

Part of Application Form

National Institute for the Defense of Competition and Protection of Intellectual Property of Peru -INDECOPI

Description

Introduction

In the last fifteen years, Peru has been undergoing major changes, which have had a significant impact on the country's development. Many of the most significant changes involve the institution of a market economy system. For this, a mediator was required who, without intervening in or distorting the marketplace, would guarantee the effectiveness of the economic system to ensure that the basic rules of competition are honoured.

In this context, the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), was created in November of 1992 (Decree Law No25868 and Supreme Decree No025-93-ITINCI). It is charged with being both arbiter and promoter of Peru's free market economy.

INDECOPI's Organizational Structure

In broadest terms, INDECOPI is divided into two parts, Economic Policy Units and the Jurisdictional Area, both supported by a third part - Administration - and guided by a board of directors, represented on a day-to-day basis by the Chairman of the Board. The Jurisdictional Area is divided into two chambers: Defense of Competition and Intellectual Property. Both chambers are comprised of several different jurisdictional bodies, either commissions or offices (See INDECOPI's Organizational Chart below).

Besides these commissions, the Jurisdictional Area also contains a judicial body of the second instance: the Tribunal, which hears all appeals of cases decided at the first instance by Indecopi's Commissions and offices. Tribunal members are insulated from the first instance and removable without cause. Their decision are appealable directly to Peru's Supreme Court.

The Competition Chamber is comprised of the following commissions: i) Market Access, ii) Free Competition, iii) Repression of Unfair Competition, iii) Consumer Protection, Antidumping and Countervailing Measures, iv) *Corporate Restructuring*, and v) Technical and Commercial Regulations.

Corporate and Restructuring Commission

INDECOPI is the administrative entity in charge of insolvency procedures through the Corporate Restructuring Commission. The objective of these procedures is to confront crisis problems that can affect the enterprises and other agents with patrimonial relationships. Under INDECOPI's supervision,

insolvency procedures seek to generate a suitable environment in order to promote negotiations between creditors and their common debtor, who is submitted into the procedure, in such a way that it is possible to reach efficient solutions, which are orientated to obtain the highest value of the patrimony in crisis.

Importance of the Participation of INDECOPI in IAIR

The participation of INDECOPI in international forums as IAIR is important because it will allow the institution to exchange information with other administrative agencies and Judicial Powers from other countries that have the same responsibilities as INDECOPI. Moreover, it will be allow INDECOPI officials to exchange points of view and experiences with officials from other countries concerned to insolvency matters.

ORGANISATION CHART: INDECOPI

