned. It shall be presented to the Industrial Property Registry Office, along with the registration application or within three (3) months following its filing, a copy of the priority application, certified by the office or authority who had received it, including the descriptive report, claims and drawings of the invention, representation of the industrial design or reproduction of the trademark and the list of corresponding products and services; depending on the case, and an evidence of the date of filing of the priority application issued by that authority or office.

ARTICLE 142.- The co-ownership of applications or Industrial Property Titles will be ruled by the following norms, when no agreement in opposition exists:

1. The modification, reduction, limitation or withdrawal of an application in proceeding, shall be done in common;
2. Each co-owner shall personally operate or use the invention, utility model, industrial design or distinctive sign which is object of the application or title of protection, but shall equitably compensate the holders who had neither operated or used the said object, nor granted a license for its operation or use; in defect of agreement, the compensation will be fixed by the competent court;
3. The grant of the application or protection title will be done by mutual agreement, but each co-owner will be able to grant his share independently, and the others will have the right to the corresponding aliquot part, for a term of ninety (90) days, starting from the date in which the co-owner notified his intention to grant his share;
4. Each co-owner shall grant third parties a non exclusive license for the operating or use of the invention, utility model, industrial design or distinctive sign which is object of the application or protection title, but it shall equitably compensate the co-owners who did not use the said object, and had not granted a license for the operating or use of it; in defect of agreement, the compensation will be fixed by the competent court;
5. An exclusive license for operation or use shall only be granted by mutual agreement;

6. The resignation, reduction, limitation or total or partial voluntary cancellation of an Industrial Property Title will be done by mutual agreement; and,
7. Any co-owner shall notify the others that he abandons his share of the application or Industrial Property Title in their benefit, becoming free of any obligation before the others, as of the record of the abandonment, in the corresponding registration, or in case of an application, as of the notification of the abandonment, to the Industrial Property Registry Office; the abandoned share will be distributed among the remaining co-owners in proportion to their respective rights in the application or title.

The dispositions of common right on the joint ownership will be applied in what is not provided in the Article hereby.

ARTICLE 143.- The applications for registration will be considered as expired if, it corresponds the petitioner to fulfill any procedure, and this is not accomplished within six (6) months, starting from the last notification made to the interested party; and its filing will be ordered without any further proceeding.

The expiration for the lapsing of the mentioned term will not proceed when the application had remain without course for duly verified force majeure or for inaction of the Industrial Property Registry Office.

In these cases such term will be counted since the interested party could have prosecuted the course of the acts.

## CHAPTER II

### PROCEDURES

ARTICLE 144.- Any person should carry out his application through an attorney.

When the petitioner or the holder of a right of Industrial property had his domicile or headquarters outside Honduras, he shall be represented by a mandatory domiciled in the country.

ARTICLE 145.- the petitioner will be able to modify his request while it is in proceeding. The modification of the application will accrue the established tax.

In the case of application of an invention or utility model patent, the modification will not involve an extension of the publication included in the initial application. If the modification involves alteration of the substance of the application, the Registrar shall order a new abreast examination.

ARTICLE 146.- The petitioner shall withdraw his application while still in proceeding. The withdrawal of an application will not give a right to reimbursement of the taxes that had been paid.

ARTICLE 147.- The terms set in days, will be understood as working days.

ARTICLE 148.- In any procedure related to the grant of an obligatory license, or a license of public interest, the resignation, nullity, cancellation, revocation or expropriation of an industrial property right, in accordance to the Law hereby, any registered licensee and any beneficiary to a right or registered credit, related to the right of industrial property, object of the action, shall appear; for which reason they will be notified by the Industrial Property Registry Office or by the competent Court in its case.

ARTICLE 149.- The motion to set aside, which the holder himself will resolve, and the remedy of appeal before the titular of the State Department in the Ministry of Industry and Commerce will proceed without prejudice, against the final decisions dictated by the Copyright Head Office, within the term established by the Administrative Proceeding Law.

