

**NO JODAS JUANITO AFTER 12 YEARS
MORAL AND HERITAGE VIOLATION TO THE RIGHTS OF THE AUTHOR
TITO JARA**

After more than 12 years of the Appeal filed by Carlos Naranjo Estrella against Resolution 008 of the Directorate of Copyright and Related Rights that convicted him of copyright violations of Tito Jara's work entitled NO JODAS JUANITO, on October 16, 2013, the Intellectual Property Committee of the Ecuadorian Intellectual Property Institute decided to partly confirm the decision made by the Directorate of Copyright and Related Rights and indeed confirm that there was a violation of moral and economic rights of Tito Jara's work. The Resolution has confirmed the administrative stage order, and decided the removal of trade in specimens of the cinematographic work SUEÑOS EN LA MITAD DEL MUNDO, the prohibition of reproduction, public communication and distribution. The Committee also sanctions Carlos Naranjo Estrella with the maximum fine established by Law.

The Intellectual Property Committee has carefully analyzed the process that began in 2000 and concluded that there was an illegal and unauthorized use of the play NO JODAS JUANITO which was legally protected property on behalf of Tito Jara Hurtado. This work was adapted, rewritten and revised by Mr. Carlos Naranjo Estrella to make it a screenplay called DEBORAH, an episode part of one of the three stories that make up the film SUEÑOS EN LA MITAD DEL MUNDO.

The screenplay entitled NO JODAS JUANITO is an original work eligible for protection since the time it was written; therefore some of the arguments of Carlos Naranjo Estrella were undermined in regards with what was initially said by him about Tito Jara's work not qualifying for protection by copyright. More than this, the Committee has given emphasis to the official survey conducted by Gustavo Guayasamín that compared the two screenplays, where he has stated that there were no similarities in the shape of the object scripts under process, because while the script of NO JODAS JUANITO was written by a university student, DEBORAH script was reworked by professional people. However, the authority has focused on the analysis and background coincidences, and consequently the Intellectual Property Committee has concluded that the script DEBORAH lacks originality regarding NO JODAS JUANITO script.

Finally, the Ecuadorian PTO has determined that Mr. Carlos Naranjo Estrella claimed authorship for the script DEBORAH, episode part of the work SUEÑOS EN LA MITAD DEL MUNDO. This story is not original in relation to the work called NO JODAS JUANITO, owned by Tito Jara, which is why it is considered that his rights were violated. It was also considered that the breach was made in the adaptation without permission from the owner.

This Resolution from the Ecuadorian PTO has stated a significant milestone in the field of copyright and in the originality of the work of Tito Jara, who due to his moral qualities committed himself not to rest until justice was done. After several years of efforts, we have obtained very satisfactory results, favorable to the owner of a piece of work.

Our professional firm counseled from the beginning the now recognized Ecuadorian filmmaker Tito Jara.

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