



Achievements in cooperation initiatives in the areas of intellectual property, industrial property, copyright, trademarks and patents In Latin America and the Caribbean

Economic and Technical Cooperation

XXVIII Meeting of International Cooperation Directors for Latin America and the Caribbean: Cooperation on Intellectual Property

Panama City, Panama

7 and 8 November 2017

SP/XXVIII RD CIALCCPI/DT N° 2-17

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Printed in the Permanent Secretariat of SELA, Caracas, Venezuela.

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F O R E W O R D

This study has been prepared in compliance with Activity II.1.4. "XXVIII Meeting of International Cooperation Directors for Latin America and the Caribbean: Cooperation for Intellectual Property (IP)" of the Work Programme of the Permanent Secretariat of SELA for the year 2017.

It presents the common points among regulatory frameworks of regional integration agreements and opportunities to encourage cooperation in the area of intellectual property among SELA Member States. It also identifies advanced cooperation initiatives; emphasizes cooperation opportunities – international, South-South, regional and triangular – that could be implemented for the development of the region and highlights the best practices of particular value for dissemination among the offices for intellectual property of each of the countries integrating SELA.

In addition to an introduction, the document is organized into six chapters. The first one is dedicated to the relevance of Intellectual Property (IP) in the 21st century. In the second, some considerations are made regarding the need and importance of promoting IP in Latin America and the Caribbean (LAC). The third chapter discusses the legal framework for IP protection in LAC. The fourth chapter provides an overview of regulatory issues and procedural initiatives on intellectual property in the region. The fifth makes some innovative considerations on regional and international cooperation as a mechanism to strengthen intellectual property in LAC and discusses some significant experiences. Finally, chapter six offers some reflections and final comments, highlighting that the experiences of cooperation in the region show positive results, allowing the development of networks of relations with intra- and extra-regional countries, with different levels of development and progress as regards intellectual property.

The Permanent Secretariat thanks Dr. Sary Levy for her dedication in the preparation of this document.

EXECUTIVE SUMMARY

In the so-called “knowledge society” or “talent society”, the production processes are materialized in intangible operations of information processing, symbolic analysis, in expert systems, with pre-eminence of knowledge against traditional production factors, configuring a new model of society.

In this new environment, one of the elements gaining ground as a catalyst for prosperity is institutional quality. Emphasis is placed on the importance of appropriate “rules of the game” to reduce transaction costs and promote efficiency and thus achieve a better quality of life.

The right to property is a vital institution of the Rule of Law and intellectual property rights are presented as a fundamental factor for a productive transformation in the knowledge society. In its latest editions, the International Property Rights Index reports that entrepreneurship was the variable that presented the highest correlation with the index, which emphasizes its relevance as a cornerstone of innovation, investment, production and economic growth.

As intellectual property is a key element to the development of societies in our century, it is vital for a region such as Latin America and the Caribbean to identify the actions to be considered for leveraging the future and to improve the quality of life of its citizens. In this regard, global and regional multilateral organizations, as well as regional integration agreements, become fertile ground for critical dialogue, learning, strategy design and cooperation among Member States.

The region has several integration groups and regional organizations that share members partially or totally. The importance of this framework is that, properly implemented, it can lead to accelerating effects of transformation that impact the different countries and which, in turn, affect feedback to the different groups to which they belong and vice versa. This indicates that, in the face of regulatory and procedural transformations, regional associations become channels of efficient dissemination, with the possibility of favouring harmonic and complementary schemes.

It emphasizes the presence of effective common points or intersections between the regulations of the various regional integration agreements and, as a result, possible areas for cooperation among their Member States, both because of the importance granted to the treaties resulting from integration processes (acknowledgement of supranational organizations, principle of direct and preferential application), as well as express acknowledgement of private property in the vast majority of the constitutions of the region.

The constitutional recognition of intellectual property, expressly or not, has, in most countries, its development into a specific law on the subject. On the other hand, integration agreements and their treatment of intellectual property vary, from having a specific regulation, through those that attend the subject through work programmes, to those that, although they have not addressed it openly, do not have regulations that could prevent it.

In the most traditional types of intellectual property – trademarks, copyrights and patents – there is consensus as to the details of their definition in the integration agreements of the Latin American and Caribbean region. For the rest, progress is made through programmes, workshops and other schemes, which shows wide opportunities for collaboration on the issue of intellectual property.

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Cooperation in the field of intellectual property issues has been present in the region as a strategy since the 20th century, generally starting as processes for dialogue and exchange of experiences, to the concretion of projects and joint activities of technical cooperation, support in legislative areas and/or training of human resources.

An analysis of the forms of cooperation shows that the most frequent in the region is technical cooperation, as a more concrete and expeditious form than the legislative, educational or informative forms which, although not less relevant, their results require greater temporary horizons. It also emphasizes the importance acquired by the administrative or procedural issue. The online services offered by most of the registration offices of SELA Member States are real advances, making it easier to expedite procedures and increase transparency. It is about progress since, beyond regulations, innovations in procedures encourage applications for intellectual property registrations, resulting in an effective guarantee and protection of these rights and, in the long run, a greater number of applications and registrations.

Several organizations offer programmes and encourage cooperation, with global, regional or national scope, and include governmental entities, private non-profit associations, non-governmental organizations (NGOs) and other forms of private sector participation. The activities focus on coordinating efforts with intellectual property offices for the development of technical infrastructure and the creation of platforms for collaboration and cooperation with interested sectors (civil society, academic circles and other members benefiting from intellectual property). An additional element to consider is the coordination of different types of cooperation, allowing strengthening of cooperation and synergies within intellectual property offices and other institutions. Thus, coordination schemes can be considered among intellectual property systems or offices and universities or research centres in different countries that allow for the preparation and training of officials, developing proficiencies that favour the optimization and enhancement of the service offered by the institution.

All of the Member States of SELA have advanced wide-ranging cooperation programs through their Intellectual Property Offices. This paper reviews a sample of 73 advanced programmes by 7 countries in the region (Brazil, Colombia, Costa Rica, Chile, Guatemala, Haiti, Peru) over the past decade. The sample shows that 45% of the projects cover technical cooperation, 37% of them meet training and education objectives, 15% dissemination and 3% support in legislative aspects. While legislative court initiatives are generally of a national nature, those of an educational and informative nature maintain an intra-regional scope or at most Ibero-American scope, inferring certain association with linguistic facilities. For their part, the technical cooperation programmes manage to form wide ranging extra-regional relation networks.

The importance of the latter responds to the contact achieved through these schemes with countries of varying degrees of development and progress in terms of intellectual property, allowing early learning from diverse experiences. Also, given that, in the sample, the different countries which advanced the revised programmes participate in different regional integration schemes, as well as regional organizations, the results of this technical cooperation accomplish important dissemination channels, not only within their countries, but in the entire region.

The evaluation of results of the cooperation initiatives is very positive, with intellectual property Offices expressing that they have achieved important lessons. This refers to cooperation initiatives as a mechanism for accelerating learning and strengthening global ties which, in addition to encourage respect for intellectual property, lay the foundations for the collaborative development

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of countries in the named knowledge society having, as signal, the valuation of free and responsible action by citizens.

INTRODUCTION

Intellectual property has become a vital element for the development of societies in our time, since it subsumes the key component from which the so-called “knowledge society” or “talent society” evolves. The society of the 21st century is strengthened in the measure that individuals develop their capacities in a free and responsible way; favouring the creation and innovation of alternatives that serve the multiplicity of social needs.

Therefore, it is crucial to encourage and motivate investment of time and resources in these activities, as well as promote respect for intellectual property as a centrepiece of institutionalism to achieve success in this new society. Specifically, the Latin American and the Caribbean region can, in this century, leverage intellectual property and leap forward in achieving a harmonious and integrated development.

In view of the above, international cooperation in the field of intellectual property, becomes an accelerating tool for learning and promoter of synergies among the participating actors. Cooperation from international, regional or national organizations or their triangulation with third parties, allows dissemination of successful strategies and accomplishment of early learning from past experiences lived by other actors.

This work aims at showing the intersections between normative frameworks of regional integration agreements and opportunities to encourage cooperation in the area of intellectual property among SELA Member States. It also aims at identifying advanced cooperation initiatives and demonstrating opportunities for cooperation – international, South-South, regional, triangular – that could be used for the development of the region. Finally, from the review of a series of regional cooperation initiatives, the work shows lessons to be learned from them, as well as good practices to be disseminated among the intellectual property offices of each Member State of SELA.

I. RELEVANCE OF INTELLECTUAL PROPERTY IN THE 21st CENTURY

Recent times have evidenced determinant changes of vertiginous sensation for the population. The transformations that have taken place in all areas – economic, political, social, technological and cultural – have been synthesized by J. Tucker (2011) as "the supersonic world", of explosive technological advances, of exponential development of new devices and processes that disrupt the state of reality, opening up infinite possibilities for creation and innovation in a world of free circulation and exchange and of respect for the rule of law.

In the so-called "knowledge society", the production processes are materialized in intangible operations of information processing, symbolic analysis, in expert systems, with pre-eminence of knowledge against traditional production factors such as land, labour and capital. Faced with the fading of traditional boundaries, talent opens the way, globally ubiquitous, based on the individual, who acts as the node of a global network and where the territorial roots are defined mainly by the possibility of access to this tight network of links and information.

We talk about the configuration of a new model of society, in which everyone and everything is connected, all over the world and all the time, creating millions of terabytes of data per picoseconds. The new models appropriate for looking at societies require review of the topological structure of these networks, evaluated as complex systems, shaped by the collective action of individuals and showing emerging behaviours. Innovation is fundamental at this moment of transition: when creative destruction threatens the past and promises a future, as Schumpeter might well say. It is a moment to embrace disruption instead of fighting it.

To reinforce talent, emphasis should be placed on the circumstances required for its motivation: from the most elemental ones such as the freedom necessary for formation and expression, going on to firm and clear institutionalism that stimulates merit and quality, to the specific schemes that facilitate the concretion of new ideas and projects. That is, it is necessary to rethink society, not to control it, but to allow its free projection. The challenge is to think of it in terms of free and responsible people, making each decision with the available information, to reach their goals.¹ Under this premise, minimum conditions are required (Rojas, 2015):

- that each person is free to act in pursuit of his own ends, without being hindered by others;
- that each person may invoke his power to carry out exchanges; and
- that each person can elaborate his projects in the long term based on certain forecasts or rules that generate the power to demand the respect of other people.

One of the elements that is gaining ground as a catalyst for prosperity is institutional quality. The literature of the new institutional economy insists on the importance of appropriate "rules of the game" in order to reduce transaction costs and promote efficiency and thus achieve a better quality of life. Institutions refer to norms, regulations and restrictions that exist in society, whether formal or informal; therefore, they include: a) codes of conduct, norms of behaviour and beliefs; b) written agreements and rules governing contractual relations; and c) constitutions, laws and acts that govern politics and society. Institutions are based on shared concepts, beliefs and expectations; therefore its existence is self-reinforcing and persistent, and its transformation is

¹ Challenge launched by Ludwig von Mises in the mid-twentieth century with the re-launching of the Austrian School of Economics which, through praxeology, facilitates synergy with other social sciences such as Law and Politics and in which institutions gain fundamental value.

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slow. In addition, their interactions with the agents are non-linear, that is, they offer feedback information, providing the possibility of progressively incorporating values as mechanisms of adaptation and improvement (Eggertsson 1990, Levy-Carciente, 2013).

The Institutional Quality Index emphasizes that countries with poor institutional quality show, in turn, violation of property rights and contractual freedom, excessive regulations, controls and impediments to market performance, negatively affecting investment and economic growth (Krause, 2015).

The right to property is a vital institution of the Rule of Law that sustains an unavoidable link with liberty. It is a complex legal institution that allows proprietors to use parts of nature and limits the use of such lands by others (Freyfogle, 2010). It is a condition for the exercise of other rights and freedoms; it is a natural counterbalance to the exercise of power because it limits the power of the State against the individual and is a fundamental factor for a productive transformation in the knowledge society. In short, it is an essential factor of a free society, since it forms the basis of citizenship to control their own lives and build a destiny. As pointed out by Arthur Lee, in Virginia, in 1775:

"The right of property is the guardian of every other right, and to deprive the people of this, is in fact to deprive them of their liberty".

There is extensive and rich literature that enlightens the relationship between institutionalism and social welfare, and particularly between property rights and social prosperity.² An effective property rights system requires that property structures be well-defined – separating property from control – with the subsequent positive effect on allocation of assets, distribution of wealth and consumption and thus showing its ability to foster the development of social virtuous circles.

Talbott and Roll (2001) report that firm enforcement of property rights promotes product growth *per capita*. Hernando de Soto (2000) proposes a development theory based on 'reviving dead capital' and transforming it into active capital and, to achieve this, proposes the need for the formalization of property rights:

"What the poor lack is easy access to the property mechanisms that could legally fix the economic potential of their assets so they could be used to produce, secure or guarantee greater value in the extended market" (ibid, 48).

Meinzen-Dick, Kameri-Mbote and Markelova (2009) focus on the importance of property rights for poverty reduction, highlighting multiple land assessments for the economically underprivileged, given that it provides, in addition to income, an asset to generate them. Singh and Huang (2011), in a research of 37 countries in Sub-Saharan Africa from 1992 through 2006, conclude that financial deepening could not only narrow inequalities and property rights reinforce these effects but also, in its absence, it could be detrimental to the poorest.

² Among others: Hayek, 1960; Friedman, 1962; Rand, 1964; Demsetz, 1967; Alchian and Demsetz, 1973; Nozick, 1974; Epstein, 1985, 1995; Buchanan, 1993; DeLong, 1997; North 1981, 1990; Pipes, 1999; Von Mises, 2002, De Soto, 2000; De Soto and Cheneval, 2006; Barzel, 1997, Knack and Keefer, 1995; Hall and Jones, 1999; Acemoglu et al. 2001, 2002, 2005; Johnson, McMillan and Woodruff, 2002; T. R. Machan, 2002; Easterly and Levine, 2003; Field and Torero, 2004; Rodrik et al. 2004; Galiani and Scharfrodsky, 2005; Sandefur, 2006; Paldam and Gundlach, 2007; Wang 2008; Feyrer and Sacerdote, 2009; Hansson, 2009; Besley and Ghatak, 2010; Waldron, 2012.

On the other hand, Ahlerup, Olsson and Yanagizawa (2009) added to the institution of property rights, social capital as a counterpart to achieve economic growth. This was also the case of Hall and Ahmad (2013) who used the World Values Survey's trust as a *proxy* for social capital and found that political institutions are important determinants of growth via property rights channel. Another important link of property rights is related to democracy, empowerment or corruption. In another study, Dong and Torgler (2011) provide theoretical and empirical evidence from 108 countries from 1995 through 2006, showing that the effects of democratization on the control of corruption depend on the protection of property rights and income equality, creating a virtuous circle.