ARTICLE 150.- The effects of the declaration of nullity of a patent or registration will date back to the date of the respective concession, without prejudice of the conditions or exceptions that should be established in the resolution that declares the nullity.

When the nullity of a patent or registration, for which a license for operation or use had been granted, is declared, the licensor will be exempted from returning the payments made by the licensee, unless the latter had not benefited from the license.

### CHAPTER III

#### REGISTRIES AND PUBLICITY

ARTICLE 151.- The Industrial Property Registry Office will record the firm resolutions, related to the grant of obligatory licenses and public interest licenses and those referring to nullity, revocation, expropriation, resignation or cancellation of any right of industrial property, in the corresponding registry and will order to publish them in the Official Journal "La Gaceta", and at least in one of the newspapers with the greatest circulation in the country.

ARTICLE 152.- The Industrial Property Registries are public, and shall be consulted in the Industrial Property Registry Office by any person, at no cost. Through the payment of the established tax, copies of the records of registries shall be obtained.

ARTICLE 153.- Any person will be able to consult the files related to the patent applications or registrations granted, in the Industrial Property Registry Office.



Any person will be able to consult a file related to an application that has already been published, even after its proceeding had concluded, at the Industrial Property Registry Office.

As of its publication, any person will be able to obtain copy of the documents related to a patent application or registration, through the payment of the established tax. In case of a patent of invention, samples of the biological material, which had been deposited as a complement of the description of the invention, can also be obtained.

The file of an application that has not been published can only be consulted by third parties with a written consent of the petitioner. This restriction is equally applicable to those applications that were withdrawal or abandoned before their publication. Nevertheless, the file of an application can be consulted before its publication by a person who proves that the petitioner has requested the cease of any industrial or commercial activity invoking said application.

## CHAPTER IV

### CLASSIFICATIONS

ARTICLE 154.- For the effects of classification of the documents related to the invention and utility model patents by technical subject, the International Classification of Patents, established by the Strasbourg Settlement from March 24, 1971, with its revisions and up-datings will be applied.

ARTICLE 155.- For the effects of systematic classification of industrial designs , the International Classification of Drawings and Industrial Models, established by the Locarno Settlement from October 8, 1968, with its revisions and up-datings will be applied.

ARTICLE 156.- For the effects of classification of products and services the trademarks will be used for, the international classification of products and services for registration of trademarks, established by the Nice Settlement from June 15, 1957, with its revisions and up-datings, which Honduras belongs to, will be applied.

ARTICLE 157.- The Industrial Property Registrar will determine the scope and depth of application of the referred classifications in the Chapter hereby, being able to provide a gradual or selective application of them, according to the needs and available means in the Industrial Property Registry Office.

## TITLE VI

### ACTIONS AND PENALTIES FOR INFRINGEMENT OF RIGHTS

#### CHAPTER I

## INFRINGEMENT OF INDUSTRIAL PROPERTY RIGHTS

ARTICLE 158.- When an invention, utility model, industrial design patent or registration of a distinctive sign had been requested or obtained by whom did not have the right to obtain the patent or registration, or injuring another person who also had a right to obtain the patent or registration, the affected person shall bring an action of claiming of his right before the competent court, in order to get the application in proceeding or title or granted registration transferred to him, or to be recognized as petitioner or holder of the right. Within the same action the indemnification for damages that could have been caused shall be claimed.

The action of claiming of the right shall not be brought to action after five (5) years, starting from the date of grant of patent or registration of a distinctive sign, or two (2) years starting from the date in which the invention, utility model, industrial design or distinctive sign had begun to be operated or used in the country, applying the term that expires later.

ARTICLE 159.- The holder of an invention or utility model patent shall bring suit of damages, against any person who had used the object of protection, during the period comprehended between the date of publishing of the respective application and the date of grant of the patent. The said indemnification will only proceed related to the matter that will become protected by the patent that shall be granted.

ARTICLE 160.- The holder of a right protected by the Law hereby, shall bring suit before the competent court against any person who shall infringe his right. He shall also act against the person who executes acts that evidently show the imminence of an infraction.

