



INTELLECTUAL PROPERTY
OFFICE OF THE PHILIPPINES

Collective Management Organizations in the Philippines

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(By Designation) Bureau of Copyright and Related Rights

Republic Act No. 8293

**An Act Prescribing the
Intellectual Property Code
and Establishing the
Intellectual Property Office,
Providing for its Powers and
Functions,
and for Other Purposes**

Effective 01 January 1998

Amended by RA 10372

Functions of IPOPHL



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- ✧ **Examine applications for IP rights**
- ✧ **Register & settle disputes on technology transfer arrangements**
- ✧ **Promote the use of patent information**
- ✧ **Publish regularly the IPRs registered**
- ✧ **Administrative adjudication**
- ✧ **Coordination with gov't & private sectors**
- ✧ **Enforcement, visitorial powers**

Establishment of Copyright Bureau



- **Resolve disputes relating to the terms of a license involving the author's right to public performance or other communication of his work;**
- **Accredit CMOs or similar entities;**
- **Conduct studies and researches in the field of copyright and related rights; and**
- **Other copyright and related rights service; charge reasonable fees.**

Sec. 1 (amend Sec. 6); Sec. 3 (amend Sec. 9)

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“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. 183, IP Code

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CMO Activities:

- **Negotiation and grant of licenses**
- **Collection of royalties; proceeds in subsequent transfers; additional remuneration for subsequent broadcast; single equitable remuneration**
- **Distribution of collection to the rights holders**

Rules on the Accreditation of CMOs, Rule I Sec. 2a

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Minimum requirements:

- **Non-stock, non-profit corporation**
- **Membership: right holders belonging to sector**
- **Officers' 16 hours training on copyright**
- **Managerial and administrative capability**

Rules on the Accreditation of CMOs, Rule II Sec. 1

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Documentary requirements:

- Articles of Incorporation & By-Laws
- SEC/BIR registration/permits
- Organizational structure
- List of board members, officers, with biodata
- List of members and current licensees
- List of collecting agents
- Business manual (tariff rates/distribution rules)
- Membership agreement/deed of assignment
- Reciprocal agreement
- Licensing agreement
- Audited financial statements

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Third party observation:

Any interested party may submit written observations thereon to the Bureau of Copyright and other Related Rights within thirty (30) days. The observations shall forthwith be communicated to the applicant who may comment on them within ten (10) days from receipt of said communication.

Rules on the Accreditation of CMOs, Rule II Sec. 4

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Decision:

- **By BCRR Director, within 30 days from filing**
- **May engage the assistance of experts**
- **Effective for 3 years and renewable at least 30 days before expiry**

Appeal:

- **To the Director General**
- **Uniform Rules on Appeal**

Rules on the Accreditation of CMOs, Rule II Sec. 5,7,8;
Rule IV Sec. 1

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Denial of Accreditation: grounds

- **Non-compliance with minimum & documentary requirements.**
- **Information supporting the application reveals that the CMO is unable to effectively manage and administer intermediary affairs as well as the rights of their members.**

Rules on the Accreditation of CMOs, Rule II Sec. 6

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Publication upon Approval of Accreditation

IPOPHL shall publish, in the IPOPHL Website, the accreditation certificates, statutes, rates for collecting licensing fees, and distribution mechanism of the accredited CMO.

Rules on the Accreditation of Collective Management Organizations,
Rule II Sec. 9

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Rights of Accredited CMOs

- **Administer rights assigned by members**
- **Engage in negotiation, licensing, collecting and distributing royalties**
- **Sue and enforce administered rights**

Rules on the Accreditation of Collective Management Organizations, Rule III
Sec. 1

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Duties of Accredited CMOs:

- **Faithfully discharge obligations & comply w/ laws, IPOPHL rules & orders;**
- **Submit audited financial statements & requested information to IPOPHL;**
- **Notify & welcome IPOPHL reps to meetings;**
- **Report changes in statutes or business.**

Rules on the Accreditation of Collective Management Organizations, Rule III Sec. 2

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Suspension of Accreditation:

- **CMO/board member/officer found (by final order or conviction) to have violated copyright/any related law, rules.**
- **Any of the submitted docs found to be false or untrue.**
- **Failure to maintain minimum requirements.**
- **Failure to engage in any CMO activities.**
- **Failure to observe the parameters for royalty distribution.**
- **Malicious breach of contract or fiduciary duty.**
- **Failure to give proper accounting to its members.**

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Effect of Non-accreditation, Denial, or Suspension of Accreditation

- **CMO cannot engage in CMO activities.**
- **CMO may re-apply for accreditation or move for lifting of suspension, provided, that the ground/s for denial/suspension had ceased to exist and it has complied with the minimum requirements.**

Rules on the Accreditation of CMOs, Rule IV Sec. 3

Status of Accreditation



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Name	Sector	Right granted under IP Code	First Accredited	Renewal/Subsequent Grant
Filipino Society of Composers, Authors and Publishers, Inc. (FILSCAP)	Composers, lyricists, music publishers and other music copyright owners	reproduction, public performance and communication to the public	Feb. 20, 2014	Feb. 20, 2017 N.B. other rights granted: transformation, first public distribution
Filipinas Copyright Licensing Society, Inc. (FILCOLS)	Authors, publishers other right holders in the text & image	Right of reproduction	Apr. 21, 2014	Lapsed
Performers Rights Society of the Philippines, Inc. (PRSP)	Performers	Economic rights; additional remuneration for subsequent comm. or broadcasts; and single equitable remuneration	Oct. 15, 2014	Jan. 26, 2018; Aug. 19, 2019 - suspended
Sound Recording Rights Society of the Philippines (SOUNDSRIGHT)	Sound recording producers	Sound recording rights; and single equitable remuneration	Mar. 30, 2015	Apr. 1, 2018; Aug. 19, 2019 - suspended



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Thank you!

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