The International Property Rights Index (IPRI), developed by the Alliance for Property Rights, has shown the significant and positive correlations of this indicator with different variables that inform about different aspects or dimensions of development (economic growth, liberties, human capacities, social capital, research and innovation and ecological performance), conceptualized in a broad and comprehensive way and with a multidimensional nature. The indicator has three components: the first one reviews the political-legal environment to assess the firmness of the rule of law in the country; the second considers the firmness of physical property rights and the third, the strength of intellectual property rights (Annex 1).

In its latest editions (2016 and 2017), IPRI reports that entrepreneurship was the variable with the highest correlation with the index, which emphasizes its relevance as a cornerstone of innovation, investment, production and economic growth. In the dimension of liberties, the [Networked Readiness Index](#), (developed by the World Economic Forum), which measures the propensity of countries to exploit the opportunities offered by information and communication technologies, was the variable that showed the highest correlation. Whilst, in the dimension of social capital, it was civic activism; and in the research and innovation dimension, it was the dedication of qualified human resources to this activity which presented the highest coefficients (Levy-Carciente, 2016a; Levy-Carciente, 2017).

Following this line of argument, it is not difficult to assume that relational factors of success are the named triangle of innovation (science-economy-society) and of knowledge (education-research-innovation). As always in complex systems, there is no simple or linear relationship among these elements and there is still much to develop.

It should be noted that information and knowledge have their own characteristics that make them distinctive from the rest of the physical goods, known and widely quoted in the markets, and therefore the property rights over them possess their particularities. It emphasizes their *non-rivalry of use*, which means that they can be used by multiple people and at different times without being exhausted thereby. Therefore, the allocation of intellectual property rights does not confer exclusive possession (as physical property rights), but rather of the benefits of their economic exploitation. This allows the generation of economic incentives for research and innovation. In the same way, it encourages ideas to be openly expressed and breaks with social secrecy, fostering the indirect effects of creativity (David and Foray, 2003). Or, as Hayek (1997) points out: in the case of material property, scarce goods are assigned for their best use; but in the case of ownership of intangible assets once accomplished (literary works or discoveries) can be easily and unlimitedly reproduced, so it will only be through the law that they will become scarce and their production will be encouraged.

It is noteworthy that this specific characteristic of *non-rivalry of use* and *non-exhaustion* opens space for criticism of intellectual property rights and their impugnation (Kinsella, 2008). In this

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regard, it is emphasized that the main ethical and social function of property rights is to prevent conflict over scarce resources, as Hoppe (1989, 235) points out:

"Only because scarcity exists is there even a problem of formulating moral laws; insofar as goods are superabundant ("free" goods), no conflict over the use of goods is possible and no action-coordination is needed. Hence, it follows that any ethic, correctly conceived, must be formulated as a theory of property, i.e., a theory of the assignment of rights of exclusive control over scarce means. Because only then does it become possible to avoid otherwise inescapable and unresolvable conflict."

Emphasis should be made that, since intellectual property is not equivalent to ownership of physical goods, its purpose is not equivalent either. The objective of respect for intellectual property is the promotion of incentives to stimulate creation, innovation and its dissemination.

Other criticisms of the intellectual property rights institution arise mainly when it refers to knowledge associated with the generation of health-related products, their impact on competition, as well as their price, and thereby their impact on the consumer or final beneficiary. In this regard, it is worth reiterating that the stimulus to innovation must be reviewed under a dynamic perspective of competition, which creates dynamic efficiency (creative capacity) and not static efficiency (under fixed technology). This dynamic approach shows not only the short-term impacts (ambiguous or inconclusive), but the medium and long term impacts, which are not limited to a reduction in prices over time as a result of increased production, but they also include the promotion of positive secondary effects on other social spheres such as education, research and innovation, and endogenous technology development.

The issue is complex, with multiple interactions and multidimensional dependence, so the controversy is not easy to settle and the need for research remains.

The World Intellectual Property Organization considers intellectual property over all creation of the human mind, whether inventions, literary works, works of art, symbols, names, images or designs used in trade (WIPO, 2010) and classifies it into two categories:

- Industrial property, including patents, utility models, trademarks, industrial designs and geographical indications of origin.
- Copyright, which includes literary works such as novels, poems and theatre performances, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include the rights of performers over their performances, those of producers of phonograms over their recordings, and those of broadcasting organizations over their radio and television programmes.

Most legal systems currently recognize three different types of intellectual property rights: trademarks, copyrights, and patents.

- A trademark is a word, name, symbol or device that is used in trade of merchandise to indicate the source of the goods and to distinguish them from others. A *service mark* is the same as a trademark, except that it identifies and distinguishes a service rather than a product.

- Copyright is a form of protection provided to authors of original works of authorship, including literary, dramatic, musical, artistic and intellectual works, whether published or unpublished
- A patent is the grant of ownership of an invention to its inventor. What is granted is not the right to make, use, offer for sale, sell or import, but the right to exclude others from making, using, offering for sale, selling or importing the invention.

In short, brands distinguish products or services; copyright applies to expressions and not to ideas, procedures or methods of operation, while patents apply to specific implementations of ideas. But in all cases we are talking about rights based on knowledge. There are other types of intellectual property rights: industrial designs and geographical indicators. An industrial design (industrial drawing or model) is similar to a brand known for its "distinctive image", the aesthetic aspect of an article (its shape, patterns, lines or colours). A geographical indication is a name or sign used in products that correspond to a specific geographical origin, acting as a quality certification.

Intellectual property has become a key element for the development of society in our time, hence the relevance of its evaluation and analysis by public policy makers to favour a comprehensive development of countries and achieve an improved standard of living for the people.

II. IMPORTANCE OF PROMOTING INTELLECTUAL PROPERTY IN LATIN AMERICA AND THE CARIBBEAN

Given that intellectual property is a key element for the development of societies in the era of knowledge, or the era of talent, it is crucial for a region such as Latin America and the Caribbean to identify the actions to be considered so that the 21st century allows it to vigorously leverage itself into the future and to improve the quality of life of its people.

A recent research by SELA highlights that, beyond the differences among nations versus the different types of intellectual property, the region evidences an improvement in its indicators showing, in turn, a series of positive relations with diverse economic variables such as exports of high technology and direct foreign investment. The positive relationship is clearly evidenced by institutional robustness and, likewise, the positive link between creativity and strengthening of property rights is noted, even though the region shows low levels in the invention coefficient, calculated as the relation between the patents applied for by the residents and the total population per one hundred thousand inhabitants (Levy-Carciente 2016b).

That work analyses the behaviour of different types of intellectual property in the region over the last decade. A reading from the sub-regional integration agreements shows that MERCOSUR has the greatest contribution – in absolute and relative terms – to regional intellectual property, followed in most types of intellectual property by the Pacific Alliance which, in turn, leads in most of the variables associated with intellectual property. Nevertheless, it is surpassed by the Andean Community of Nations in the importance to creativity; and in the critical perception to piracy by the Central American Common Market.

This positive evolution of intellectual property in the region stresses its importance in showing its links with development and social progress, highlighting the positive synergies that it generates: symbiosis among creativity, science and technology and strengthening of intellectual property, positive relationship between scientific publications and editorial production, links between economic conditions and intellectual property institutionalism, environments for motivating

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business development and economic innovation for intellectual property, positive association between industrial designs and economic complexity, virtuous complementarity of certain social conditions, such as inclusion, trust and interpersonal security and intellectual property.

Reaffirming these positive effects are the results of the study conducted by the International Trademark Association (INTA), the Inter-American Intellectual Property Association (ASIPI) and the Latin American Economic Research Foundation (FIEL) with figures from the World Intellectual Property Organization, which evaluated the impact of trademark registration in 2015 on the main items of the economies of five Latin American countries: Chile, Colombia, Mexico, Panama and Peru.

According to the analysis carried out in these five countries, the contributions are reflected in the value added of gross domestic product, employment, imports, exports and wages. The study considers the classes of brand-intensive products and services, which have a participation of employment between 8% and 26% in total employment, a participation of GDP between 10% and 21%, a contribution to international trade between 9% and 51%. The largest contribution to employment is shown by Mexico with 26%, as well as the largest contribution to its GDP (21%). Meanwhile, Peru shows the highest wage remuneration (21%) and Panama leads the effect on its exports and imports (75% and 78%, respectively).

TABLE 1
Contribution of trademark registrations to the economic activity in 2015 (%)

	Chile	Colombia	Mexico	Panama	Peru
Employment	20	13	26	13	8
GDP	15	20	21	16	10
Exports	14	9	9	75	5
Imports	19	51	13	78	21
Wage differential	4.6	14	20	20	21

Source: INTA-ASIPI-FIEL, 2015.

The positive effects of respect for intellectual property simultaneously oblige tackling of these violations or theft of intellectual property and, in this sense, phenomena such as the penetration of counterfeit or pirated products create a huge leakage in the global economy. Counterfeiting and piracy are forms of theft, as they involve the illegitimate acquisition and use of intellectual property. Therefore, their social economic costs are similar to any other type of theft. However, such theft is more profound and damaging, since it reduces the incentive and return of innovation, severely affecting knowledge-based economies and undermining social welfare (Frontier Economics, 2017).

TABLE 2
Contribution of trademark registrations to the economic activity (%)

Estimated	2013	2022 (projection)
Total international trade in counterfeit or pirated products	US\$ 461 billion	US\$ 991 billion
Total domestic production and consumption of counterfeit or pirated products	US\$ 249-456 billion	US\$ 524-959 billion
Digital piracy of films, music and software	US\$ 213 billion	US\$ 384-856 billion
<i>Digital piracy of films</i>	<i>US\$ 160 billion</i>	<i>US\$ 289-644 billion</i>
<i>Digital piracy of music</i>	<i>US\$ 29 billion</i>	<i>US\$ 53-117 billion</i>
<i>Digital piracy of software</i>	<i>US\$ 24 billion</i>	<i>US\$ 42-95 billion</i>
Total value of counterfeit and pirated products	US\$ 0.923-1.13 trillion	US\$ 1.90-2.81 trillion
Broader socio-economic costs		
<i>Displacement of legitimate economic activity</i>	US\$ 470-597 billion	US\$ 980-1244 billion
<i>Estimated reduction in foreign direct investment</i>	US\$ 111 billion	US\$ 231 billion
<i>Estimated fiscal losses</i>	US\$ 96-130 billion	US\$ 199-270 billion
<i>Cost estimates by crime</i>		
Total broader socio-economic costs	US\$ 737-898 billion	US\$ 1.54-1.84 trillion
Estimated losses in employment	2-2.6 million	4.2-5.4 million
Lost economic growth in OECD, 2017	US\$ 30-54 billion	

Source: Frontier Economics (2017), p 8.

In the aforementioned study, the scale of this "underground economy" continues to grow. By 2013, trade in fake or pirated goods was between US\$ 710 to 917 billion. Added to this, the global value of digital piracy in films, music and software, which totalled US\$ 213 billion. Among the costs associated with the effects of counterfeiting and piracy are: the displacement of legitimate economic activity, the reduction of tax revenues – with the subsequent impact on public services and the increase demanded from taxpayers – the reduction of foreign investment, and the costs associated with dealing with criminal activities. Likewise, a significant loss of formal employment was estimated: between 2 and 2.6 million in 2013 and some 4.2 - 5.4 million is projected by 2022 and a loss in economic growth of the OECD that ranges between US\$ 30 and 54 billion (Table 2).

On the other hand, Diaz (2008) analyses the possible repercussions of the free trade agreements between countries in the region and the United States in technological innovation, agricultural economics, digital economy and the pharmaceutical sector, concluding that the benefit will depend to a great extent on the legislative application of the treaties, public policies and also the dynamics of markets and business strategies. The author insists on the need for a set of rules and regulations that do not establish eternal and absolute property rights, but temporary and subject to a series of limitations and exceptions, and therefore urges to find the point of equilibrium between incentives for creation and innovation and the social interest of maximizing the dissemination of knowledge and benefiting consumers. He also emphasizes that the main challenge of the region is to move towards an economy based on knowledge and innovation, and that for this, public policies must be designed to stimulate research, technology transfer, training

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professionals of excellence, quality educational systems and maximize the public offer of information from public libraries and digital information centres (info-centres). The author stresses the importance of strengthening law enforcement and the need for measures to reduce piracy, while harmonizing the intellectual property system with the defence of competition and of creating incentives for creators and innovators with provisions to promote maximum dissemination of knowledge thus fostering socio-economic development of the countries of the region.

Concerned about the bilateral and regional international trade agreements that include provisions on the protection and enforcement of intellectual property rights, the Max Planck Institute for Intellectual Property and Competition Law (MPI) drafted in June 2013 the Principles for Intellectual Property Provisions in Bilateral and Regional Agreements,³ where institutional concerns are addressed by:

- The use of intellectual property provisions as a bargaining chip in international trade negotiations;
- The growing comprehensiveness and complexity of international intellectual property rules in bilateral and regional agreements;
- The lack of transparency and inclusiveness in the negotiating process; and
- The resulting imbalances that are often reflected in the respective intellectual property provisions negotiated on the bilateral or regional level.

The Latin American and Caribbean region plays a prominent role in the signing of these agreements that incorporate chapters on intellectual property, and experience seems to suggest that countries have experienced some difficulties in adapting their regulatory frameworks to the commitments of these agreements. Thus, important commercial interests are added to the objectives associated with the intellectual property protection system. Therefore, it is suggested to implement a set of guideline principles for the processes that feed on the lessons learned from different regional experiences (Roffe, 2013).

In another trend of thoughts, and considering the region's need to promote the export of patentable innovative technologies, the CAF-development bank of Latin America developed the Regional Initiative for Technology Patent for Development, producing a series of indicators that serve as a base line on the state of technological innovation of the countries of the region and to evaluate from there the impact of policies and strategies given. The hypothesis that guides the initiative is the existence of a close relationship between a technological innovation strategy based on international patents and the increase of high technology exports in the long term. As evidence of this relationship, the work is based on the South Korean case and maintains a comparative evaluation with this country (Atilano, Mercado and Casanova, 2015 and 2016).

The issue of intellectual property is a challenge for the Latin American and Caribbean region, hence the interest of various regional organizations to advance their understanding, show their evolution, analyse their interactions with different dimensions of development and naturally develop programs, projects and public policies that leverage the associated virtuous synergies. In this regard, global and regional multilateral organizations, as well as regional integration agreements, become fertile ground for critical dialogue, learning, strategy design and cooperation among Member States.