In case of co-ownership of a right, any of the co-owners shall bring suit against an infraction of this right without being necessary to have the consent of the others, excepting for an agreement in opposition.

ARTICLE 161.- An exclusive licensee whose license is registered and a licensee under an obligatory license or license of public interest, shall bring suit before the Competent Jurisdictional Agency against who commits an infraction of the right which is object of the license. For these purposes, the licensee who did not have mandate from the holder of the right to act, shall prove, when starting his action, that he has requested the holder or owner to bring the suit and the latter has let more than one (1) month elapse, without doing it. Even before the term of one (1) month elapses, the licensee shall request that the preventive measures provided in Article 164 of this Law be taken. The holder of the right object of the infraction shall appear in civil process at any time.

Any registered licensee and any beneficiary of any right or credit registered in the Registry related to the infringed right will have the right to appear in civil process at any time. For these purposes, the demand will be notified to all persons whose rights appear registered in relation to the infringed right.

ARTICLE 162.- When an invention patent protected a procedure to obtain a new product and this product were produced by a third party, while the opposite is not approved, it will be presumed that the product has been obtained through the patented procedure.

ARTICLE 163.- In case of infraction of the rights protected by this Law, one or more of the following measures shall be requested:

1. The cessation of the acts that infringe the rights;
2. The indemnification from the damages suffered;
3. The embargo of the objects resulting from the infraction, and the means which had predominantly served to commit the infraction;
4. The prohibition of the import or export of the products, materials or means referred in numeral 3) of this Article;
5. The withdrawal of the objects or means referred in numeral 3) of this Article from the commercial circuits, or their destruction, when appropriate;
6. The attribution in property of the objects or means referred in numeral 3) of this Article. In this case the value of the assets will be imputed to the amount of the damages; and,
7. The necessary measures to avoid the continuation or repetition of the infraction, including the destruction of the seized means compliant the numeral 3) of this Article, when this were indispensable.

That who used a mark without having it registered, will not be able to obtain the indemnification for damages for the use that third parties, could have made of the said mark during the time it had not been registered. This will be without prejudice of the other actions and measures to which the owner of the mark had resource to, in safeguard of his rights.

In case of products that exhibit a false trademark or other distinctive sign, the suppression or removal of the sign will not be enough to allow these products to be introduced in the market, except in exceptional case duly authorized by the Judge, or when the holder of the sign had given his express agreement.

ARTICLE 164.- For the purposes of estimation of the damages, the part corresponding to the loss of profits that shall be repaired will be estimated, at the injured party's choice, following any of the following criteria:

1. According to the benefits that the holder of the right would have predictably obtained if the competition of the infringer had not existed;
2. According to the amount of the benefits obtained by the infringer as the result of the infraction acts; and,
3. According to the price the infringer would have had to pay the holder of the right for a contractual license, considering the commercial value of the object of the infringed right and the contractual licenses that had already been granted.

ARTICLE 165.- Whoever initiates or tries to initiate an action for infraction of an industrial right protected by the Law hereby, will be able to ask the Jurisdictional Agency to order immediate preventive measures , with the purpose of impeding the commission of it, avoid its consequences, obtain and keep evidence, and assure the effectiveness of that action or the indemnity of damages. The preventive measures shall be requested before initiating the action for infraction, together with it or after it, carrying it out in a separate file. The measures requested before initiating the action shall be executed without having previously heard the other part.

Without prejudice of the dispositions in the Criminal Procedure Code, the Judge shall order the following preventive measures:

1. Immediate cessation of the infraction acts;
2. The preventive embargo, retention or deposit of the objects matter of the infraction and the means predominantly devoted to accomplish the infraction;
3. The constitution of a bond or other guarantee by the presumed infringer for the payment of the eventual damages; and,
4. The suspension of the import or export of the objects or means referred in numeral 2) of this Article.

