

**Law No. 207 amending Art. 189 of Law No. 6500 on Copyright, which was
subsequently amended by Art. 4 of Law No. 49306**

**THE NATIONAL CONGRESS
On behalf of the Republic**

Law No. 207

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WHEREAS, FIRST, on September 9, 2005, the Executive passed Resolution No. 35705 of September 6, 2005, of the National Congress, by which the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), hereinafter referred to as "the Agreement", signed by the Executive on August 5, 2004, was ratified,

WHEREAS, SECOND, it is necessary to improve the protection of industrial property rights and to strengthen the procedures for observance of those rights, while maintaining an appropriate balance between the rights of right holders and users of the industrial property system that fosters the country's social and economic and technological development,

WHEREAS, THIRD, Law No. 6500 on Copyright of August 21, 2000, sets out the general principles that protect the rights of the creators of literary and artistic works and of the literary or artistic form of scientific works as human rights, in accordance with the provisions of Article 8, paragraph 14, of the Constitution of the Dominican Republic, and the rights of performers, producers of phonograms and broadcasting organizations,

WHEREAS, FOURTH, it is necessary to amend Law No. 49306 of December 22, 2006, which amends certain articles of Law No. 42406 on Implementation of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) of November 20, 2006, owing to material omissions,

HAVING REGARD TO Resolution No. 35705 of September 9, 2005, by which CAFTA-DR was approved,

HAVING REGARD TO the Dominican Republic-Central America-United States Free Trade Agreement, set out in *Official Gazette* No. 10336 of September 13, 2005,

HAVING REGARD TO Law No. 2000 of May 8, 2000, on Industrial Property,

HAVING REGARD TO Law No. 6500 of August 21, 2000, on Copyright,

HAVING REGARD TO Law No. 49306 on Implementation of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) of December 22, 2006,

THE FOLLOWING LAW HAS BEEN PASSED:

SOLE ARTICLE. – Article 4 of Law No. 49306 of December 22, 2006, amending Article 189 of Law No. 6500 on Copyright, is hereby amended to read as follows:

"Article 189. – Any person that, without authority and knowing or, with respect to civil remedies, having reasonable grounds to know, that it could induce, enable, facilitate or conceal an infringement of copyright or a related right:

- (a) removes or alters any rights management information;
- (b) distributes or imports for distribution rights management information, knowing that that rights management information has been removed or altered without authority; or
- (c) distributes, imports for distribution, broadcasts, communicates or makes available to the public copies of a work, performance or phonogram, knowing that rights management information has been removed or altered without authority;

shall be liable and subject to the remedies provided for in Chapter IV.

Paragraph I. – Exceptions to the activities prohibited under the present Article shall be limited to lawfully authorized activities carried out by government employees, agents or contractors for law enforcement, intelligence, national defense, essential security or similar governmental purposes in connection with rights management information."

DONE at the Meeting Hall of the Chamber of Deputies, Palace of the National Congress, in Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on December 26, 2006, the 163rd year of Independence and the 144th year of the Restoration.

Julio César Valentín Jiminián
President

María Cleofía Sánchez Lora
Secretary

Teodoro Ursino Reyes
Secretary

DONE at the Meeting Hall of the Senate, Palace of the National Congress, in Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on December 30, 2006, the 163rd year of Independence and the 144th year of the Restoration.

Reinaldo Pared Pérez
President

Amarilis Santana Cedano
Secretary

Diego Aquino Acosta Rojas
Secretary

LEONEL FERNANDEZ
President of the Dominican Republic

In exercise of the powers conferred on me by Article 55 of the Constitution of the Republic,

I hereby **ENACT** the present Law and order it to be published in the *Official Gazette* so as to make it known and ensure compliance therewith.

DONE at Santo Domingo de Guzmán, capital of the Dominican Republic, on January 8, 2007, the 163rd year of Independence and the 144th year of the Restoration.

LEONEL FERNANDEZ

