

[REPUBLIC ACT NO. 10372, February 18, 2013]

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE "INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES", AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 6 of Republic Act No. 8293, otherwise known as the "Intellectual Property Code of the Philippines", is hereby amended to read as follows:

"SEC. 6. *The Organizational Structure of the IPO.* – x x x

"6.2. The Office shall be divided into seven (7) Bureaus, each of which shall be headed by a Director and assisted by an Assistant Director. These Bureaus are:

"x x x

"(f) The Administrative, Financial and Personnel Services Bureau; and

"(g) The Bureau of Copyright and Other Related Rights."

SEC. 2. Section 7 of Republic Act No. 8293 is hereby amended to read as follows:

"SEC. 7. *The Director General and Deputies Director General.* –

"x x x

"(b) Exercise exclusive appellate jurisdiction over all decisions rendered by the Director of Legal Affairs, the Director of Patents, the Director of Trademarks, the Director of Copyright and Other Related Rights, and the Director of the Documentation, Information and Technology Transfer Bureau. The decisions of the Director General in the exercise of his appellate jurisdiction in respect of the decisions of the Director of Patents, the Director of Trademarks and the Director of Copyright and Other Related Rights shall be appealable to the Court of Appeals in accordance with the Rules of Court; and those in respect of the decisions of the Director of the Documentation, Information and Technology Transfer Bureau shall be appealable to the Secretary of Trade and Industry;

"(c) Undertake enforcement functions supported by concerned agencies such as the Philippine National Police, the National Bureau of Investigation, the Bureau of Customs, the Optical Media Board, and the local government units, among others;

"(d) Conduct visits during reasonable hours to establishments and businesses engaging in activities violating intellectual property rights and provisions of this Act based on report, information or complaint received by the office; and

"(e) Such other functions in furtherance of protecting IP rights and objectives of this Act."

SEC. 3. A new Section 9A is hereby inserted after Section 9 of Republic Act No. 8293, to read as follows:

"SEC. 9A. *The Bureau of Copyright and Other Related Rights.* – The Bureau of Copyright and Other Related Rights shall have the following functions:

"9A.1. Exercise original jurisdiction to resolve disputes relating to the terms of a license involving the author's right to public performance or other communication of his work;

"9A.2. Accept, review and decide on applications for the accreditation of collective management organizations or similar entities;

"9A.3. Conduct studies and researches in the field of copyright and related rights; and

"9A.4. Provide other copyright and related rights service and charge reasonable fees therefor."

SEC. 4. Section 171.3. of Republic Act No. 8293 is hereby amended to read as follows:

"SEC. 171. *Definitions.* – x x x

"171.3. 'Communication to the public' or 'communicate to the public' means any communication to the public, including broadcasting, rebroadcasting, retransmitting by cable, broadcasting and retransmitting by satellite, and includes the making of a work available to the public by wire or wireless means in such a way that members of the public may access these works from a place and time individually chosen by them;"

SEC. 5. Section 171.9. of Republic Act No. 8293 is hereby amended to read as follows:

"171.9. 'Reproduction' is the making of one (1) or more copies, temporary or permanent, in whole or in part, of a work or a sound recording in any manner or form without prejudice to the provisions of Section 185 of this Act (Sec. 41[E], P.D. No. 49a);"

SEC. 6. There shall be two new subsections to be added at the end of Section 171.11. to be known as 171.12. and 171.13., both to read as follows:

"171.12. 'Technological measure' means any technology, device or component that, in the normal course of its operation, restricts acts in respect of a work, performance or sound recording, which are not authorized by the authors, performers or producers of sound recordings concerned or permitted by law;

"171.13. 'Rights management information' means information which identifies the work, sound recording or performance; the author of the work, producer of the sound recording or performer of the performance; the owner of any right in the work, sound recording or performance; or information about the terms and conditions of the use of the work, sound recording or performance; and any number or code that represent such information, when any of these items is attached to a

copy of the work, sound recording or fixation of performance or appears in conjunction with the communication to the public of a work, sound recording or performance.”

SEC. 7. The Chapter Title of Chapter VII, Part IV, the Law on Copyright, is hereby amended to read as follows:

“CHAPTER VII

TRANSFER, ASSIGNMENT AND LICENSING OF COPYRIGHT”

SEC. 8. Section 180 of Republic Act No. 8293 is hereby amended to read as follows:

“SEC. 180. *Rights of Assignee or Licensee.* – 180.1. The copyright may be assigned or licensed in whole or in part. Within the scope of the assignment or license, the assignee or licensee is entitled to all the rights and remedies which the assignor or licensor had with respect to the copyright.