ARTICLE 166.- The civil action for infraction of the rights conferred by the Law hereby, will prescribe after two (2) years since the holder learned about the infraction, or five (5) years since the violating act was committed last, applying the term that expires first.

ARTICLE 167.- Those who intentionally and without the consent of the owner of a protected distinctive sign accomplishes any of the following acts, will be penalized with a fine of TEN (10) to TWENTY (20) minimum wages, without prejudice of the penalties established by the Criminal Code:

1. Use in the market a trademark or servile copy or fraudulent imitation of a registered trademark related to the products or services which that mark distinguishes; and
2. Accomplish the acts that the Law hereby or the Commerce Code prohibit respecting a protected trade name, sign, slogan or emblem.

ARTICLE 168.- Those who intentionally accomplish any of the following acts , will be penalized with a fine of TEN (10) to TWENTY (20) minimum wages, without prejudice of the penalties established by the Criminal Code:

1. Use in the market, related to a product or service, a false geographical indication or a geographical indication susceptible of deceiving the public about the source of that product or service, or about the identity of the producer, manufacturer or trader of the product or service; and,

2. Use in the market, related to a product, a false or deceiving appellation of origin, or the imitation of a appellation of origin, even when the true origin of the product is indicated, or an incorrect translation of the appellation of origin is used, or the appellation of origin is used together with expressions such as "type", "gender", "way", "imitation" or other analogous qualifications.

ARTICLE 169.- The products that exhibit illicit distinctive signs, the publicity material that made reference to those signs and the material and instruments that had served specifically to commit an infraction, shall be retained or seized by the competent authority waiting for the results of the corresponding process.

## CHAPTER II

### UNFAIR COMPETITION

ARTICLE 170.- The following are considered acts of unfair competition, and as such they will be prohibited:

1. Any act accomplished in the exercise of a commercial activity or as a result of same, which is opposed to the rules of good faith and to the honorable uses and practices in commercial matter.
2. The acts of any kind capable of creating confusion about the establishment, products, services or activities of another trader;
3. The use or spreading of false indications or pleadings capable of damaging or discredit the establishment, products, services or activities of another trader;
4. The use or spreading of indications or pleadings of any kind when susceptible to create confusion about the source, nature, way of manufacturing, characteristics, aptitude for use or the consumption, subsistence or amount of the products or services of one's own or of a third party.
5. The direct or immediate use of a product put in the market by a third party, to mold, trace, copy or unlawfully reproduce in other way that product by any technical means, and this way parasitically and for commercial purposes use the results of the effort of this third party; and,
6. The access to an industrial secret or other non-published information, without the authorization of its legitimate owner according to the provisions enclosed in Title III of this Law.

ARTICLE 171.- Those who intentionally accomplish an act of unfair competition will be penalized with a fine of TEN (10) to TWENTY (20) minimum wages, without prejudice of the penalties established by the Criminal Code.

ARTICLE 172.- Without prejudice of the provisions in the following paragraph, any person affected by a presumptive act of unfair competition, will be able to request the competent Jurisdictional Agency the record of the illicit nature of the act.

The provisions of Articles 160, first paragraph; 163, first paragraph; 165 and 169 of this Law, will be applicable, as it corresponds to the civil and penal actions initiated against the acts of unfair competition. The pertinent provisions from the Commerce Code and Civil Code related to the illicit acts will also be applicable.

ARTICLE 173.- The fines beheld in Articles 167, 168 and 171 of the Law hereby, shall be applied by the State Department in the Ministry of Industry and Commerce by proposal of the Copyright Head Office paying attention to the gravity of the fault and the financial capacity of the infringer. Its amount will be established entered in the General Treasury of the Republic.

## TITLE VII

### TRANSITORY AND FINAL PROVISIONS

#### CHAPTER I

##### TRANSITORY PROVISIONS

ARTICLE 175.- The applications of invention patents which were in proceeding in the date when this Law becomes effective, will continue in proceeding according to the former legislation, but the patents granted as of this date will submit to the provisions enclosed in Chapter I Section II and Chapter V, from Title II of this Law. Related to the nullity of the patent the provisions of the former legislation will be applied.

