

ECUADOR

Response to Question 1 : No cases exist by way of example.

Response to Question 2 : No specific law exists. Nevertheless, Article 377 of the Intellectual Property Law provides that “a *sui generis* system of collective rights for ethnic groups and local communities shall be established. Their protection, and enhancement and application mechanisms shall be subject to a special law which shall be enacted for the purpose.”

Response to Question 3 : The Intellectual Property Law came into force on May 19, 1998. A draft law is not available. A number of debates have been conducted and the CODEMPE agreement exists for the preparation of a preliminary draft law which establishes the *sui generis* system of protection for collective individual rights.

Response to Question 4 : There is no legislation on this subject.

Response to Question 5 : No.

Response to Questions 6 to 8 : No law or regulation exists.

Response to Question 9 : No law or regulation exists. A principle of Andean legislation as regards *sui generis* protection of plant varieties is the exclusion of protection for botanical genres and species, provided that their cultivation, possession or use are not prohibited for reasons of human, animal or plant health (Article 2, Decision 345 of the Commission of the Cartagena Agreement, Common Regime for the Protection of the Rights of Plant Breeders).

Response to Questions 10 to 11 : No law or regulation exists.

Response to Question 13 : No law or regulation exists.

Response to Question 14 : There is no legislation on this subject.

Response to Questions 15, 16, 18, 20, 21, 22 and 23 : No.

Response to Question 25 : There is no legislation on this subject. A starting point has been established for the preparation of the draft law on collective intellectual rights with the study of the standards of customary protection for the traditional knowledge of indigenous communities.

Response to Question 26 : No