

ANNEX: GUATEMALA

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

2018 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

The music industry has, in recent years, introduced licensed music services in Guatemala, where there is a clear interest among consumers for such services. At the start of 2017, there were 11 digital streaming services competing for consumers. However, because of piracy and the lack of effective enforcement locally, the digital music market in Guatemala has had a difficult time developing beyond its initial phase. In the face of strong opposition from broadcasters, the local collective management organization of record producers and artists (AGINPRO) continued its efforts in 2017 to collect monies, and filed several legal actions (mostly criminal actions) to try to obtain compensation for public performances from businesses performing sound recordings and from cable operators. In August 2017, AGINPRO won a case against a group of television and radio broadcasters requiring that the broadcasters obtain licenses and make payments for broadcasting recorded music. In ruling in AGINPRO's favor, the Constitutional Court required payments consistent with tariffs published by AGINPRO in November 2010. But even after the August ruling, the broadcasters have continued to use recordings without a license and without making any payments. Some of the broadcast stations are owned by local politicians. This highlights the need for the Government of Guatemala and the U.S. Government to assist music rights holders so they can exercise their rights in Guatemala to license their recordings and to be paid for such licenses. Rights holders cannot do this without government assistance.

In its April 2017 Special 301 Report, the U.S. Government noted increased enforcement activity by the National Police and Attorney General's Office (in 2016), but also urged increased enforcement coordination and criminal prosecution. The U.S. Government also noted that cable signal piracy remains a serious problem. IIPA members agree with this assessment and the need for substantially more criminal enforcement efforts, as well as the need to address the cable signal piracy and to ensure that broadcasters have secured licenses for the use of music that they broadcast.

Guatemala is currently on the [Watch List](#).