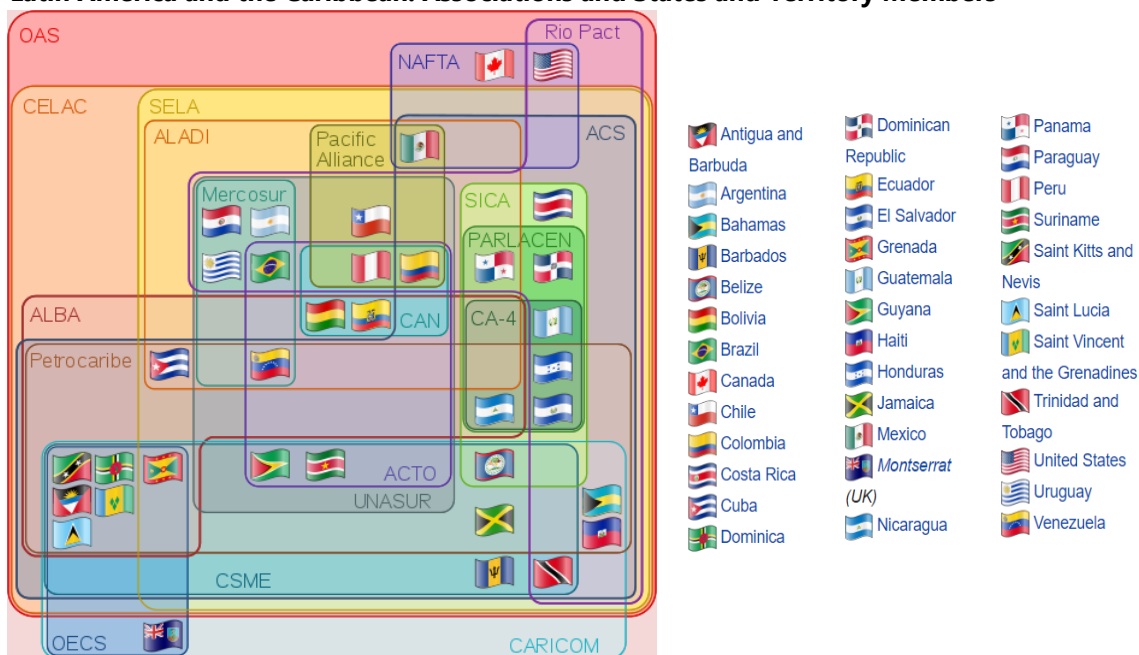
³http://www.ip.mpg.de/fileadmin/ipmpg/content/forschung_aktuell/06_principles_for_intellectua/principles_for_ip_provisions_in_bilateral_and_regional_agreements_final1.pdf Consulted on 30 April 2017.

III. LEGAL FRAMEWORK FOR PROTECTION OF INTELLECTUAL PROPERTY IN LATIN AMERICA AND THE CARIBBEAN

The objective of this section is to describe and compare the standards of different sub-regional integration groups and associations for protection of intellectual property. The interest of considering this item of analysis in the study lies in the importance that these groups have, either to serve as a forum for dialogue or exchange of successful experiences and therefore act as a learning space, or because, through the agreements, common policies are developed for the Member States and therefore act as a catalyst and facilitator of transformations. In this connection, the groups to be analysed are:

- a. Bolivarian Alliance for the Peoples of Our America – People’s Trade Treaty (ALBA-TCP)
- b. Pacific Alliance (PA)
- c. Association of Caribbean States (ACS)
- d. Latin American Integration Association (ALADI)
- e. Andean Community (CAN)
- f. Community of Latin American and Caribbean States (CELAC)
- g. Caribbean Community (CARICOM)
- h. Common Market of the South (MERCOSUR)
- i. Organization of Eastern Caribbean States (OECS)
- j. Central American Integration System (SICA)
- k. Amazon Cooperation Treaty Organization (ACTO)
- l. Latin American and Caribbean Economic System (SELA)
- m. Union of South American Nations (UNASUR)

CHART 1
Latin America and the Caribbean. Associations and States and Territory Members



Source: https://en.wikipedia.org/wiki/Association_of_Caribbean_States

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The different groups mentioned share members in a partial or total way, so it is interesting to consider the various crosses of these, as shown in Chart 1. The importance of this framework derives from possible accelerating effects of transformation that can impact the different countries and which, in turn, affect feedback to the different groups to which they belong and vice versa. The foregoing indicates that considering a specific topic such as the one in this research, intellectual property, normative and procedural transformations, tend to refer to regional associations as channels of efficient dissemination, with the possibility of fostering harmonic and complementary schemes.

a. Bolivarian Alliance for the Peoples of Our America – People’s Trade Treaty (ALBA-TCP)⁴

Date of creation: December 14, 2004 through the Agreement to implement the ALBA signed at the First Summit in Havana, Cuba. Members: Venezuela, Cuba, Bolivia, Nicaragua, Dominica, Ecuador, Saint Vincent and the Grenadines, Antigua and Barbuda, Saint Lucia, Saint Kitts and Nevis, and Grenada. It is an integration platform for the countries of Latin America and the Caribbean whose principles are solidarity, complementarity, justice and cooperation and expressly excludes mercantilist criteria or interests seeking corporate profit or national benefit. This Alliance has a structure for the discussion of the subject matter of this research, namely:

- Presidential Council, Heads of State and/or Government’s body and the highest instance of deliberation, decision and political orientation of the Alliance;
- Social Council, composed of the Ministers of the social areas in the different member countries of the Alliance;
- Economic Council, composed of the Ministers designated by each member country in the fields of industries, economy, finance, trade, planning and development and relies on 10 subordinate working groups: Energy Integration, Food Safety and Sovereignty, Commercial Complementarity, Technological Sovereignty, Industrial and Productive Complementarity, New Regional Financial Architecture, Tourism, Infrastructure and Transport, Doctrine of Industrial Property, and Dispute Settlement;
- Political Council, made up of the Ministers of Foreign Affairs of each member country; among others.

At the II Meeting of the Complementation Council on 16 October 2009, approval was given to incorporate a paragraph on Industrial Property in the Declaration of the VII Summit. Thus, among the measures agreed upon, the Heads of State and Government of the member countries of ALBA-TCP, are: "(...) 26. *Broadly supported the performance of the ALBA-TCP Working Group for the revision of the Doctrine of Industrial Property and approved the proposed extension of the Working Group’s study by incorporating the issue of Intellectual Property in the horizon of a model of social appropriation of knowledge for overcoming the limitations imposed by the international intellectual property system in the production of goods that are essential for life*".

At the III Meeting of the Economic Council in December 2009, it was proposed that, at the 1st. Meeting of the Working Group in 2010, the analysis of the topics of doctrine in this area of Intellectual Property shall be included.

⁴ <http://alba-tcp.org/content/alba-tcp> Consulted on 10 April 2017.

b. Pacific Alliance (PA)⁵

Date of Creation: 28 April 2011, through the Presidential Declaration of Lima. Members: Chile, Colombia, Mexico and Peru. Candidates: Costa Rica and Panama. Regional integration initiative created with the objective of building an area of deep integration to facilitate the free movement of goods, services, capital, people and economy; boosting further growth and economic development, and becoming a platform for political articulation and economic and trade integration.

Articles 5 and 6 of the Pacific Alliance Framework Agreement expressly state that agreements established by the Council of Ministers and other agreements adopted within the framework of the Pacific Alliance will have different treatment and, in some cases, be an integral part of the legal framework of the Alliance.

On the other hand, the Pacific Alliance has working groups focused on certain topics. In the specific case of Intellectual Property, mandated by the Joint Presidential Declaration of 23 May 2013, it was entrusted *"to prepare and implement a work plan with joint and specific cooperation actions between intellectual property offices for the purpose of sharing experiences and extend collaboration and links..."* for which they have been divided into: Copyright, Industrial Property and Transversal Aspects.

The Pacific Alliance Working Group has focused on the pilot program of the "Accelerated Patent Procedure" and has issued guidelines and standards that involve the Mexican Institute of Industrial Property; the Superintendence of Industry and Commerce of the Republic of Colombia; the National Institute of Industrial Property of the Republic of Chile and the National Institute for the Defence of Competition and Protection of Intellectual Property of the Republic of Peru.

c. Association of Caribbean States (ACS)⁶

Date of creation: 24 July 1994 in Cartagena de Indias, Colombia, through the Constitutive Agreement signed in that city. Member States: Antigua and Barbuda, The Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Mexico, Jamaica, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and Venezuela. Associate Members: Aruba, Curacao, Dutch Caribbean, Guadeloupe, French Guiana, Martinique, St. Bartholomew, St. Martin, St. Maarten, Turks and Caicos Islands.

The Association of Caribbean States does not have a parliamentary body, while its structure includes a Ministerial Council, an Executive Board, Special Committees and the Secretariat. For the implementation of its objectives, the Association has Focal Areas developed by work programmes. For the purpose of this research, it is worth considering the objectives of the work programme in the focal area of trade, namely: reduce and gradually eliminate barriers to trade and investment in the Greater Caribbean; promote the debate on special and differential treatment of small economies in the Greater Caribbean; promote and encourage trade relations in the Greater Caribbean and promote and encourage international trade negotiations and training in trade issues.

⁵ <http://alianzadelpacifico.net> Consulted on 10 April 2017.

⁶ www.aces-aec.org Consulted on 10 April 2017.

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d. Latin American Integration Association (ALADI)⁷

Date of creation: 12 August 1980 through the Montevideo Treaty. Member Countries: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela. The Montevideo Treaty is the constitutive and regulatory legal framework for this integration group. ALADI allows sub-regional, plurilateral and bilateral integration agreements, thus serving as an institutional and normative framework for regional integration.

Although in a smaller scope of application, the Free Trade Agreement⁸ between the Republic of Colombia and the United Mexican States, in its Chapter XVIII, presents a similar structure to the Decisions of the Andean Community of Nations. This Treaty develops copyright and related rights, industrial property (trademarks, appellations of origin and geographical indications, undisclosed information, patents, industrial property, plant variety protection).

As a plurilateral Treaty, the general principles are intended (i) to establish in case of advantage, privilege or immunity that a party grants to the holder of intellectual property rights of a country, they shall be immediately granted to the owners of the other country Parties, and (ii) that the legislation of each Party may grant extensive protection if this is not incompatible with the Treaty or other international agreements.

e. Andean Community of Nations (CAN)

Date of creation: 26 May 1969 with the signing of the Cartagena Agreement. Members: Bolivia, Colombia, Ecuador and Peru. Until 2007, Venezuela was also part of this integration system. CAN has a well-developed organizational structure, comprising organizations and institutions articulated in the Andean Integration System (AIS), namely:

- the Andean Presidential Council which provides the political leadership of CAN;
- the Andean Council of Foreign Ministers which formulates foreign policy of the Andean countries in matters related to integration;
- the Commission which formulates, implements and evaluates the integration policy on trade and investment issues and generates rules and mandatory compliance;
- the General Secretariat which administers and coordinates the integration process; and
- the Andean Court of Justice which controls the legality of Acts from all the AIS organizations and institutions, and resolves disputes among member countries, among citizens or among countries and citizens upon breaching of agreements accepted within the framework of CAN.

The IP regulations are grouped in the following decisions by the Commission:

- Decision 486 (September 2000): Establishing the Common Industrial Property Regime that regulates the granting of trademarks and patents and protects industrial secrets and appellations of origin, among others. This decision, adopted in the year 2000, provides for better protection of intellectual property rights (addressing specific aspects regarding patents for inventions, industrial designs, trademarks, appellations of origin and unfair competition linked to industrial property, among others); and establishes more prompt and

⁷ www.aladi.org. Consulted on 10 April 2017.

⁸ Venezuela withdrew from this Treaty, known as the G-3, in 2006.

transparent procedures for trademark registrations and the granting of patents. As in the case of the Pacific Alliance and ALADI, this decision by CAN includes clauses such as national treatment and the most-favoured-nation treatment.

- Decision 391 (July 1996): Establishing the Common Regime on Access to Genetic Resources and expressly recognizing the rights of native, Afro-American and local communities over their knowledge, innovations and traditional practices associated with genetic resources and their by-products.
- Decision 351 (December 1993): Establishing the Common Regime on Copyright and Related Rights, recognizes an adequate protection to authors and other owners of rights in intellectual works, in the literary, artistic or scientific field, whatever their nature or form of expression and regardless of their literary or artistic merit or purpose.
- Decision 345 (October, 1993): Establishing the Common Regime on the Protection of the Rights of Breeders, protects new plant varieties obtained by plant breeders.

f. Community of Latin American and Caribbean States (CELAC)⁹

Date of creation: 2 and 3 December 2011 during the III Latin America and the Caribbean Summit on Integration and Development and the XXII Summit of the Rio Group through the Caracas Declaration. Members: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Saint Kitts and Nevis, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Dominica, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

CELAC is an intergovernmental mechanism for dialogue and political agreement that includes the 33 countries of Latin America and the Caribbean. It seeks to complement the existing regional architecture on the basis of non-duplication of efforts, in order to strengthen common elements and promote complementarity, so that its areas of work are dialogue and political agreement; work on the basis of consensus; and facilitate a greater presence of the region in the world. To date, it does not have guidelines directly linked to intellectual property.

g. Caribbean Community (CARICOM)¹⁰

Date of creation: 4 July 1973 through the Treaty of Chaguaramas. Member States: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago. Associated States: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Turks and Caicos Islands. CARICOM comprises states that are considered developing countries and, with the exception of Belize, in Central America and Guyana and Suriname in South America, all Member States and Associate Members are island states, with great diversity in geography, population and economic and social development.

With regard to intellectual property, it is expressly regulated in Article 66 of the Treaty of Chaguaramas, in which its Council for Trade and Economic Development (COTED) shall be responsible for promoting the protection of intellectual property rights within the Community by:¹¹

⁹ <https://celac.cancilleria.gob.ec/> Consulted on 10 April 2017.

¹⁰ www.caricom.org Consulted on 10 April 2017.

¹¹ http://caricom.org/documents/11109-treaty_caricom_2-spanish.pdf Consulted on 10 April 2017.

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- the strengthening of regimes for the protection of intellectual property rights and the simplification of registration procedures in the Member States;
- the establishment of a regional administration for intellectual property rights, except copyright;
- the identification and establishment, by Member States of mechanisms to ensure:
 - the use of protected works for the enhanced benefit of the Member States;
 - the preservation of indigenous Caribbean culture; and
 - the legal protection of the expressions of folklore, other traditional knowledge and national heritage, particularly of indigenous populations in the Community;
- increased dissemination of use of patent documentation as a source of technological information;
- public education;
- measures to prevent the abuse of intellectual property rights by rights-holders or the resort to practices which unreasonably restrain trade or adversely affect the international transfer of technology; and
- participation by the Member States in international regimes for the protection of intellectual property rights.