The provision of Article 56 of this Law, will be applicable to the requests for invention patents in proceeding in the date when this Law becomes effective.

ARTICLE 176.- The procedure to be followed in the opposition, cancellation, rehabilitation and nullity actions, within the ninety (90) days following the publication of this Law, will be determined in the Bylaws.

While the Bylaws indicated in Articles 41, 43, 89, 105, and 106 of this Law is issued, the procedures they refer to, will be substantiated according to the provisions in the Administrative Proceeding Law. The Bylaws shall provide that the Administrative Proceeding Law will always be applied in a suppletory nature and for all the issues not provided in it.

#### CHAPTER II

##### FINAL DISPOSITIONS

ARTICLE 177.- the invention patents granted according to the former legislation, will be ruled by the provisions of that legislation, with exception of whatever concerns the aspects dealt in the following Articles of this Law, which will be applicable to those patents as of the date of this Law becoming effective:

1. Article 13 of this Law, respecting the taxes of patent subsistence;
2. Article 16 of this Law, for which the annual taxes will only be charged for the remaining years of term of the patent and the scale of annual taxes will be applied beginning with the lowest tax provided in the scale;
3. Articles 17, 18, 19, 20, 21, 22, 44, and 57 second and third paragraph, 65, 66, 67, 68, 69, 70 and 71 of this Law, for which the terms established in Article 66 first paragraph of the same, will be computed from the date of this Law becoming effective:
  - a. Articles 142, 144 second paragraph, 147, 148, 149, 150 and 153 of this Law; and
1. Articles enclosed in Title VI, concerning, when the corresponding actions were initiated after the date of the Law becoming effective.

ARTICLE 178.- The registration or renewal of mark applications in proceeding by the date this Law becomes effective, will continue in proceeding according to the former legislation, but the registries and renewals granted will submit to the provisions of this Law. The term provided in Article 1076 of this Law, will be computed as of the becoming effective of the Law hereby.

ARTICLE 179.- The marks and other distinctive signs registered according to the former legislation, which will be applicable to marks and distinctive signs, as of the date of its becoming effective:

1. Articles 93, 94, and 95 on renewal; 96, 97, 98 and 99 on rights, obligations and limitations; 100 and 101 on the transfers and licenses of trademark use; and, 104 on the annulment of contract of license of the Law hereby;
2. Articles 106, 107, 108 and 109 on the cancellation, but an action of cancellation shall not be initiated under the protection of Article 102 before two (2) years starting from the date of this Law becoming effective.
3. Article 118 second paragraph of this Law about the exclusive use of trade name; and,
4. Articles referred in Article 177 numerals 4) and 5) on the co-ownership of applications and procedures of the Law hereby.

ARTICLE 180.- Without prejudice to the content of Article 141 of this Law, in case of pharmaceutical or pharmaceutic products or their obtaining, only the invention patent shall be requested patent application after the becoming effective of this Law, when previously requested in the country of origin.

ARTICLE 181.- When within this Law minimum wages are mentioned, they are understood in their monthly nature and it is the highest scale.

ARTICLE 182.- The current Decree revokes Decree number 142-93 from September 7, 1993 and any other provision opposed.

ARTICLE 183.- The Decree hereby will become effective twenty (20) days after its publication in the Official Journal "La Gaceta".

Given in the city of Tegucigalpa, Municipality of the Central District, in the Assembly Room of the National Congress, on the nineteenth day of the month of December nineteen ninety-nine.

RAFAEL PINEDA PONCE

President

JOSE ALFONSO HERNANDEZ CORDOVA

Secretary

JOSE ANGEL SAAVEDRA POSADAS

Secretary

To the Executive Power.

Therefore: Execute.

Tegucigalpa, M.D.C., December 30, 1999.

CARLOS ROBERTO FLORES FACUSSE

Constitutional President of the Republic

The Minister of the State Department in the Ministry of Industry and Commerce

REGINALDO PANTING