“180.2. The copyright is not deemed assigned or licensed *inter vivos*, in whole or in part, unless there is a written indication of such intention.

“x x x

“180.4. Any exclusivity in the economic rights in a work may be exclusively licensed. Within the scope of the exclusive license, the licensee is entitled to all the rights and remedies which the licensor had with respect to the copyright.

“180.5. The copyright owner has the right to regular statements of accounts from the assignee or the licensee with regard to assigned or licensed work.”

SEC. 9. Section 181 of Republic Act No. 8293 is hereby amended to read as follows:

“SEC. 181. *Copyright and Material Object.* – The copyright is distinct from the property in the material object subject to it. Consequently, the transfer, assignment or licensing of the copyright shall not itself constitute a transfer of the material object. Nor shall a transfer or assignment of the sole copy or of one or several copies of the work imply transfer, assignment or licensing of the copyright. (Sec. 16, P.D. No. 49)”

SEC. 10. Section 183 of Republic Act No. 8293 is hereby amended to read as follows:

“SEC. 183. *Designation of Society.* – The owners of copyright and related rights or their heirs may designate a society of artists, writers, composers and other right-holders to collectively manage their economic or moral rights on their behalf. For the said societies to enforce the rights of their members, they shall first secure the necessary accreditation from the Intellectual Property Office. (Sec. 32, P.D. No. 49a)”

SEC. 11. Section 184.1. of Republic Act No. 8293 is hereby amended to read as follows:

“SEC. 184. *Limitations on Copyright.* – x x x

“(1) The reproduction or distribution of published articles or materials in a specialized format exclusively for the use of the blind, visually- and reading-

impaired persons: *Provided*, That such copies and distribution shall be made on a nonprofit basis and shall indicate the copyright owner and the date of the original publication."

SEC. 12. Section 185.1. of Republic Act No. 8293 is hereby amended to read as follows:

"SEC. 185. *Fair Use of a Copyrighted Work.* – 185.1. The fair use of a copyrighted work for criticism, comment, news reporting, teaching including limited number of copies for classroom use, scholarship, research, and similar purposes is not an infringement of copyright. Decompilation, which is understood here to be the reproduction of the code and translation of the forms of a computer program to achieve the interoperability of an independently created computer program with other programs may also constitute fair use under the criteria established by this section, to the extent that such decompilation is done for the purpose of obtaining the information necessary to achieve such interoperability.

"x x x."

SEC. 13. Section 188.1. of Republic Act No. 8293 is hereby amended to read as follows:

"SEC. 188. *Reprographic Reproduction by Libraries.* – 188.1. Notwithstanding the provisions of Subsection 177.1., any library or archive whose activities are not for profit may, without the authorization of the author or copyright owner, make a limited number of copies of the work, as may be necessary for such institutions to fulfill their mandate, by reprographic reproduction:

"x x x

"(c) Where the making of such limited copies is in order to preserve and, if necessary in the event that it is lost, destroyed or rendered unusable, replace a copy, or to replace, in the permanent collection of another similar library or archive, a copy which has been lost, destroyed or rendered unusable and copies are not available with the publisher."

SEC. 14. Sections 190.1. and 190.2. of Republic Act No. 8293 are deleted in their entirety.

SEC. 15. Section 190.3. of Republic Act No. 8293 is hereby renumbered and amended as the sole provision under Section 190 to read as follows:

"SEC 190. *Importation and Exportation of Infringing Materials.* – Subject to the approval of the Secretary of Finance, the Commissioner of Customs is hereby empowered to make rules and regulations for preventing the importation or exportation of infringing articles prohibited under Part IV of this Act and under relevant treaties and conventions to which the Philippines may be a party and for seizing and condemning and disposing of the same in case they are discovered after they have been imported or before they are exported. (Sec. 30, P.D. No. 49)"

SEC 16. Section 191 of Republic Act No. 8293 is hereby amended to read as follows:

"SEC 191. *Deposit and Notice of Deposit with the National Library and the Supreme Court Library.* – At any time during the subsistence of the copyright, the owner of the copyright or of any exclusive right in the work may, for the purpose of