It is worth noting that CARICOM explicitly recognizes intellectual property, but its regulation is limited since, for example, it does not include some forms of intellectual property such as integrated circuits.

h. Common Market of the South (MERCOSUR)¹²

Date of creation: 26 March 1991 by the Treaty of Asuncion. Member States: Argentina, Brazil, Paraguay, Uruguay and Venezuela. Bolivia is in the process of accession. Associate States: Chile, Colombia, Ecuador, Guyana, Peru and Suriname. Observers: Mexico and New Zealand. It is a regional integration scheme initially established by Argentina, Brazil, Paraguay and Uruguay, in which Venezuela and Bolivia have been incorporated, the latter is in the process of accession and, Venezuela is under suspension since December 2016 because of the lack of adaptation of its laws, as promised in 2012.¹³

As established in the "Protocol of Ouro Preto", the intergovernmental decision making bodies of MERCOSUR are: the Common Market Council, the Common Market Group and the Trade Commission.

MERCOSUR has clear regulations regarding intellectual property: Act N°912/1996 that approves the Protocol of Harmonization of Intellectual Property Rules in MERCOSUR, in regard to Trademarks, Indications of Origin and Appellations of Origin. The integration agreement has clauses of national treatment (it extends a treatment no less favourable than the one given to their own nationals to the nationals of the other State Parties) and clear rules aimed at easing the registration procedure of trademarks such as the exemption of legalization or presentation of certified translations. The treatment given to trademarks is similar to the one practiced by CAN and turns out to be in line with the international agreements on this matter.

¹² <http://www.mercosur.int/innovaportal/v/3862/2/innova.front/en-pocas-palabras> Consulted on 10 April 2017.

¹³ http://www.el-nacional.com/noticias/latinoamerica/venezuela-fuera-del-mercosur_85077 and http://www.eluniversal.com/noticias/politica/mercosur-cronologia-una-crisis_433046, Consulted on 10 April 2017.

i. Organization of Eastern Caribbean States (OECS)¹⁴

Date of creation: July 18, 1981. Founding members: Antigua and Barbuda, the Commonwealth of Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. Associate members: Anguilla, the Virgin Islands and Martinique.

It is an intergovernmental organization whose main objectives are the following: to support regional economic integration, foster economic cooperation between member countries, harmonize fiscal and monetary policies, develop strategic sectors of the member countries (energy, tourism, agriculture, among others) and develop a common approach to environment, health, and regional foreign trade. As in other integration agreements, there is no evidence of legislation directly linked with intellectual property protection; however, its objectives do not collide with this.

j. Central American Integration System (SICA)¹⁵

The Organization of Central American States (ODECA) was established on 14 October 1951 by the Letter of San Salvador, and revised in 1965 (Letter of Panama). Members: Costa Rica, Guatemala, Honduras, Nicaragua, El Salvador, Belize, Panama and the Dominican Republic. It is a regional organization created with the aim of promoting cooperation and integration between its member countries. In 1960, ODECA created the Central American Common Market (CACM) with the aim of establishing a customs union, and in 1991 the Central American Integration System (SICA). The Central American Common Market (CACM) is regulated by the General Treaty on Central American Economic Integration, signed in 1960, and its modifying protocols.

There are subjects addressed in this Treaty such as: the Central American common market, exchange regime, export subsidies and unfair trade, transit and transport, construction companies, industrial integration, economic integration Central American bank, fiscal incentives for industrial development, organizations. As in other integration processes, a direct regulation on intellectual property is not observed, but the other subjects addressed would eventually allow for its development.

Whereof the Central American Integration System (SICA) was established in 1991 by the signing of the Protocol to the Letter of the Organization of Central American States (ODECA), which reformed the Letter of ODECA, originally signed in San Salvador in 1951. SICA is the institutional framework of the Central American integration created by the States of: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.¹⁶ Afterwards, Belize and the Dominican Republic adhered as full members. SICA is linked by dialogue and cooperation bonds with the Organization of American States (OAS), CAN, MERCOSUR, CARICOM, ACS and the EU among other cooperation or integration schemes at regional and world level. We precisely highlight this scheme because these bonds of dialogue and cooperation are at first focused on consolidating Central America as a region of peace, democracy, freedom and development.

¹⁴ <http://www.oecs.org/>, Consulta: 10/4/2017 Consulted on 10 April 2017.

¹⁵ <http://www.oas.org/>, Consulta: 10/4/2017 Consulted on 10 April 2017.

¹⁶ In accordance with Article 1 of the Tegucigalpa Protocol to the Letter of the Organization of Central American States, Panama is incorporated as a Member State. Such article indicates literally the following: "Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama are an economic and political community that aspires to the integration of Central America. Purposefully, the *CENTRAL AMERICAN INTEGRATION SYSTEM* is established, formed by the original Member States of ODECA and Panama that is incorporated as Member State" (www.sice.oas.org).

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In the area of intellectual property, it should be highlighted the Protocol to the Central American Agreement for Industrial Property Protection signed in 1999 (trademarks, trade names and advertising expressions or signs) that repealed the Central American Agreement for Industrial Property Protection (trademarks, trade names and advertising expressions or signs) of 1975, by cause of including *"dispositions that are inconsistent with the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in the areas of trademarks and other distinctive signs"*.¹⁷

k. Amazon Cooperation Treaty Organization (ACTO)¹⁸

Date of creation: 3 July 1978 by the Amazon Cooperation Treaty (ACT). Member countries: Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and Venezuela. The ACT recognizes the Amazonia cross-border nature and it would be with the approval of the Protocol of Amendment to the ACT that it was officially established the Amazon Cooperation Treaty Organization (ACTO) as a mechanism responsible for improving and strengthening the cooperation process developed within the scope of the Treaty.

Up to this date it does not have any legislation that directly regulates intellectual property, however, its work programmes intended for increasing scientific and technological research, information exchange, cultural heritage preservation, and health care deserve their attention, as it happens in CARICOM.

l. Union of South American Nations (UNASUR)¹⁹

Date of creation: December 8, 2004. Member States: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela. At first it was created as the South American Community of Nations in 2004, and it was called later Union of South American Nations (UNASUR), aimed at integrating regional processes carried out by MERCOSUR and CAN. In words of some experts about this new scheme, UNASUR would even tried to correct the deficiencies in MERSOCUR and CAN, and at the same time, take advantage of the achievements made by these processes (Pulgar, 2007).

Whereas the purpose of UNASUR is to integrate regional processes, up to date it has tended to favour work schemes with an emphasis on dialogue and coordination rather than development of specific regulations or legislation, which is similar in its approach to SICA or SELA.

¹⁷ <http://www.wipo.int/edocs/lexdocs/laws/es/cr/cr011es.pdf>, Consulted on 16 June 2017.

¹⁸ <http://www.otca.info/portal/tratado-coop-amazonica.php?p=otca>, Consulted on 10 April 2017.

<http://www.unasursg.org/es/documentos-normativos-unasur>, Consulted on 10 April 2017.

TABLE 3
Latin America and the Caribbean. Groups and Member States

Group	Member States	Associate States	Observers or other condition
Bolivarian Alliance for the Peoples of Our America – People’s Trade Agreement (ALBA-TPC)	Venezuela, Cuba, Nicaragua, Dominica, Ecuador, St. Vincent and the Grenadines, Antigua and Barbuda, St. Lucia, St. Kitts and Nevis, and Grenada		
Pacific Alliance (PA)	Chile, Colombia, Mexico and Peru		
Association of Eastern Caribbean States (AECS)	Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Mexico, Jamaica, Nicaragua, Panama, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, and Venezuela	Aruba, Curaçao, Dutch Caribbean, Guadeloupe, French Guiana, Martinique, Saint Barthélemy, Saint Martin, Sint Maarten, Turks and Caicos Islands	
Latin American Integration Association (ALADI)	Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela		
Andean Community (CAN)	Bolivia, Colombia, Ecuador and Peru		
Community of Latin American and Caribbean States (CELAC)	Antigua y Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, St. Kitts and Nevis, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Dominica, St. Vincent and the Grenadines, St. Lucia, Suriname, Trinidad and Tobago, Uruguay and Venezuela		
Caribbean Community (CARICOM)	Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago	Anguilla, Bermuda, UK Virgin Islands, Cayman Islands, Turks and Caicos	
Common Market of the South (MERCOSUR)	Argentina, Brazil, Paraguay and Uruguay; Bolivia is in the process of adhesion.	Chile, Colombia, Ecuador, Guyana, Peru and Suriname	Mexico and New Zealand (Observers)
Organization of Eastern Caribbean States (OECS)	Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines		
Central American Integration System (SICA)	Costa Rica, Guatemala, Honduras, Nicaragua, El Salvador, Belize and Dominican Republic		
Amazon Cooperation Treaty Organization (ACTO)	Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and Venezuela		
Latin American and Caribbean Economic System (SELA)	Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname, Trinidad and Tobago, Uruguay and Venezuela		
Union of South American Nations (UNASUR)	Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela		

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m. Latin American and Caribbean Economic System (SELA)²⁰

Date of creation: October 17, 1975 by the [Panama Convention establishing SELA](#). Member states: Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

SELA is an inter-governmental regional organization formed by 26 countries of Latin America and the Caribbean, aimed mainly at promoting a consultation and coordination system to harmonize common positions and strategies of Latin America and the Caribbean in economic areas before countries, groups of countries, forums and international organizations and, drive cooperation and integration between countries of Latin America and the Caribbean.

SELA, like SICA, is not a regional integration agreement, but rather a forum that favours the exchange of experiences and the promotion of policies that can be harnessed to address among others the subject of intellectual property.

Common points among regulatory frameworks

In order to verify effective common points among the legislations of the different integration agreements and thus to also identify spaces for possible cooperation or conflict, it is very important to recognize in each of the different Member States' legal systems both the importance given to treaties resulting from the integration processes, as well as the express recognition of private property in all its manifestations, including intellectual property.

With respect to the constitutional treatment given to the various agreements, it should be highlighted: i) the attribution of some powers to supranational bodies, for example, as it would be the case with parliamentary powers to bodies such as the CAN Commission and even, ii) the direct and preferential application of the international treaties with respect to national legislation.

Colombia²¹ is an example of the recognition of supranational organizations and the attribution of powers to such bodies, as stated in its Constitution:

"Article 150. It corresponds to the Congress to make the laws. It exerts through them the following functions:

(...) 16. To approve or disapprove the treaties that the Government concluded with other States or international law entities. By means of these treaties the State may, on the basis of equity, reciprocity and national convenience, transfer partially certain attributions to international organizations, that aimed to promote or consolidate economic integration with other States."

Article 227. The State shall promote the economic, social and political integration with the other nations and, especially, with the Latin American and Caribbean countries through the conclusion of treaties, that on the bases of equity, equality and reciprocity, create supranational organizations even to form a Latin American community of

²⁰<http://www.sela.org/es/que-es-el-sela/>, Consulted on 10 April 2017.

²¹[https://www.procuraduria.gov.co/guiamp/media/file/Macroproceso%20Disciplinario/Constitucion Politica de Colombia.htm](https://www.procuraduria.gov.co/guiamp/media/file/Macroproceso%20Disciplinario/Constitucion%20Politica%20de%20Colombia.htm), Consulted on 29 April 2017.

nations. The law may establish direct elections for the establishment of the Andean Parliament and Latin American Parliament."

Article 153 of the Venezuelan Constitution²² is a good example that brings together not only the recognition of the supranational bodies but also the direct and preferential application principle:

Article 153. The Republic shall promote the Latin American and Caribbean integration, for the sake of the creation of a community of nations, defending the economic, social, cultural, political and environmental interests of the region. The Republic may sign international treaties that combine and coordinate efforts to promote the common development of our nations, and assure the welfare of the peoples and the collective safety of its inhabitants. For these purposes, the Republic may assign to supranational organizations, through treaties, the exercise of the necessary responsibilities to carry out these integration processes. Within the policies of integration and union with Latin America and the Caribbean, the Republic shall favour Ibero-America, striving for a common policy of all our Latin America. The rules adopted within the framework of the integration agreements shall be considered an integral part of the legal system in force, and of direct and preferential application to domestic legislation."

This is a situation that is present almost in all the regulatory frameworks of the SELA Member States.

It should also be noted that, although the constitutional regulations of the Caribbean countries provide for economic integration, there may not expressly establish the direct and preferential application principle or delegate legislative powers.

Likewise, Cuba should again be given special consideration for this matter by not providing any clause referred to economic integration in its Constitution.

On the other hand, in regard to the constitutional treatment of property rights, being an essential right, it is contained in almost all the Constitutions. However, differences are observed between the Magna Cartas, being that in some there is express recognition of the right to intellectual property (see Table 4). Here are some examples:

Antigua and Barbuda²³ does not expressly recognize intellectual property, but it is deduced from the recognition of the private property in the following terms:

"Article 3. Whereas every person in Antigua and Barbuda is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, regardless of race, place of origin, political opinions or affiliations, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:

a. *Life, liberty, security of the person, the enjoyment of property and the protection of the law;...*"

Argentina²⁴ refers expressly to intellectual property:

²²<http://www.mp.gob.ve/LEYES/constitucion1.html>, Consulted on 29 April 2017.

²³<http://pdba.georgetown.edu/Constitutions/Antigua/antigua-barbuda.html>, Consulted on 6 May 2017.

²⁴<http://www.casarsoda.gob.ar/images/stories/constitucion-nacional-argentina.pdf>, Consulted on 29 April 2017.

"Article 17. The property is inviolable, and no inhabitant of the Nation can be deprived of it, but by virtue of sentenced based on the law. Expropriation because of public utility must be qualified by law and previously indemnified. Only Congress imposes the contributions expressed in Article 4. No personal service is enforceable, but by virtue of law or sentence based on law. Every author or inventor is the exclusive owner of his work, invention or discovery, for the term agreed by law. The confiscation of property is forever erased from the Argentinean Penal Code. No armed body can make requisitions, nor demand any aid of any kind."

Bolivia,²⁵ recognizes private property without entering into the specification of intellectual property:

"Article 56. I. Everyone has the right to individual or collective private property, provided that it fulfils a social function. II. Private property is guaranteed provided that the use made of it is not detrimental to the collective interest. III. The right to inheritance is guaranteed."

Article 57. Expropriation shall be imposed because of necessity or public utility, qualified according to the law and after a previous fair compensation. Urban real state is not subject to reversion."

The Constitutions of Antigua and Barbuda, Barbados, Belize, Saint Vincent and the Grenadines, and Suriname are similarly expressed.

Brazil: in its 1988 Constitution, in Chapter I. On Individual and Collective Rights and Duties in different numerals of its Article 5, abounds in the subject:²⁶

(...) 22. the right to property is guaranteed; XXIII private property shall serve its social function; XXIV the law shall establish the procedures for the expropriation because of necessity or public utility, or by social interest, by fair and prior indemnification in money, except for the cases foreseen in this Constitution;

(...) 25. the authors have exclusive right of use, publication and reproduction of their works, being transferable to the heirs for the time determined by law.

26. the law shall ensure to the authors of industrial inventions the temporary privilege for its use, as well as the protection of industrial creations, of trademark property, company names and other distinctive names, taking into account the social interest and the economic development of the country;

27. there are ensured, in the terms of the law:

- a. the protection of the individual participations in collective works and of the human image and voice reproduction, even in sport activities;*
- b. the right of the creators, the performers and the respective trade unions and associative representations of control over the economic use of the works that they create or in which participate;*

²⁵https://www.oas.org/dil/esp/Constitucion_Bolivia.pdf, Consulted on 29 April 2017.

²⁶<http://pdpa.georgetown.edu/Constitutions/Brazil/esp88.html#mozTocId519886> Consulted on 10 April 2017.

28. the law shall ensure that the authors of industrial inventions have the temporary privilege for their use, as well as the protection of industrial creations, trademark property, company names and other distinctive signs, taking into account the social interest and the economic development of the country.

Chile²⁷ is even clear in the types of intellectual property:

"Article 19: The Constitution ensures that everyone has: (...)

25. The freedom to create and disseminate the arts, as well as copyright over his intellectual and artistic creations of any kind, for the time determined by law and which shall not be shorter than the life of the holder.

Copyright comprises the ownership of the works and other rights, such as paternity, edition and integrity of the work, all in accordance with the law.

Industrial property over patents, trademarks, models, technological processes or other similar creations are also guaranteed for the period of time established by law."

Haiti²⁸ expressly recognizes intellectual property, although concisely, by establishing in Article 38 the following:

"Scientific, literary and artistic property is protected by law."

Panamá²⁹ is another country that expressly recognizes intellectual property in its Constitution by consecrating in Article 53:

"Every author, artist or inventor enjoys the exclusive property of his work or invention, during the time and in the form establish by law."

Peru³⁰ recognizes intellectual property starting from the rights to its creation:

"Article 2.- Fundamental rights of the person. Everyone has the right:

(...)8. To freedom of intellectual, artistic, technical and scientific creation, as well as to the property of such creations and their product. The State facilitates the access to culture and encourages its development and dissemination.

(...)16. To property and to inheritance."

Article 70.- Inviolability of the property rights, The right to ownership is inviolable. The State guarantees it. It is exercised in harmony with the common good and within the limits of the law. No one may deprive himself of his property except, exclusively, because of national security or public necessity, declared by law, and after payment in cash of a compensated indemnification that includes compensation for any injury. There is action before the Judiciary to contest the value of the property that the State had indicated in the expropriation procedure."

Likewise, in regard to the recognition of intellectual property, with a considerable or little detail, there are the Constitutions of Costa Rica, Ecuador, Haiti, Mexico and the Dominican Republic.

²⁷ <http://www.propiedadintelectual.cl/623/w3-propertyvalue-40400.html>, Consulted on 29 April 2017.

²⁸ http://www.wipo.int/wipolex/es/text.jsp?file_id=217597, Consulted on 6 May 2017.

²⁹ http://www.wipo.int/wipolex/es/text.jsp?file_id=189352, Consulted on 6 May 2017.

³⁰ <http://www.wipo.int/edocs/lexdocs/laws/es/pe/pe035es.pdf>, Consulted on 12 April 2017.

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The Constitution of Cuba³¹ deserves a special mention in which, on the one hand, *"the system of economy based on the socialist property of all the people over the fundamental means of production"* is consecrated, and on the other hand, property is not erected as a right but as a recognition of the State in certain cases such as that of the small farmers over the lands that legally belong to them and other real estate and chattel that are necessary for the exploitation to which they are engaged.

Such constitutional recognition of the private property and intellectual property, expressly or not (Table 4), has in most countries its development in a specific law on intellectual property.

The case of Cuba³² that again deserves a special mention has: the Copyright Law; the [Decree-Law No. 291 on the Protection of Plant Varieties](#); the [Decree-Law No. 292 on Integrated Circuits Layout Designs](#); the [Decree-Law No. 290 on Inventions and Industrial Drawings and Models](#); the [Decree-Law No. 228 of the Geographic Indications](#); [Decree-Law No. 203 of Trademarks and other Distinctive Signs](#); among others directly linked with the registration procedure. Beyond the above, the respect and guarantee of property is politically and ideologically conditioned. For example: in the Copyright Law, although its aim is to offer due protection of copyright, it is made according *"with the interests, objectives and principles of our Socialist Revolution"* (Article 1) and *"subordinated to the higher interest that imposes the social necessity for the broadest dissemination of science, technology, education and culture in general"* (Article 3).

However, regarding the integration associations and agreements and their treatment of intellectual property, they can be grouped as follows:

- i. With express regulations on intellectual property. Such as ALADI, CAN, and MERCOSUR. In addition to having an organization that facilitates the creation of legislations aimed at regulating intellectual property and its protection mechanisms, such legislations are abundant and innovative, especially in the case of CAN.
- ii. Without express regulations on intellectual property, but with spaces for work programmes with a significant development. Such as the Pacific Alliance. In fact, spaces for effective cooperation can be identified in some of the initiatives in which there are focused, namely: cultural promotion and improvement in the competitiveness and innovation of the micro, small and medium-sized enterprises. In this same group the Association of Caribbean States is included, it presents work programmes similar to those of the Pacific Alliance that has a pilot programme, whose final assessment shall be possible in 2019 when it ends.
- iii. Neither express regulations on intellectual property, nor work programmes with significant development. ALBA-TCP foresees working groups related with intellectual property, although it has only held, in October 2009, a meeting of the Complementation Council in which it was approved the incorporation of a paragraph on industrial property and, in December 2009, a meeting of the Economic Council to include in the future the analysis of the topics of doctrine in this sphere of intellectual property. Similarly, the Central American Common Market in which there are neither express regulations, nor work programmes. However, the topics of interest of the Treaty that gave rise to this grouping could eventually pave the way for intellectual property protection within the framework of this Market, as

³¹<http://www.cuba.cu/gobierno/cuba.htm>, Consulted on 29 April 2017.

³²http://www.wipo.int/wipolex/es/text.jsp?file_id=406064, Consulted on 6 May 2017.

there are not overlapping or colliding regulations, which would facilitate points of encounter between integration schemes.

- iv. Associations that could contribute with intellectual property protection through the promotion and boost of consultation and coordination mechanisms. There are located in this group: UNASUR, SICA, and SELA.

It is considered that the common points of encounter are not only limited to the correspondence or harmony between regulations of different integration schemes, but also to the real possibility of carrying out these regulations in favour of intellectual property in each one of the Member States.

TABLE 4
Consecration of the Right to Property in the Constitutions

	Private Property	Intellectual Property	Does not foresee private property
Antigua and Barbuda	X		
Argentina	X	X	
Bahamas	X		
Barbados	X		
Belize	X		
Bolivia	X	X	
Brazil	X	X	
Chile	X	X	
Colombia	X	X	
Costa Rica	X	X	
Cuba			X
Dominica	X		
Ecuador	X	X	
El Salvador			
Grenada	X		
Guatemala	X	X	
Guyana	X		
Haiti	X	X	
Honduras	X	X	
Jamaica	X		
Bahamas	X		
Mexico	X	X	
Montserrat			
Nicaragua	X	X	
Panama	X	X	
Paraguay	X	X	
Paraguay	X	X	
Peru	X	X	
Dominican Republic	X	X	
St. Kitts and Nevis	X		
St. Lucia	X		
St. Vincent and the Grenadines	X		
Suriname	X		
Trinidad and Tobago	X		
Uruguay	X	X	
Venezuela	X	X	

Source: Prepared by the author.

IV. GENERAL ASSESSMENT OF REGULATIONS AND PROCEDURAL INITIATIVES ON INTELLECTUAL PROPERTY IN LATIN AMERICA AND THE CARIBBEAN

Every integration process is confronted with the challenges of consolidating community institutions that effectively carry out the compromises made, to bridge the gaps between the politically reached compromises and their practical application in each of the countries with its own characteristics; and finally, to overcome the institutional weakness inherent to the region that is identified in areas such as dispute resolution or physical infrastructure, among others.

In order to overcome these challenges, each country establish in its constitution with higher or lower intensity, as it was shown in the previous section: (i) the total or partial transfer of legislative powers to the bodies belonging to the various integration processes and (ii) the principle of preferential and direct application of the community legislation.

With respect to intellectual property protection, there are additional challenges, given the traditional tension between creating the incentives to stimulate creation and innovation, and maximizing dissemination of knowledge for the benefit of citizens. Therefore, considering that most legal systems recognized three types of intellectual property rights, namely: trademarks, copyright and patents, differences and similarities are identified next, according to the treatment received from integration agreements, countries and by areas.

It should be noted that although most legal systems recognize these three types of intellectual property rights, the incorporation of other types would provide a more effective protection. An example is what is present in the CAN regulations that include other categories, such as utility models (small invention patents), integrated circuit schematic diagrams and industrial designs. This extension is a sample of the huge current possibilities of intellectual property protection and how the legislation gradually adapts to the new technologies and demands of the modern times.

In the more traditional types of intellectual property – trademark, copyright and patents – there is consensus regarding the details presented in their definition in most integration agreements existing in the region of Latin America and the Caribbean. Some regulatory examples that show this are presented below:

In the area of trademarks, the Andean Community, ALADI and MERCOSUR regulations coincide in recognizing broadly that a trademark may be any sign that is appropriate, i.e. visibly noticeable; it is not only limited to products but also to services and that the nature of the product or service will not be an obstacle for their registration, what is intrinsic to economic freedom. This is made clear when reviewing the articles of the legislation, namely:

Decision 486 (CAN): Article 134. "For the purposes of this scheme, any sign suitable for distinguishing products or services in the market shall constitute a trademark. Signs that can be graphically represented may be registered as trademarks. The nature of the product or service to which a trademark is to be applied shall in no case be an obstacle for its registration."

Free Trade Agreement between the Republic of Colombia, the Republic of Venezuela and the United Mexican States (within ALADI): Article 18-08. "Matter that is subject to trademark protection. 1. The Parties may establish as a condition for trademark registration, that the signs are visible or perceptible if they are susceptible of graphic representation. A trademark shall be understood as any sign capable of distinguishing in the market the goods or services produced or commercialized by a person from the goods or services identical or similar produced or commercialized by another person. Trademarks shall also be understood as collective marks."

Protocol of harmonization of standards on intellectual property in MERCOSUR, in the areas of trademarks, indications of origin and appellations of origin (MERCOSUR): Article 5: "1) The State Parties shall recognize as a trademark for the purposes of its registration any sign that is susceptible of distinguishing products or services in trade. 2) Any State Party may demand, as a condition for registration, that the sign be visually noticeable. 3) The State Parties shall protect service trademarks and collective trademarks and may similarly, provide protection for certification trademarks. 4) The nature of the product or service to which the trademark is to be applied shall be in no case be an obstacle for the trademark registration."

As this type of intellectual property is regulated and considering the coincidence noted, it might be stated that there are further possibilities of cooperation between the member countries of these agreements due to the ease of making its regulations compatible with one another.

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In the area of copyright, the Andean Community and some treaties within ALADI have regulations that are quite compatible:

Decision 351 (CAN): "Article 1.- The provisions of this Decision are aimed to recognize an appropriate and effective protection for the authors and other right holders on works of ingenuity in the literary, artistic or scientific fields, whichever the genre or form of expression and regardless of literary or artistic merit or their purpose.

(...) Article 13.- The author or, as the case may be, those entitled thereto, have the exclusive right to carry out, authorize or prohibit:

- a. The reproduction of the work by any form or procedure;
- b. The public communication of the work by any means used to disseminate the words, signs, sounds or images;
- c. The public distribution of copies or copies of the work by sale, lease or rental;
- d. Imports of copies made without the authorization of the right holder into the territory of any member country.
- e. The translation, adaptation, arrangement or other transformation of the work."

Free Trade Agreement between the Republic of Colombia, the Republic of Venezuela and the United Mexican States (within ALADI): Article 18-04. "Copyright contents. 1. In addition to the moral rights recognized in their respective legislations, the Parties agree that an appropriate and effective protection of copyright should contain among other economic rights, the following: a) the right to prevent imports of copies of the works done without the authorization of the right holder, into the territory of the Party; b) the right to authorize or prohibit the first public distribution of the original and each copy of the work by sale, rental or any other means of distribution to the public; c) the right to authorize or prohibit the communication of the work to the public, understood as every act by which a plurality of people that does not exceed the domestic scope can have access to the work, through its dissemination of the signs, words, sounds or images by any means or in any form, known or to be known; and d) the right to authorize or prohibit the reproduction of the work by any procedure or in any form, known or to be known. Each Party shall provide that the launching in the market of the original or a copy of the work, included the software, with the consent of the right holder, does not wear the right to rental."

Decision 351 establishes, in a general way to be developed later on, the scope of protection for copyright by extending it over the works of ingenuity not only in the literary, artistic or scientific fields, but in whatever genre or form of expression, regardless of literary or artistic merit or purpose to be given to such work. For its part, the ALADI rules directly regulate the consequences of copyright protection. Although in a different way, the regulations on copyright of both CAN and ALADI cover the main aspects of copyright, and though they are different forms of regulations they turn out to be compatible and even complementary to each other, facilitating forms of cooperation between the member countries of these integration agreements.

On the other hand, MERCOSUR's express regulations on intellectual property do not include copyright, they only refer to trademarks, indications of origin and denominations of origin.

In the area of invention patents, only the Andean Community expressly provides for the invention patents, namely:

Decision 351 (CAN): "Article 14.- The Member countries shall grant patents for inventions, whether of product or procedure, in all the fields of technology, provided they are new, have an inventive level and are susceptible of industrial application."

This does not imply that this type of intellectual property is not an objective of the rest of the integration agreements, but it will manifest through programmes, panel discussions and other schemes. The absence of an express legislation and the work schemes that are indicated below allow us to affirm that it is possible to find opportunities for cooperation in this area in the integration agreements

In this regard, the Pacific Alliance shows a remarkable effort, in which the areas of copyright, industrial property and cross-sectional aspects have been addressed within the cooperation activities and that has allowed developing a pilot programme aimed at speeding up the procedures for granting patents. It is early to delve into the results of the programme that ends in 2019, however, its implementation indicates an important interest in this area.³³

Likewise, the opportunities for cooperation projects in ALADI, although not so directly focused on intellectual property, could be addressed indirectly in those projects and programmes included in the thematic hubs of "opening, preservation and effective access to markets" and "institutional strengthening".

Mechanisms like CARICOM – which has functional cooperation institutions in its structure – offer ample opportunities for the collaboration in the area of intellectual property. In this regard, it should be noted that the Caribbean Export and Investment Agency, whose vision promotes export potential optimization of the Caribbean region, by facilitating innovation and creation of world-class trademarks capable of competing successfully worldwide.³⁴

Opportunities for cooperation in the case of ODECA – which aimed at establishing a unified market for the Central American countries, even older than ALADI – will come true precisely through the Central American Common Market, whose institutional structure (that has a Council of Integration Ministers, an Executive Committee for Economic Integration and the Central American Economic Secretariat) allow to work and improve the integration process, in which intellectual property protection plays an essential role.³⁵

As for MERCOSUR, specifically with the extra-MERCOSUR cooperation (which would involve the association with and contributions from third countries), priority areas of attention have been established through Decision CMC No. 12/11, in which intellectual property would have a place, namely: science, technological innovation and training and productive integration.

In addition, according to what was observed in the integration processes briefly described, an analysis of the cooperation forms of some countries shows that the most common form is technical cooperation, whereas more specific and unobstructed than those legislative, educative or informational forms that although no less important, demand by their results a longer time horizon.

³³ <http://alianzadelpacifico.net>, Consulted on 16 April 2017.

³⁴ <http://caricom.org/community/institutions/>, Consulted on 12 May 2017.

³⁵ <http://www.banrep.gov.co/es/contenidos/page/qu-mercado-com-n-centroamericano-mcca>, Consulted on 12 May 2017.

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Beyond the regulatory confluence, other very important edge to review is the procedural one. As Thomas L. Friedman advises us in reference to Eric 'Astro' Teller³⁶, in his last work, the agility in the process of registration and granting of property rights is increasingly relevant and in the end this will allow to verify the effectiveness of the regulations and the further possibility of achievements in this area:

"Let's take patents as one example of a system that was built for a world in which changes arrived more slowly, explained Teller. The standard patent arrangement was: "We'll give you a monopoly on your idea for twenty years" – usually minus time to issue the actual patent – "in exchange for which people will get to know the information in the patent after it expires." But what if most new technologies are obsolete after four to five years, asked Teller, "and it takes four to five years to get your patents issued? That makes patents increasingly irrelevant in the world of technology." (2016:503 Kindle® version)

The online services offered by most registration offices of the SELA member countries are real achievements, by allowing to carry out easily and more openly the procedures and increase their transparency. They are achievements because beyond the regulations – which are the ones that objectively define the conditions – the innovations in the procedures encourage that the registration applications of intellectual property are filed, what will translate into a reliable guarantee and protection for these rights, and in the long run into a larger number of applications and registrations.

³⁶ Renowned entrepreneur, scientist and writer in the field of intelligent technology. B.S. in Computer Science, Stanford University. M.S. in Computer Science and Ph.D. in Artificial Intelligence in Carnegie-Mellon University. Co-founder of Cerebellum Capital and BodyMedia.

TABLE 5
Trademark registration. Procedures

	Online services	Free services	Steps for registration	Estimated time	Requirements
Argentina (argentina.gob.ar)	X	X	4 (They include a follow-up of the request)	12 months after the presentation without opposition. 18 months after the presentation with opposition	1) Fiscal Code, in case the process was started online. 2) Legal domicile declaration 3) Registration application form 4) Copy of power of attorney if acting on behalf of another person or in representation of a legal person.
Bahamas (http://www.bahamas.gov.bs)	X		3	18 months	1) Registration application form 2) Copy of powers of attorney 3) Copy of the identity document of the applicant.
Barbados (http://caipo.gov.bb)	X		3	15 months *	1) Registration application form 2) Copy of powers of attorney 3) Copy of the identity document of the applicant.
Bolivia (www.senapi.gob.bo)	X		3	10 to 14 months *	1) Registration application form 2) Copy of powers of attorney 3) Copy of the identity document of the applicant 4) Certificate of priority of the country of origin, as the case may be 5) Letter or memorial addressed to the Director of Industrial Property.
Brazil (www.inpi.gov.br)	X	3		Minimum 60 days*	1) Registration application form 2) Copy of the identity document of the applicant 3) Copy of power of attorney if acting on behalf of another person or in representation of a legal person 4) Copy of LOGIN card (MF).
Chile (www.inapi.cl)	X		4	15 working days	1) Registration application form 2) Copy of the identity document of the applicant 3) Copy of power of attorney if acting on behalf of another person or in representation of a legal person.
Colombia (www.sic.gov.co)	X		3	Minimum 90 days, if there is no opposition	1) Registration application form 2) Copy of the identity document of the applicant 3) Copy of power of attorney if acting on behalf of another person or in representation of a legal person.

Costa Rica	X		3	6 months *	1) Registration application form 2) Copy of the identity document of the applicant and, in the case of legal persons, include copy of the power of attorney, or copy of the designation as legal representative.
Ecuador (www.propiedadintelectual.gob.ec)	X	X	4	8 months *	1) Registration application form 2) Copy of the identity document of the applicant and, in the case of legal persons, include copy of the power of attorney, or copy of the designation as legal representative.
El Salvador (http://www.cnr.gob.sv)	X	X	7	Minimum 6 months after the presentation	1) Registration application form 2) Copy of the identity document of the applicant and, in the case of legal persons, include copy of the power of attorney, or copy of the designation as legal representative.
Guatemala (https://www.rpi.gob.mx)	X		9	Minimum 3 and a half months after the presentation	1) Registration application form 2) Copy of the identity document of the applicant and, in the case of legal persons, include copy of the power of attorney, or copy of the designation as legal representative.
Mexico (http://marcanet-impj.gob.mx)	X	X	3	12 months *	1) Registration application form 2) Copy of the identity document of the applicant and, in the case of legal persons, include copy of the power of attorney, or copy of the designation as legal representative.
Nicaragua (http://www.tramitesnicaragua.gob.ni)	X		28	14 months *	1) Registration application form 2) Copy of the identity document of the applicant and, in the case of legal persons, include copy of the power of attorney, or copy of the designation as legal representative.

Panama (http://www.mici.gob.pa)	X		3	10 months if there is no opposition. In case of opposition, the process could last 2 more months *	1) Registration application form 2) Copy of the identity document of the applicant 3) Copy of the power of attorney, if acting on behalf of another person or in representation of a legal person.
Paraguay (www.dinapi.gov.py)			3	Minimum 6 months after the presentation	1) Registration application form (four originals) 2) If the request is being made by a natural person, it must be signed under the auspices of an industrial property agent 3) Certified copy of the identity card of the applicant.
Peru (https://www.indecopi.gob.pe)	X	X	3	30 working days *	1) Registration application form 2) Number of the National Identification Document (DNI) or foreign resident card (CE), and indicate Taxpayer Identification Number (RUC), as the case may be 3) Copy of power of attorney 4) expressly indicate the products and/or services that need to be distinguished with the requested sign.
Dominican Republic (www.onapi.gov.do)	X		4	3 months *	1) Registration application form 2) Copy of the identity document of applicant 3) Copy of the power of attorney, if acting on behalf of another person or in representation of a legal person.
Trinidad and Tobago (http://www.ipa.gov.tt)	X		7	9 to 12 months	1) Registration application form 2) Copy of the identity document of applicant 3) Copy of the power of attorney, if acting on behalf of another person or in representation of a legal person.
Uruguay (uruguay.gub.uy)			3	15 working days	1) Copy of the identification document of applicant, and in case of a legal person, copy of the constituent document 2) Registration application form, which includes other requirements.

Venezuela (sapi.gob.ve)	X		3	8 months after the presentation, if issues do not arise	1) Copy of the identity document of applicant, and in case of a legal person, certified copies of the constituent document and of the Assembly that will designate the legal representative 2) Copy of the Fiscal Information Registry Certificate 3) If the legal person has been operating for more than five years, a copy of the latest Assembly held is required 4) Declaration of the use of trademark, in case it has been used for a long time 5) Registration application form
<p><u>Notes:</u> 1. The empty spaces are due to the lack of information about that specific item, or they may indicate that such service modality does not exist. 2. The data about "online services" and "free services" refers only to some services (particularly searches and consultations), not to the whole registration process.</p>					
<p>Sources: Information about intellectual property from official Web pages. (*) Information from private suppliers of specialized services in trademark issues: https://www.marcaria.com/, https://igerent.com and http://www.protectia.eu.</p>					

As can be seen in Table 5, out of 20 countries in the region 17 (85%) offer online services for trademark registration, and some of them free of charge. Likewise, the number of steps that is usually required for registration is 3, although there are cases in which this number is much higher (Nicaragua requests 28). The time required to complete a trademark registration also varies widely: whereas Chile and Uruguay grant it in barely 15 workdays and Peru in 30, Argentina and Bahamas can require up to 18 months. Finally, the Web sites of the institutions clearly show the requisites required for the procedures to be completed and their number varies between 3 and 5 supporting documents. This fact provides the necessary transparency to consolidate the intellectual property right in the region.

Therefore, spaces are created to move forward in speeding up the processes of trademark application and registration and, usually, of all type of intellectual property that boost carrying out them within the national borders of the Member States of the Latin American and Caribbean region.

V. REGIONAL AND INTERNATIONAL COOPERATION AS MECHANISMS TO STRENGTHEN INTELLECTUAL PROPERTY IN LATIN AMERICA AND THE CARIBBEAN

Fostering regional or international cooperation and exchange experiences, tools and materials relative to education, training and research in intellectual property is one of the most renowned mechanisms for progress in the area.

International cooperation is understood as the set of actions and (financial or technical) resources that two or more States voluntarily advance or exchange, depending on certain interests or objectives. These mechanisms have been deepened after the World War II and can be classified by the number of participants as bilateral and multilateral; by the means used as economic, financial or technical; and by the activity to which they are aimed at, as humanitarian, cultural or scientific (Robinson, 2008; Tassara, 2010).

Cooperation in the area of intellectual property has been present in the region as a strategy since the 20th century, generally beginning as processes of dialogue and exchange of experiences until the completion of projects and joint activities of technical cooperation, support to legislative areas and/or training of human resources.

The World Intellectual Property Organization (WIPO) is the global forum *par excellence* in what has to do with services, policies, information and cooperation in the area of intellectual property, and to this end, it offers a series of services for the protection and extra judiciary resolution of controversies in the area of intellectual property. Since 2004 an Agenda for Development was being advanced – presented by Argentina and Brazil in the General Assembly held in 2004, and supported by other 13 countries – which was officially established in 2007, and in which 45 recommendations were produced aimed at the Member States, as well as the creation of a Committee of Development and Intellectual Property (CDIP). WIPO provides assistance to the intellectual property offices and the national and regional institutions to automate, digitize and regionally and globally integrate its services with views to share them. Likewise, it gives advice on the evaluation and preparation of legal instruments, as well as the flexibilities offered by the Agreements on Trade-Related aspects of Intellectual Property Rights (TRIPS). Also, it offers training and capacity building programmes needed to negotiate, administer, manage, and use intellectual property. Lastly, it develops a series of activities to promote respect to intellectual property and thus create environments, in which to fulfil its driving function of innovation and productive creation.

In turn, the International Intellectual Property Alliance, an organization dedicated to the protection of physical and intellectual property rights, both nationally and internationally, develops among its activities, the Property Rights Index with a component especially dedicated to intellectual property (Levy-Carciente 2016a, 2017).

Furthering the programmes carried out by forums or bodies like WIPO, it is noted that collaborations include inter-governmental organizations, private non-profit associations, non-governmental organizations (NGOs) and other forms of private sector participation. The activities are focused on coordinating efforts with intellectual property offices for the development of technical infrastructure and the creation of platforms for collaboration and cooperation with interested sectors (civil society, academic circles and other members benefitting from intellectual property).³⁷

³⁷ <http://www.wipo.int/cooperation/es/index.html#countries>. Consulted on 25 May 2017.

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Other regional forums such as the African Regional Intellectual Property Organization (ARIPO), which is an intergovernmental organization between the African states in the area of patents and other intellectual property issues, develops cooperation projects with other world organizations such as the World Trade Organization³⁸ or works towards agreements with local organizations such as the Culture Fund of Zimbabwe.³⁹ Likewise, the Association of Southeast Asian Nations (ASEAN) has an active cooperation agenda in intellectual property that in addition to the traditional international organizations, includes bodies and organizations from the private sector.⁴⁰

The Ibero-American Industrial Property Programmes (PROSUR)⁴¹ – that is a system of technical and operational cooperation between the Industrial Property National Offices of Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname and Uruguay – whose objective is to become a common platform that allows for access to information on industrial property, increasing efficiency and quality. Its basic principles are the non-harmonization of legislations and the willingness to participate in the initiatives that may emerge from the cooperation activities. Its strategic partners include WIPO and the European Union Intellectual Property Office (EUIPO).

Another initiative at Ibero-American level is the Industrial Property Ibero-American Programme (IBEPI),⁴² whose actions are aimed at reducing the possible asymmetries among the Intellectual Property National Offices; reclaiming the Spanish and Portuguese languages as technological languages; facilitating the cooperation between the countries of the region; disseminating technological information as a tool for innovation and development of new technologies; and strengthening the capacities of generation and management of industrial property assets in the research and business sectors, with particular emphasis in the small and medium-sized enterprises.

With respect to cooperation initiatives of the Central American countries, the Support System to Patent Application Management for the Central American Countries and the Dominican Republic (CADOPAT)⁴³ stands out, its objective is to share information between the countries to have a greater agility in the patent registration process in the Meso-American region. This project delves into the procedure itself by contributing with the processes of search and thorough examination of patent application. CADOPAT is a project mentioned by the participating countries as highly successful and can be taken as an example for the development of other initiatives.

These are some of the many spaces that exist for cooperation to support the strengthening of intellectual property and its use as a development tool. In addition to dealing with technical, legislative, educative and informational forms of cooperation, the cooperation initiatives can also address administrative aspects, making possible to standardize from the speeding up and simplification of procedures and supporting documents. It is worth emphasizing that cooperation should not only be seen as that subscribed between national states, quite the opposite it extends to the various forms of association with and between private sector actors, civil society organizations, or between public and private actors.

An additional element to consider is the coordination of different types of cooperation. This allows to foster cooperation programmes and projects and achieve synergies within the intellectual

³⁸ <http://www.aripo.org/> y https://www.wto.org/spanish/tratop_s/trips_s/igo_s.htm. Consulted on 25 May 2017,

³⁹ <http://www.aripo.org/resources/cooperation-agreements>. Consulted on 25 May 2017.

⁴⁰ <http://asean.org>. Consulted on 25 May 2017.

⁴¹ <http://www.ibepi.org/prosur/>. Consulted on 25 May 2017.

⁴² <http://www.ibepi.org/ibepi/>. Consulted on 25 May 2017.

⁴³ <http://www.proyectomesoamerica.org>. Consulted on: 25/5/2017

property offices and other institutions. Thus there can be considered coordination schemes between the systems or offices of intellectual property and universities or research centres in different countries that allow education and training of civil servants, developing competencies that favour the optimization and improvement of the service offered by the institution. In this way, education projects are coordinated with technical cooperation projects. A specific example in Venezuela is the coordination between the Autonomous Service of Intellectual Property (SAPI) and the *Universidad de Los Andes* (ULA) in its capacity, to offer refresher courses for SAPI public officials on issues such as: design in the creative industries and their protection, tridimensional impression, cultural patrimony and tourism, technology, creativity and creative economy, education technology, digital music ecosystem, evolution of audiovisual contents in telecommunications, audiovisual communication and the new technologies, all linked to intellectual property.

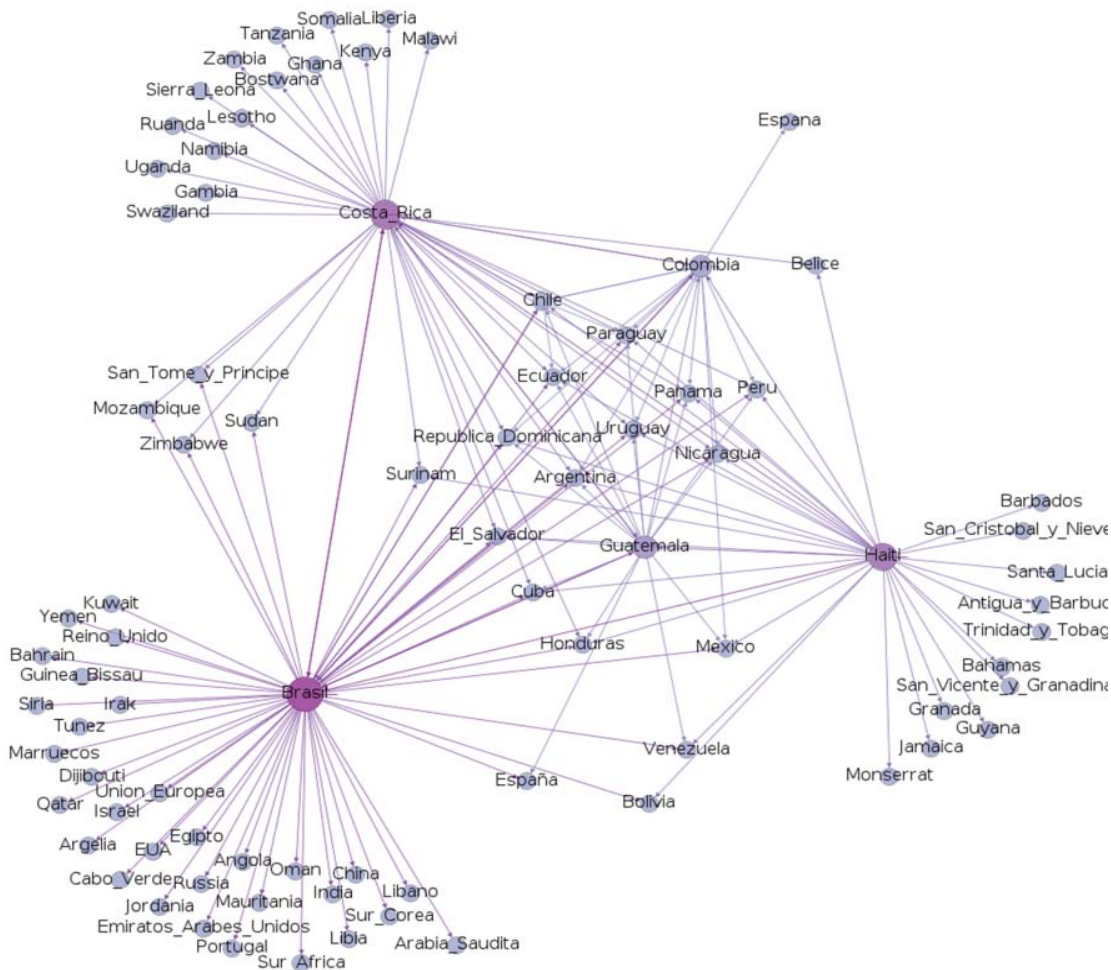
Some experiences in the region

Each one of the SELA Member States has developed through its intellectual property offices, cooperation programmes that are diverse in scope: national, regional or international. Below is a sample of 73 programmes advanced by 7 countries in the region (Brazil, Colombia, Costa Rica, Chile, Guatemala, Haiti and Peru) in the last decade, aimed to recognize common elements, draw lessons from these experiences and identify determining factors in successful cases (Annex 3).

The sample indicates that 45% of the projects are marked as technical cooperation, 37% of those projects address training and education goals, 15% dissemination and 3% support to legislative aspects. Whereas the legislative initiatives are usually national in nature, the educative and informational ones stay within the intra-regional scope or at least the Ibero-American scope, what can be inferred from certain association with linguistic abilities. The technical cooperation programmes manage to form extra regional relational networks of very broad reach (Charts 2 and 3).

The importance of the latter addressed the contact that is achieved through these mechanisms with countries showing varied degrees of development and progress regarding intellectual property, what allows to gain early learning from diverse experiences. Likewise, given that the different countries of the sample that carried out the revised programmes participate in different regional integration schemes, as well as regional organizations, these technical cooperation results establish important channels of dissemination, not only within their countries, but in all those of the region (Chart 4).

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CHART 2**Network of relations by Cooperation Initiatives for Technical Cooperation**

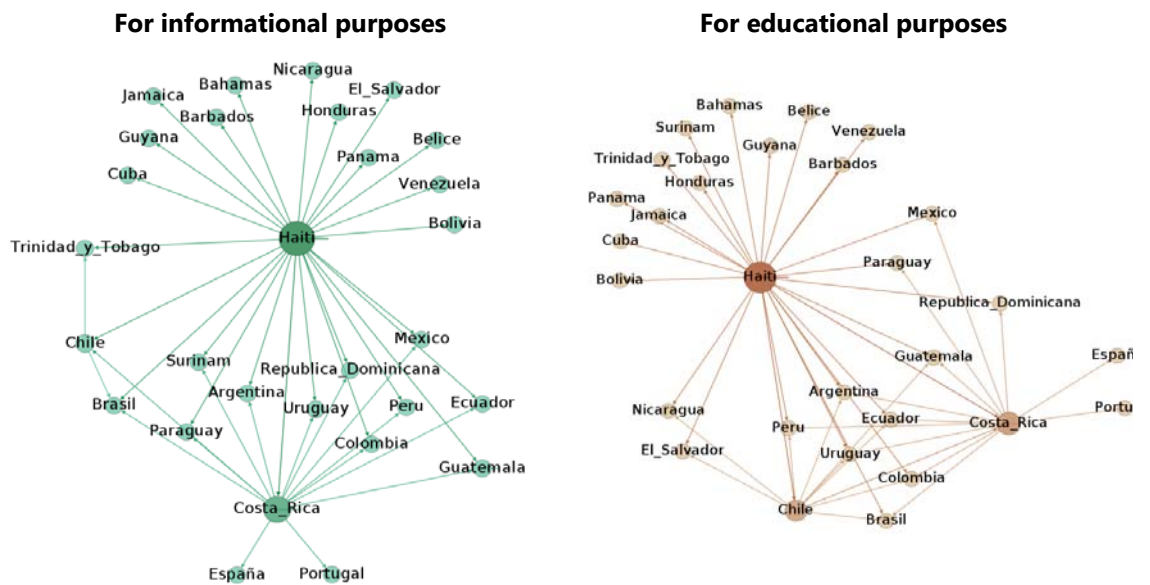
Source: Prepared by the author.

The result evaluation of the cooperation initiatives is very positive, because the intellectual property offices exhibit successful learning in:

- a) the awareness of the need for the defence of intangible property
- b) the regulatory design and its instrumentation
- c) the importance of adequate supervision
- d) the internalization of good practices by the intellectual property offices, including a reduction in the number of bureaucratic steps, lower costs, easing procedures and supporting documents, and a reduction in registration time
- e) the design and use of strategies for information and dissemination
- f) the design of public policies on intellectual property and its link with the subject of handicrafts, the small and medium-sized enterprise and the industrial sector in general, and its contribution to competitiveness to enhance the development of countries

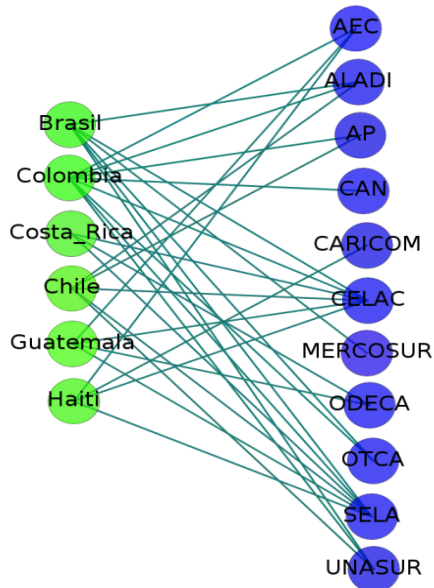
- g) the importance of education, science, art and their promotion from creative and innovative industries
- h) the potential offered by some native products using geographical indications and certificates of origin for national development
- i) triangulation in cooperation efforts
- j) the development of common platforms, avoiding duplication of effort
- k) the opportunity offered by intellectual property as a regional integration mechanism

CHART 3
Network of relations by Cooperation Initiatives



Source: Prepared by the author.

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CHART 4**Links with Regional Associations from a sample of countries of the region**

Source: Prepared by the author.

Therefore, what was presented shows the cooperation initiatives as a catalyst for learning and a mechanism for forging global links, and that in addition to strengthen the respect for intellectual property, also lay the bases for development in collaboration with the countries to fit into the knowledge society and, that has the appraisal of the free and responsible will of the citizens as a sign.

VI. REFLECTIONS AND FINAL REMARKS

Considering that in the society of the 21st century, conceived as knowledge society or talent society, the intellectual property is a core aspect of its foundation, this issue has received special attention in the integration agreements in Latin America and the Caribbean.

Innovation, creativity and intellectual property are promising in terms of industrial development, economic growth, trade increase, and creation of well-paid jobs in a global economy based on knowledge, for the long-awaited harmonious and comprehensive development of societies to take place.

In most integration agreements in Latin America and the Caribbean there exists an express legislation on intellectual property, and in those cases in which there is none, spaces are open for intellectual property protection and stimulus through cooperation initiatives, whether educational, legislative, informational in nature or of technical cooperation.

At the same time, the initiatives that stand out are those having an impact in national agencies of attention to intellectual property, by encouraging awareness of intangible property and favouring the speeding up of procedures and administrative processes, what translate into a reduction in time and material costs. All this become an incentive for registration of the different types of intellectual property in the offices of the region.

It should be noted that each country has to find the proper combination of policies to take advantage of the innovative and creative potential of its economy. Therefore, the cooperation initiatives are based in the principle of non-harmonization, and at the same time, to allow for learning from the successful experiences of other countries.

The cooperation experiences in the region exhibit positive results allowing the spread of relational networks with intra and extra regional countries that show varied degrees of development and progress regarding intellectual property. These networks favour early learning coming from diverse experiences, and attain major dissemination from the regional integration mechanisms and organizations.

Cooperation is shown as a catalyst for learning and a mechanism for forging global links, that in addition to building up the respect for intellectual property, also lays the bases for development in collaboration with the countries to fit into the knowledge society, and that has the appraisal of the free and responsible will of the citizens as a sign.

A N N E X I

**INTERNATIONAL PROPERTY RIGHTS INDEX
AND ITS INTELLECTUAL PROPERTY COMPONENT. 2016 AND 2017.
LAC COUNTRIES**

COUNTRY	International Property Rights Index (IPRI) 2016	Component: International Property Rights 2016	International Property Rights Index (IPRI) 2017	Component: International Property Rights 2017
Argentina	4.1222	4.5099	4.5683	4.2968
Bolivia	4.1168	3.8447	3.9706	2.8934
Brazil	5.1448	5.4365	5.4338	5.0878
Chile	6.7241	6.2812	6.9262	5.5674
Colombia	4.9202	5.4069	5.3541	5.3042
Costa Rica	5.8184	5.2812	6.0599	5.8654
Dominican Republic	4.5475	4.2164	4.8228	4.9182
Ecuador	4.7532	5.1122	4.6274	4.4781
El Salvador	4.7853	4.5136	4.9449	3.9386
Guatemala	4.6270	4.4745	5.0768	4.8369
Guyana	4.2779	3.5405	n.a.	n.a.
Haiti	2.8430	4.0195	n.a.	n.a.
Honduras	4.7080	4.6407	4.9018	5.2398
Jamaica	5.5752	5.9907	6.0101	5.7452
Mexico	4.7880	5.5878	5.1942	5.2610
Nicaragua	3.9813	3.7494	3.9899	3.2648
Panama	5.3812	5.1291	5.7982	6.3578
Paraguay	4.0556	3.5933	4.4778	3.9477
Peru	4.8031	4.7210	5.2173	4.3272
Trinidad and Tobago	5.2067	5.7577	5.5031	4.3482
Uruguay	6.1018	5.1691	6.4115	6.4020
Venezuela	2.7297	2.6277	3.0566	1.6536

Source: www.internationalpropertyrightsindex.org.

