

INTELLECTUAL PROPERTY WORK PLAN 2016

This work plan identifies steps to enhance the protection and enforcement of intellectual property in Honduras.

Strengthened Criminal IPR Enforcement Capacity by Ministerio Público

- Ministerio Público will increase the number of specialized dedicated IPR prosecutors in Tegucigalpa from three currently to four in December 2015 and to a total of five special IPR prosecutors. (March 2016)
- Ministerio Público will increase the number of specialized dedicated IPR prosecutors in San Pedro Sula from one prosecutor currently to two or three. (March 2016)
- Ministerio Público will publish (such as by posting it to the Ministerio Público website) quarterly reports on IPR prosecution activity, including number of cases initiated, pending, and closed. The reports will include case number, the date the case was initiated, name of defendants, name of prosecutor, type of case (for example, copyright, trademark, etc.) brief statement of allegations, status with regard to each defendant, and if applicable, how resolved with regard to each defendant. (Starting first quarter of 2016)
- IPR prosecutors will work collaboratively with US Embassy HSI agent. (Ongoing)
- IPR prosecutors will work collaboratively with agents from the Ministerio Público's Criminal Investigation Agency. (Ongoing)

Approaches to Address Signal Piracy in Cable and Satellite Transmissions

- Ministerio Público will make due efforts to efficiently resolve pending cases. (2016)
- To promote greater use of administrative enforcement opportunities, DIGEPI will dialogue with right holders with facilitation by US Embassy Honduras. (First quarter of 2016)
- To promote greater use of administrative enforcement opportunities, CONATEL will dialogue with right holders with facilitation by US Embassy Honduras. As part of that dialogue, CONATEL will update right holders on recent regulatory changes to promote regulatory compliance by cable operators, including increased financial penalties and requirement that cable operators demonstrate authorizations from rights holders every six months. (First quarter of 2016)
- CONATEL will provide quarterly regulatory compliance reports containing information similar to that included in the quarterly reports of the Ministerio Público. (Starting first quarter of 2016).
- CONATEL will welcome right holder identification of authorized cable licensees, and actively use that information to identify unauthorized cable operators and to take appropriate administrative enforcement actions, including fines and loss of business licenses in appropriate cases. (Ongoing)

Increased Clarity in Scope of Protection for Geographical Indications (GI)

- For greater clarity as to the scope of GI protections granted in Honduras, DIGEPIH will supplement the existing DIGEPI webpage, which lists geographical indications granted to date in Honduras. The supplemental information will include a list of the generic elements of each granted compound GI, and will include a general statement indicating that generic elements are not entitled to GI protection. (By February 2016)
- DIGEPIH will publish a notice providing the information referenced above in the *Diario Oficial*. (Prior to March 15, 2016)
- DIGEPIH will publish a brochure to disseminate the information specified above. (Prior to June 30, 2016)
- DIGEPIH will share with USG drafts of the web posting, public notice, and brochure. (Ongoing)
- DIGEPIH will clarify how an interested party may seek clarification from DIGEPIH on whether individual elements of a compound GI are generic, both during the opposition phase and a nullification phase. (By June 30, 2016)
- In future public notices of requests to register a GI, DIGEPIH will include a statement that individual generic terms are not subject to GI protections and that interested parties may present arguments as to whether terms are generic. (Ongoing)
- In future public notices of a determination to grant a compound GI, DIGEPIH will identify the generic elements of the GI, and include a general statement indicating that generic elements are not entitled to GI protection. (Ongoing)
- DIGEPIH will add GIs to its searchable electronic database, and identify generic elements of compound GIs in future listings. (during 2016, at the earliest possible)
- DIGEPIH has provided draft “*Rules on Border Measures*” for a customs trademark registry to the Executive Directorate for Revenue who has committed to review it for approval. Honduras will share the draft regulations with USG. (2016)

Greater Clarity in the Protection of Test or Other Data Generated to Obtain Marketing Approval for Certain Regulated Products

- In order to provide greater predictability, clarity, and transparency, the “Dirección General de Vigilancia del Marco Normativo”, of the “Secretaría de Estado en el Despacho de Salud”, will finalize and publish, with support from DIGEPIH an employee training manual for test data protection procedures. Ministries will share draft with USG. (First quarter of 2016)

Greater Coordination to Increase Enforcement and Strengthen Protection of Intellectual Property Rights in Honduras

- Reactivate the Interagency Commission to Combat Piracy and Counterfeiting (la Comisión Interinstitucional para el Combate de la Piratería y Falsificación - CICOMPYF) in order to strengthen interagency coordination and cooperation in the protection of intellectual property rights in Honduras. (Ongoing)