

EI Salvador

(Translation of the Original Submission)

Legal basis: Articles 233 to 235.

- Patents are regulated under Chapter VII (Arts. 196 et seq.) of the Act, which sets forth patentability requirements, the rights of the holder and limits thereto.
- Although no specific provision is made for standard essential patents (SEPs), the law does contain mechanisms that could be applicable, including the provisions for compulsory licensing under Articles 233 and 234.
- Such compulsory licenses make it possible to use patents in the public interest. That could be one means of facilitating access to essential technologies in strategic sectors, such as telecommunications and software. However, in the case of semiconductor technologies, such access may be granted only for public, non-commercial use or to counter anti-competitive practices. That could restrict its application in certain cases.

Conclusion:

Although the law in EI Salvador does not expressly regulate SEPs or FRAND (fair, reasonable and nondiscriminatory) terms, it does provide for compulsory licenses, which, in certain cases, can ensure access to essential technologies for the public good and in the interest of open competition.