A N N E X I I

COUNTRIES / ORGANIZATIONS AND REGIONAL INTEGRATION AGREEMENTS

	ALBA-TCP	PA	ACS	ALADI	GAN	CELAC	CARICOM	MERCOSUR	OECS	SICA	ACTO	SELA	UNASUR
Antigua and Barbuda	X		X			X	X		X				
Argentina				X		X		X				X	X
Bahamas						X	X					X	
Barbados			X			X	X					X	
Belize			X			X	X			X		X	
Bolivia	X			X	X	X					X	X	X
Brazil				X		X		X			X	X	X
Chile		X		X		X						X	X
Colombia		X	X	X	X	X					X	X	X
Costa Rica						X				X		X	
Cuba	X		X	X		X						X	
Dominica	X		X			X	X		X			X	
Ecuador	X			X	X	X					X	X	X
El Salvador			X			X					X	X	X
Grenada	X		X			X	X		X				
Guatemala			X			X				X		X	
Guyana			X			X	X				X	X	X
Haiti			X			X	X				X	X	X
Honduras			X			X				X		X	
Jamaica			X			X				X		X	
Bahamas			X			X				X		X	
Mexico		X	X	X		X						X	
Monserrat							X		X				
Nicaragua	X		X			X				X		X	
Panama			X	X		X				X		X	
Paraguay				X		X						X	X
Peru		X		X	X	X					X	X	X
Dominican Republic			X			X				X			
St. Kitts and Nevis	X		X		X	X	X		X			X	
St. Lucia	X		X			X	X		X			X	
St. Vincent and the Grenadines	X		X			X	X		X			X	
Suriname			X			X	X		X			X	
Trinidad and Tobago			X			X	X					X	X
Uruguay				X		X		X				X	
Venezuela	X		X	X		X	X					X	X

Source: Prepared by the author.

A N N E X I I I

**COOPERATION INITIATIVES IN THE AREA OF INTELLECTUAL PROPERTY.
SOME EXAMPLES**

Country	#	Start	Description	Nature	Countries involved		Entities involved
					Within LAC	Outside LAC	
Brazil	1	2011	Dissemination of the Intellectual Property Culture and Internationalization of best practices	Tech. Coop.	Argentina, Bolivia, Brazil, Cuba, Colombia, Chile, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Peru and Uruguay	United States, European Union, South Korea, India, Israel, United Kingdom, Sao Tome and Principe and China	INPI, WIPO, Ministry of Foreign Affairs of Brazil
	2	2012	Promotion of Triangular Technical Cooperation in Developing Countries	Tech. Coop.	Argentina, Bolivia, Brazil, Cuba, Colombia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Peru, Uruguay, Nicaragua, Panama, Paraguay, Suriname and Venezuela	Cape Verde, Angola, Sao Tome and Principe, Guinea, Bissau, Mozambique, Algeria, Bahrein, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen, Zimbabwe.	INPI, WIPO, Ministry of Foreign Affairs of Brazil
	3	2010	PROSUR	Tech. Coop.	Argentina, Brazil, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay, Costa Rica		IP Offices of Member States
	4	2012	IBEPI	Tech. Coop.	Argentina, Brazil, Colombia, Ecuador, Guatemala, Mexico, Paraguay, Peru, Dominican Republic, Uruguay, Costa Rica	Spain, Portugal	IP Offices of Member States
	5	2012	IP BRICS	Tech. Coop.	Brazil	India, Russia, China, South Africa	IP Offices of Member States
Colombia	1	2009	PROSUR	Tech. Coop.	Argentina, Chile, Uruguay, Paraguay, Peru, Brazil, Ecuador, Costa Rica, Nicaragua, Dominican Republic, Panama		Industrial Property Offices of countries
	2		Pacific Alliance – High-Level Group (GAN) Working Table on the area of Intellectual Property	Tech. Coop.	Peru, Mexico, Chile, Colombia		Industrial Property Offices of countries
	3	2011	IBEPI	Tech. Coop.	Argentina, Uruguay, Paraguay, Peru, Brazil, Ecuador, Costa Rica, Nicaragua, Dominican Republic, Panama, Mexico; Spain, Colombia		Industrial Property Offices of countries
	4		CAN – <i>Ad Hoc</i> Andean Committee on Intellectual Property	Legislative	Bolivia, Colombia, Peru, Ecuador		Industrial Property Offices and Ministry of Trade

Costa Rica	1	2014	IBEPI – Ibero-American Industrial Property Program. Its objective is to promote the strategic use of Industrial Property as a tool for development and integration of Ibero-American societies.	Education / Dissemination	Argentina, Brazil, Colombia, Costa Rica, Guatemala, Ecuador, Mexico, Paraguay, Peru, Portugal, Dominican Republic and Uruguay	Spain	
	2	2016	PROSUR – Technical cooperation and operational system among the National Offices in charge of IP	Dissemination/ Tech. Coop.	Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname and Uruguay		
	3	1994	WIPO	Tech. Coop.			
	4	2008	CADOPAT – Support System for the Management of Patent Requests for the Central American countries and Dominican Republic	Tech. Coop.	Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Dominican Republic, Cuba, Belize, Colombia, Paraguay, Ecuador	ARIPO countries	
Chile	1	2017	Technical assistance for the creation of an interactive panel of statistics on patents for the industrial property registry on the “Tableau” platform	Tech. Coop.	Costa Rica		Property Registry
	2	2017	Gain knowledge about the experiences of INAPI on issues concerning patents and handling of technological information	Tech. Coop.	Brazil		INPI Brazil
	3	2016	Share the importance and impact of intellectual property in the area of health	Educational	Ecuador		South American Institute of Government in Health – UNASUR
	4	2016	Share experiences about the achievements of INAPI with the new Director of the Argentine Office	Educational	Argentina		INPI Argentina
	5	2016	Strengthen capacities of trademark examiners in the implementation of the TLT Agreement and in examining non-traditional trademarks, based on INAPI's experiences	Educational	Guatemala		National Industrial Property Registry
	6	2016	Strengthen capacities of trademark examiners in the implementation of the TLT Agreement and in examining non-traditional trademarks, based on INAPI's experiences	Educational	Costa Rica		Property Registry
	7	2016	Gain knowledge about the work of the Subdirection of Trademarks; particularly INAPI shared its experiences as regards ICT tools	Dissemination	Brazil		INPI Brazil
	8	2016	Gain knowledge about INAPI's experiences in the area of internal management	Dissemination	Trinidad and Tobago		Industrial Property Office of Trinidad and Tobago
	9	2016	INAPI was invited to present its experiences as international authority for searches and preliminary examination (ISA/IPEA) at the PCT	Educational	Guatemala		Industrial Property Registry of Guatemala
	10	2015	Training regarding the office procedures as part of the PCT	Educational	Brazil, Ecuador, Peru		Officials of the aforementioned countries

Chile	11	2015	Share how Industrial Property promotes economic development, particularly to present the project Seal of Origin	Educational	El Salvador		Industrial Property Registry of El Salvador
	12	2015	Share how Industrial Property promotes economic development, particularly to present the project Seal of Origin	Educational	Nicaragua		Industrial Property Registry of Nicaragua
	13	2015	Share how Industrial Property promotes economic development, particularly to present the project Seal of Origin	Educational	Costa Rica		Industrial Property Registry of Costa Rica
	14	2015	Subregional Workshop on industrial designs and the Hague System for officials responsible for the area of design at the intellectual property offices of Central American countries and Dominican Republic	Educational	Costa Rica		National Industrial Property Registry
	15	2015	Share INAPI's experiences on the Budapest Treaty	Educational	Ecuador		Regional Industrial Property Registries
	16	2014	Gain detailed knowledge about INAPI's Communications Strategy	Tech. Coop.	Brazil		INPI Brazil
	17	2014	Gain knowledge about the informatics processes for electronic procedures of INAPI	Tech. Coop.	Paraguay		Director of Informatics of the National Direction of Industrial Property of Paraguay
	18	2014	Expound on the work carried out by INAPI in the area of the PCT and on INIA's work as authority within the context of the Budapest Treaty	Educational	Uruguay		University of the Republic
	19	2014	Gain knowledge about the programme Seal of Origin	Educational	Ecuador		Ministry of Foreign Trade of Ecuador
	20	2014	Gain knowledge about the INAPI Proyecta tool	Tech. Coop.	Ecuador		IEPI Ecuador
	21	2014	Expound on the work carried out by INAPI in the area of the PCT and on INIA's work as authority within the context of the Budapest Treaty	Educational	Colombia		SIC - Colombia
	22	2013	INAPI's presentation on the Chilean legislation on trade secrets, disseminated information and test data	Educational	Ecuador		IEPI - Ecuador
	23	2013	Gain knowledge about the INAPI Proyecta tool	Tech. Coop.	Colombia		SIC - Colombia

Guatemala	1	2017	V Regional Seminar on trademarks and industrial design as factors for innovation and corporate assets: Innovating through craftsmanship	Tech. Coop.	Argentina, Brazil, Chile, Costa Rica, Colombia, Cuba, El Salvador, Ecuador, Guatemala, Mexico, Dominican Republic, Paraguay, Peru, Uruguay, Venezuela	Spain	WIPO and the Spanish Office of Patents and Trademarks, Spanish Agency for Cooperation and the Intellectual Property Registry of Guatemala
	2	2017	National Seminar on the Marrakesh Treaty to facilitate access to works published by blind people or with other handicaps to access printed texts	Dissemination	Guatemala		WIPO and the National Institute for the Blind of Colombia (INCI), Bogotá
	3	2017	Beijing Treaty for the artists, performers, players and audiovisual productions	Dissemination	Guatemala		WIPO and Chile performers, Santiago, Chile
	4	2016	Sub-Regional Seminar Workshop on copyright and related rights	Tech. Coop.	Guatemala, El Salvador, Honduras, Costa Rica, Nicaragua, Panama and Dominican Republic		WIPO
	5	2016	Patent Cooperation Treaty (PCT)	Tech. Coop.	Guatemala		WIPO
	6	2015	Sub-Regional Seminar aimed at Central American Small and Medium-sized Entrepreneurs	Tech. Coop.	Guatemala, El Salvador, Honduras, Costa Rica, Nicaragua, Panama and Dominican Republic		WIPO
	7	2016	Programme for the promotion and development of Creative Industries	Dissemination	Guatemala		RPI – WIPO
	8	2012	Dissemination Programme in the area of copyright aimed at children and young people through the game "My first work, my first registration"	Educational	Guatemala		INDAUTOR and RPI
Haiti	1	2016	Participation of the Ministry of Trade and Industry in Intellectual Property Week as a member of the Conference Presentation Panel; "Economic Value of Intangible Assets"	Informative	yes		Haitian copyright – Industrial Property Office (MCI)
	2	2014	Workshop on the identification and the systematization of typical Haitian products	Tech. Coop. / production	Yes		UNDP / MCI
	3	2015	National Seminar to deepen the knowledge of potential users of their system	Educational	Haiti		MCI /WIPO
	4	2014	Training workshop on the Strategic Use of Industrial Property in the Knowledge Transfer Process and to sensitize the target audiences to the importance of IIP	Educational	LAC countries		MCI WIPO
	5	2014	Meeting with the officials of the Industrial Production and Copyright Offices and other IP stakeholders, in order to assess the IP institutional framework	Tech. Coop.	Haiti		MCI WIPO

Haiti	6	2013	Presentation to the Haitian Parliament for the ratification of six international treaties on intellectual property	Legislative	Haiti		IP Office – MCI
	7	2013	Open House on Intellectual Property at the Ministry of Trade and Industry	Dissemination	Haiti		IP Office – MCI
	8	2013	To raise awareness on the use of IP as a tool for development and assist Haiti in signing its work procedures and practices with the other countries in the region through the sharing of experiences and best practices	Educational	LAC countries		MCI – WIPO
	9	2012	Participation of the Directorate of Legal Affairs from 9 to 10 July 2012 in St. John's Barbados at a workshop organized by CARICOM and WIPO	Tech. Coop.	CARICOM countries		CARICOM – WIPO EU-CARIFORUM Economic Partnership
Peru	1	2012	Cooperation System on aspects concerning operational information and industrial Property, Project PROSUR	Tech. Coop.			National Institute for the Defence of Competition and Protection of Intellectual Property and IDB
	2	2014	Discovering the potential of Peruvian cassava through the use higher genetic diversity, production technologies and industrial processing to increase its value	Dissemination			National Institute of Agricultural Innovation and International Centre for Tropical Agriculture
	3	2015	Regional Workshop for Improvement of Quality in Industrial Policies	Educational			National Council for Science and Technology and UNIDO
	4	2014	Sixth International Fair on Science and Engineering INTELISEF	Dissemination			National Council for Science and Technology and INTEL
	5	2012	Support for the formulation of the National Programme on Science and Technology and Technological Innovation in Aquaculture	Tech. Coop.			Ministry of Production and FAO
	6	2015	Science and Technology, Education, Gender and Labour in Northern Lima 2015	Educational			Aurora Vivar Association and EM Power
	7	2014	Development of Human Resources and support to Nuclear Technology to face priority areas	Educational			Peruvian Institute of Nuclear Energy and OIEA
	8	2014	PhD degree in Space Technology Applications	Educational			National Commission for Aerospace Research and Development and APSCO

Peru	9	2012	Packaging and Transportation of Works of Art	Educational			Círculo de Amigos de la Cultura and The Getty Foundation
	10	2013	Facilitating access to technology and markets to small producers of flowers in Cusco	Tech. Coop.			Helveta Swiss Intercooperation and Peru Opportunity Fund
	11	2014	Strengthening capacities of EEA Donoso in research and technology transfers to improve agricultural services in the regions of Lima and Ancash	Tech. Coop.			National Institute for Agricultural Innovation and General Countervalue Fund
	12	2014	Impulse to the Rescue and Improvement of Ancestral Technologies for Agricultural Production and Handicraft of natural coloured cotton for their competitive articulation in the markets (TEPAAN)	Tech. Coop.			Institute to support the management of irrigation water, Northern Coast, and Eng. Breckmat Latainamerika
	13	2015	Participation in the APEC Workshop on Cooperation in Science, Technology and Innovation	Tech. coop.			National Council for Science, Technology and Technological Innovation and Asian-Pacific Economic Cooperation
	14	2014	Plan for the Conceptualization, Design and Implementation of the Museum of Science and Technology	Tech. Coop.			National Council for Science, Technology and Technological Innovation and Embassy of France
	15	2013	Master's Degree in Space Technology Applications for Teledetection and Geographical Information System	Educational			National Commission for Aerospace Research and Development and APSCO
	16	2015	Project National Museum of Science and Technology	Tech. Coop.			National Council for Science, Technology and Technological Innovation and Embassy of France
	17	2014	Meeting of High-Level Authorities in Science and Technology, and Ibero-American Excellency Centres	Dissemination			National Council for Science, Technology and Technological Innovation and Government of Argentina
	18	2014	Workshop on Regional Projects in Science, Technology and Innovation	Educational			National Council for Science, Technology and Technological Innovation and ECLAC

Peru	19	2015	Technical and Economic Validation and Technology Transfer to increase efficiency in the use of water in two rice cultivation systems in Peru	Tech. Coop.			National Institute for Agricultural Innovation and Government of Ecuador
	20	2014	XI Binational School Fair on Science and Technology (Ecuador-Peru)	Dissemination			National Council for Science, Technology and Technological Innovation and Government of Ecuador

Source: Prepared by the author.

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