

GUATEMALA

Response to Question 1 : At this time the Registry of Intellectual Property doesn't have proper information on such matters, due to the fact that the Government Agency in charge, is the Ministry of Culture.

Response to Question 2 : Guatemalan's Cultural Heritage Protection National Law (No. 26 - 97) and its further reforms (Decrees No. 39 - 98 and 81 - 98).

Response to Question 3 : Guatemalan's Cultural Heritage Protection National Law, was decreed back in 1997.

Response to Question 4 : To provide protection, rescue, research and conservancy on all things that belong to the cultural heritage of the nation.

Response to Question 5 : No. Some of the creating standards were considered deficient as far as cultural heritage was concerned. That was one of the prime motives to decree the law mentioned before.

Response to Question 6 : Intangible cultural heritage, made up of traditions and medical manners and customs.

Response to Question 7 : Intangible cultural heritage, made up of institutions, traditions, customs, such as, oral tradition, musical, medical, culinary, religious, (dance and theatre), and customs.

Response to Question 8 : Basically depends upon the decision made by a specific community who claim to have the right that some items should be protected under the law, because they have belonged to the community since ancient times.

Response to Question 10 : Cultural goods could be either state or private property, and they cannot be sold. Also, they are under state protection.

Response to Question 11 : - There is no right for remuneration.

Response to Question 12 : No.

1. Any natural person or legal entity who owns a cultural good should register it in the "Cultural Goods Registry" which is an office of the Cultural Ministry Affairs.
2. The mentioned office could ask that the particular good should be exhibited as living proof.
3. The mentioned office could reject the registration.

Response to Question 13 : The Registry could be denied the inscription, or even revoke one already granted, accordingly to the circumstances.

Response to Question 14 : No.

Response to Question 15 : The law doesn't provide any retroactive protection.

Response to Question 16 : Any natural person or legal entity are entitled to acquire the said protection.

Response to Question 18 :

- a. Natural person: should take care for the wellbeing and conservancy of the cultural good legal entity.
- b. Legal entity: should take care for the wellbeing and conservancy of the cultural good.

Response to Question 19 : None

Response to Question 20 : Civil liabilities and legal according to the penal code.

Response to Question 21 : The Attorney General's office is entitled to execute any legal actions against predators, jointly with the Ministry of Cultural Affairs.

Response to Question 22 : Right holders cannot do such things because those rights can be executed only for the person or legal entity themselves.

Response to Question 23 : The Ministry of Cultural Affairs throughout the anthropology and history institute are responsible for the right's administration granted under the law.

Response to Question 24 : Yes.

1. Industrial Property Law (Decree 57 -2000)
2. Copyright and Related Rights Law (Decree 33 -98)

Response to Question 25 : Yes. The main purpose of the law, is to provide a protectable common ground for all protectable common ground for all the subjects involved, such as individuals and communities.

Response to Question 26 : The law contains certain provisions and to enforce those rights under protection leading to criminal prosecution and civil liabilities as well.

Response to Question 27 : Both law's, intellectual property and national heritage protection laws, integrate each other to provide protection. When one fails its coverage, the other gives what is needed.