

I, Cristina Chocano Muñoz, Sworn Translator in English and Spanish, in the free exercise of my functions and duly authorized by the Ministry of Education of the Republic of Guatemala with registry number 697-02-2009 to whose official acts, credit, and faith are due, hereby CERTIFY: Having had before me **DECREE 426**, written in Spanish, which faithfully translated into English to the best of my knowledge and ability reads as follows: -----

-----“**DECREE NUMBER 426**-----

-----**PROTECTION OF THE INDIGENOUS TEXTILE PRODUCTION**-----

----- (September 19, 1947) -----

-----**CONGRESS OF THE REPUBLIC OF GUATEMALA**-----

-----**WHEREAS:**-----

It is necessary to enact laws that regulate and protect the indigenous textile production against adulterations made in the country and abroad only for personal gain.-----

-----**WHEREAS:**-----

It is the duty of the State to protect the indigenous industry, genuine expression of indigenous art and tradition, and at the same time one of the best sources of income, since it is an honest means of subsistence;-----

-----**THEREFORE,**-----

-----**DECREES:**-----

Article 1.- The protection of “textiles manufactured by Guatemalan indigenes” is stated of national interest.-----

Article 2.- For the effects of this law, the textiles are classified as follows:-----

- a) “Indigenous Textiles,” which are those manufactured by indigenes in different small villages and municipalities of the Republic, whenever designs, drawings, or embroideries used are limited to tradition and have been worn by the local inhabitants prior to 1940;-----
- b) “Genuine Indigenous Textiles,” which are textiles manufactured by indigenes, whenever textiles have been the expression of their own artistic conceptions or local motifs of a region; and-----
- c) “Guatemalan Textiles,” are those with archetypical motifs or similar drawings, manufactured large scale by laborers in textile industries. This sort of textile could never be promoted as genuinely indigenous or coming from a certain region of the country.-----

Article 3.- The National Indigenous Institute, as a technical and scientific entity must guarantee the origin and the legitimacy of native and genuine textiles by any of the following means:-----

- a) A warranty with the adequate inscription;-----
- b) Warranties made of paper, fabric or other materials; and-----
- c) Other visible and easily legible marks.-----

To accomplish the aforementioned, warranty marks or strips shall be glued or sewn to the pieces whose authenticity is being guaranteed.-----

Article 4.- In order that the provisions of the previous article take effect, the National Indigenous Institute shall organize a joint Committee called “Committee for the control of indigenous textiles,” in every administrative center of the municipality or indigenous community . It shall be comprised of three persons: an appointee of the municipality, a resident of the community designated by the Indigenous Institute, and a representative of the weavers:-----

The duties of the Committee are as follows:-----

- a) To have the representation of the National Indigenous Institute for the effects of this law;-----
- b) To appraise the origin and legitimacy of such textiles; and-----
- c) To administer the warranty and deliver it at no cost to the interested parties; and ensure that the warranty is glued or adhered to the textile products whose authenticity is being certified. Every other duty as well as its internal organization shall be enforced by the specific Regulations made by the National Indigenous Institute and approved by the Ministry of Economy and Labor.-----

Article 5.- Marks, strips, and other warranty marks registered in the specific office of the General Direction of Trade and Industry shall be designed and verified by the National Indigenous Institute.-----

Article 6.- The National Indigenous Institute is still responsible for initiating, at once, a study of the indigenous textile production in order to establish what the designs, drawings, and characteristic qualities of the textiles of every community are, and to obtain, for their control, a complete collection in the most useful and adequate manner, for the legal effects of this law.-----

Likewise, the aforementioned Institute is authorized and is still in charge of passing judgment at the request of any interested party about the textiles’ characteristic qualities, making it mandatory to deliver a copy of its judgments to the section on industry of the General Direction of Trade and Industry.-----

Article 7.- To avoid adulterations on “native” or “genuine” textiles, every committee shall register in the Office of Brands and Patents, the designs, drawings, or embroideries that belong to a municipality or community, thus acquiring exclusively its property for their own use. The National Indigenous Institute as well as the Office of Brands and Patents shall have a special register to make that sort of registration. The procedure to obtain the record shall have no cost.-----

Article 8.- In case it is demonstrated that a drawing or design is or has been traditionally used in many municipalities or indigenous communities, all of them can obtain the property

registration. In addition, the Institute shall create complete collections of samples given the trade or tourist importance of the area.-----

Article 9.- Guatemalans and members of indigenous communities who traditionally manufacture indigenous textiles shall have exclusivity in manufacturing the textiles mentioned previously in subsections a) and b) of Article 2 of this law.-----

Manufacturers and industrialists dedicated to the manufacture of “Guatemalan Textiles,” shall not be licensed to use in their products the designs, drawings, and embroideries registered in favor of some municipality or indigenous community. In case this provision is contravened, they shall be subject to the sanctions established by the Law of Brands and Patents. Nevertheless, every manufacturer or industrialists shall register drawings designed by them, as long as they are not classified as “genuine” or “native”, even if they are not registered.-----

Article 10.- It is an obligation of the State to increase and guide the indigenous textile production. To that end, the General Direction of Trade and Industry and the National Indigenous Institute shall organize production, credit, and sales cooperatives, in accordance with the laws that govern the Department of Cooperative Promotion and the societies of economic and educational nature in municipalities and indigenous communities.-----

Article 11.- The entities mentioned in the previous article shall look for suitable means to introduce among indigenous weavers enhanced textile mills to protect their health or increase their production, without affecting the values of quality and tradition that their products have.-----

Article 12.- Local or foreign textiles, on which drawings of the indigenous textile art is stamped, shall not be sold in the country or exported as indigenous textiles.-----

The Indigenous Institute and the General Direction of Trade and Industry are the authorized organizations that must control such trade and avoid adulterations of “native” and “genuine” textiles.-----

Article 13.- The Ministry of Economy and Labor, and the Ministry of Public Education, though the National Indigenous Institute, are in charge of issuing the adequate regulations to promote, preserve, and protect the indigenous textile art, which this law targets, and it shall contain the system of sanctions if failure to comply occurs.-----

Article 14.- The National Office of Tourism shall work in close connection with the Indigenous Institute and all the agencies that must expand this law, to accomplish the maximum trade protection that manufacturers of native and genuine indigenous textiles deserve.-----

Article 15.- The Indigenous Institute is authorized, after having previously consulted with the pertinent Ministers, to include genuine and native indigenous products in the lists that deserve special control and include those products that it deems as worthy of such.-----

Article 16.- This Decree shall come into effect 30 days after its publication in the newspaper *Diario Oficial*.-----
Palace of the Legislative Body. Guatemala, September 19, 1947.””-----

IN WITNESS WHEREOF for the legal purposes pertaining to the interested party and assuming no responsibility for the content of the translated document, I have hereunto set my hand and affixed my seal on this SWORN TRANSLATION, issued on four (4) sheet of official paper in the City of Guatemala on this third day of March of the year two thousand nine.