

# [ OFFICE ORDER NO. 13 - 171, October 01, 2013 ]

## **RULES AND REGULATIONS ON COPYRIGHT REGISTRATION AND DEPOSIT**

**Whereas**, the Intellectual Property Office of the Philippines (IPOP HL) is mandated to administer and implement the State policies declared in Republic Act No. 8293, the Intellectual Property Code of the Philippines (IP Code):

**Whereas**, Sec. 191 of the IP Code, as amended by Sec. 16 of Republic Act No. 10372, provides for the registration and deposit of works with the National Library and the Supreme Court Library at any time during the subsistence of the copyright:

**Whereas**, in a Memorandum of Agreement (MOA) signed on January 25, 2011, the National Library of the Philippines (NLP) deputized the IPOP HL as a receiving office for the registration and deposit of copyrighted works:

Now, therefore, pursuant to the said MOA entered into by the NLP and IPOP HL, the following rules and regulations on copyright registration and deposit are hereby adopted:

### **RULE I GENERAL PROVISIONS**

**Section 1. Title.** These rules shall be known as the "Rules on Copyright Registration and Deposit".

**Section 2. Coverage.** These rules shall apply to registration and deposit of copyrighted works with the IPOP HL through its Intellectual Property Satellite Offices (IPSOs) and may be adapted *mutatis mutandis* by the NLP. These rules shall not affect the system of deposit of works in the field of law maintained by the Supreme Court Library.

**Section 3.** These rules shall be liberally construed to carry out the objectives of the Constitution, the IP Code, and the IPOP HL-NLP MOA.

**Section 4. Definition of Terms.**

- a. Assignee - a person or entity to which the author or copyright holder has assigned the copyright in whole or in part. Within the scope of the assignment, the assignee is entitled to all the rights and remedies which the assignor had with respect to the copyright.
- b. Author or Creator - natural person who has created the work.
- c. Bureau of Copyright and other Related Rights (BCRR) - bureau within IPOP HL in charge of copyright matters.

- d. Copyright - right granted by a statute to the proprietor of an intellectual production to its exclusive use and enjoyment to the extent specified in the statute.
- e. Heir - a person called to the succession either by the provision of a will or by operation of law.
- f. Intellectual Property Field Operations Unit (IPFOU) - the unit within IPOPHL that supervises the operations of the IPSOs.
- g. Intellectual Property Satellite Office (IPSO) - field offices of IPOPHL which are established in selected areas in the country to provide a base for launching public awareness campaigns in key areas and make technical and advisory services readily available to enable IP stakeholders in the regions to ensure the effective use of the IP system for protection and commercialization of their IP assets.
- h. IPSO Field Specialist - IPSO personnel in charge of receiving applications for intellectual property rights. For purposes of these guidelines, this shall also refer to the IPFOU personnel in Manila assigned to receive the applications.
- i. Storage Medium - device that serves as container of electronic data including, but not limited to, universal serial bus (USB) flash drives, optical discs, magnetic tapes or such other device that may be developed in the future. Technical Description - a brief description of every view of the design or drawing, i.e., perspective, front, side, top, bottom and/or back, and indicated with corresponding figure numbers.
- j. Technical Description - a brief description of every view of the design or drawing, i.e., perspective, front, side, top, bottom and/or back, and indicated with corresponding figure numbers.

## **RULE II REQUIREMENTS FOR APPLICATION**

**Section 1.** *Who may Apply.* The author or creator of the work, his heirs, or assignee, may apply for a certificate of copyright registration and deposit. They may apply in person, or through a duly authorized representative. Non-resident applicants may be represented by a duly authorized resident agent.

**Section 2.** *Documentary requirements.* The duly accomplished registration and deposit form (RDF) must be filed in duplicate for each work, together with the original or certified true copy of the following documents:

- a. Document evidencing ownership of the copyright or the manner of its acquisition:
  - (i) for authors or creators: affidavit under Sec. 218 of R.A. No. 8293, the Intellectual Property Code of the Philippines (IP Code);

(ii) for heirs: affidavit under Sec. 218 of IP Code; death certificate of author or creator; and birth certificate (for children), or marriage certificate (for spouse), or will/any document evidencing designation as heir (for heirs other than spouse or children); Provided, that, for heirs other than spouse or children, the aforementioned affidavit shall contain a statement that there are no other existing heirs and a statement indicating the relationship with deceased author, if related by consanguinity;

(iii) for assignees: affidavit under Sec. 218 of IP Code and deed of assignment or any instrument transferring or waiving ownership of copyright;

b. Document evidencing identity of the applicant

(i) for natural persons: any competent evidence of identity, which refers to the identification of an individual based on:

(a) at least one current identification document issued by an official agency bearing the photograph and signature of the individual; or

(b) oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.

(ii) for juridical persons: certificate of registration issued by the Securities and Exchange Commission (for corporations) or certificate of registration issued by the Department of Trade and Industry (for single proprietorships and only if the author is other than the owner of the single proprietorship).

c. Document evidencing authority to represent (i.e., with authority to sign in behalf of) another person/entity:

(i) for representatives of natural persons: special power of attorney;

(ii) for representatives of juridical persons: board resolution or secretary's certificate;

d. Official receipt of the filing fee, or validated deposit slip if payment is made through the depository bank;

e. Work to be deposited in the manner provided in No. 6 below.

**Section 3. Filing Fee.** A fee structure shall be adopted in accordance with the IP Code and relevant laws or regulations. The filing fee shall be comprised of a basic

fee, which includes the fund-in-trust for NLP equivalent to fees imposed on copyright registrations and the administrative expenses incurred by IPOPHL. An additional fee shall be charged to cover the expenses of sending the deposited works to IPOPHL Manila as well as sending the certificates directly to the address of the applicant.

The fee covering administrative expenses may be granted by IPOPHL to NLP upon formal request by the latter and approval of a project proposal related to enhancement of copyright services.

In view thereof, the following schedule of fees shall be adopted:

Reference Code	Origin	Basic Fee (PhP)		Courier	Total
		Fund-in-trust for NLP	Administrative expenses		
C01	Manila	200	300	125	625
C01	Regions	200	300	250	750
C03	Bulk (50 works and above)	200			200

Section 4. Manner of deposit. The works shall be deposited in the following manner: