

Updates on the National Legislation and Initiatives on Copyright Protection in the Philippines

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Presentation Outline

1. Legal Framework
2. State of Piracy in the Philippines
3. Enforcement of Copyright and reliefs under different remedies
4. Developments on IP Laws and Regulations
5. IP Awareness and Education

Intellectual Property Office of the Philippines (IPOPHL)



IPOPHL is the government agency mandated to administer and implement State policies on intellectual property (IP) to strengthen the protection and enforcement of IP rights in the country.

IPOPHL deals with all kinds of IP including copyright and related rights unlike in other jurisdictions.

IPOPHL given enforcement and visitorial power through RA 10372 in 2013.

Legal Framework

Art. XIV, Sec. 13, 1987 Philippine Constitution

- The State shall protect and secure the exclusive rights of scientists, inventors, artists, and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people, for such period as may be provided by law.

Republic Act 8293, as amended

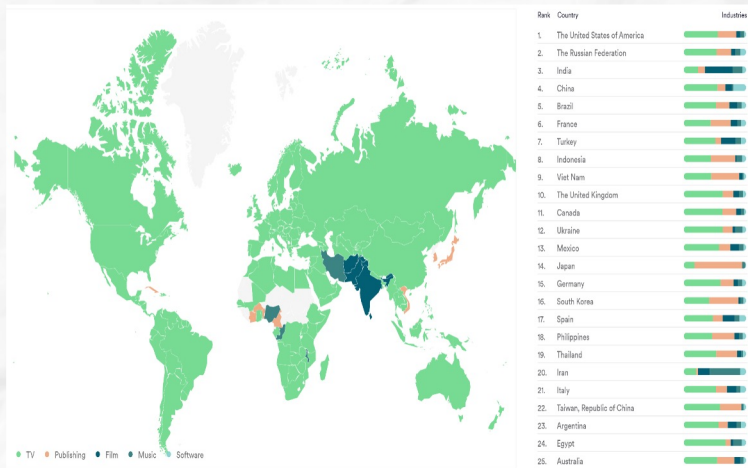
- governing law on intellectual property rights and the creation of the IPOPHL and provides for its functions

Other IP related Laws, Treaties and Rules and Regulations

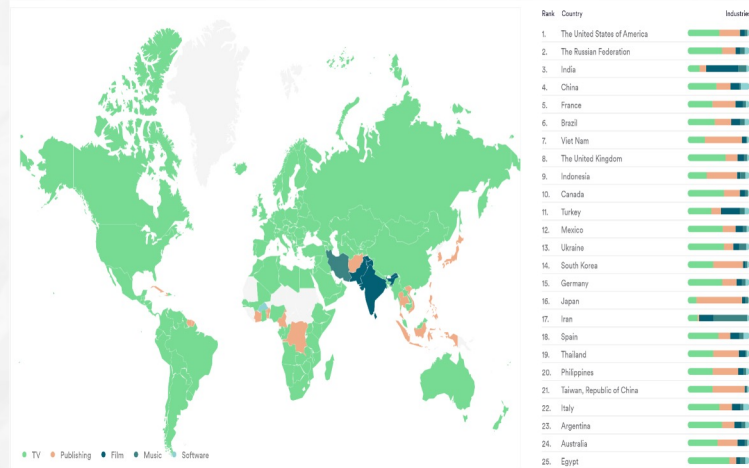
- Rules and Regulations that implement the provisions of the IP Code - Rules and Regulations on IP Enforcement, Rules on IPV Cases
- 2021 Revised Rules of Procedure on IPR Cases
- Treaties and Agreements - Rome Convention, Berne Convention, WIPO Internet Treaties

Piracy in the Philippines

2021



2022



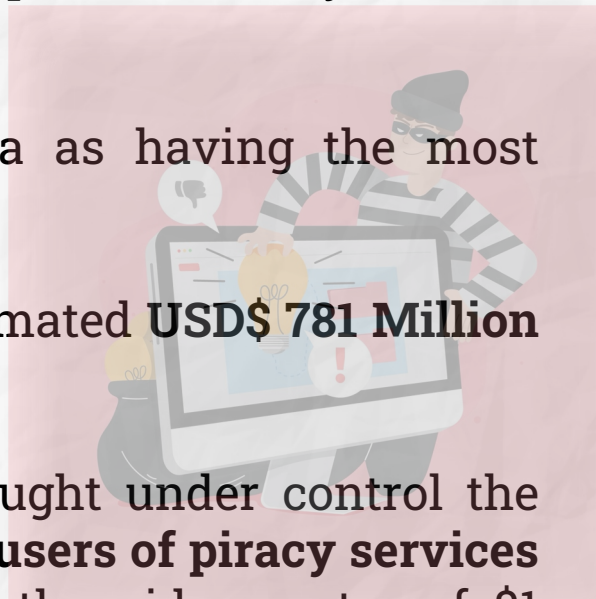
The Philippines **ranked #20** globally in the list of piracy site visits in **2022** as compared to the **2021** which was at **#18** in the global ranking.

Source: https://dashboard.muso.com/piracy_by_industry

Online Piracy

Study of Media Partners Asia entitled *"The Impact of Piracy on the Philippines Creative Economy"*.

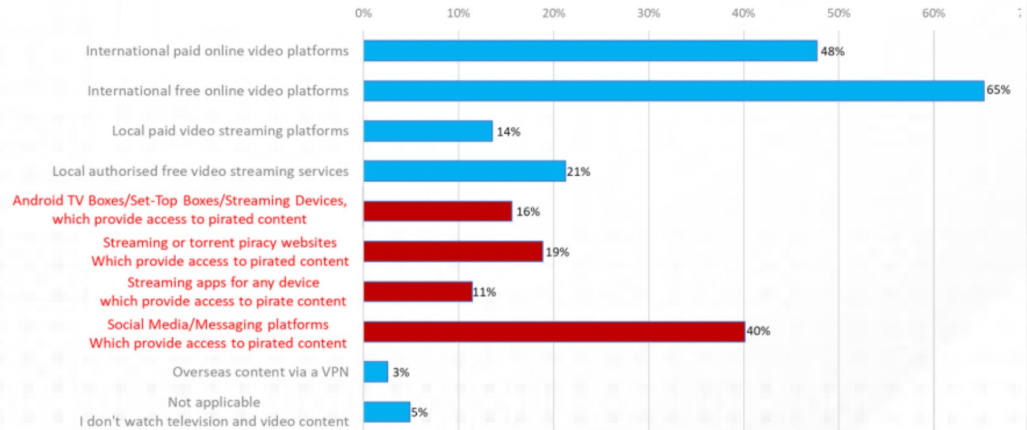
- The **Philippines is second** only to Indonesia as having the most number of users who access piracy websites.
- In 2022, the Philippine video sector lost an estimated **USD\$ 781 Million** in revenue due to online piracy
- If online piracy in the Philippines is not brought under control the report estimated that there could be **31 Million users of piracy services by 2027** with an annual revenue leakage to the video sector of \$1 Billion.



Filipinos Access to Pirated Content

Philippines Consumers Access Pirated Content Via a Number of Means*

“Which of the following apps and services do you use to watch Live or On-Demand streamed TV shows and videos over the internet?”



*As per YouGov's 2023 Consumer Survey

Three-Pronged Approach to Address Copyright Infringement



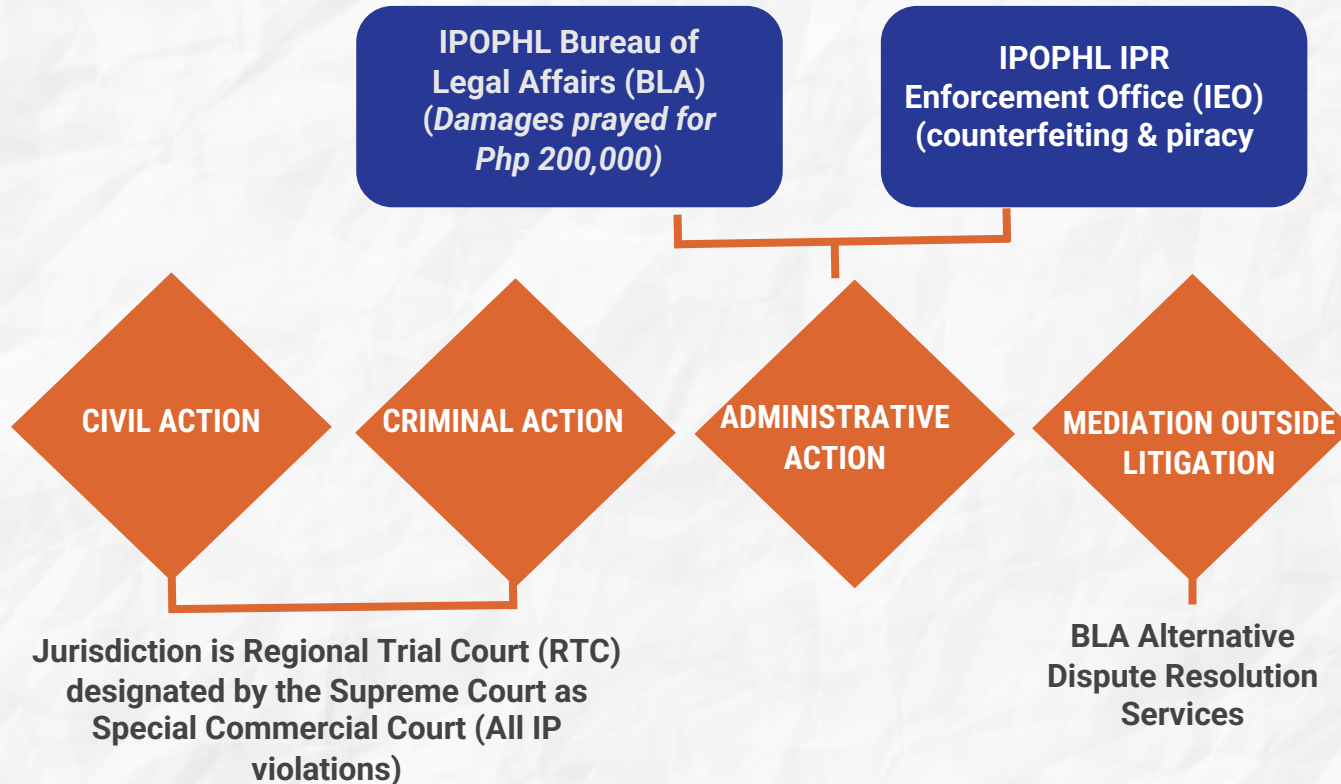
Enforcement of Copyright

Legal Basis for Enforcement of Copyright (Sec 216 of the IP Code)

Infringement. – Any person infringes a right protected under this Act when one:

- a. Directly commits an infringement;
- b. Benefits from the infringing activity of another person who commits an infringement if the person benefiting has been given notice of the infringing activity and has the right and ability to control the activities of the other person;
- c. With knowledge of infringing activity, induces, causes or materially contributes to the infringing conduct of another.

Available Legal Remedies



Interim Reliefs

- ✓ Temporary restraining order
- ✓ injunction;
- ✓ Search and seizure order – criminal/civil
- ✓ Disposal and destruction of infringing goods

Reliefs under Civil Remedy

- ✓ an injunction restraining them from further acts of infringement;
- ✓ Payment of actual damages including legal costs and other expenses, as well as the profits the infringer made as a result of the infringement;
- ✓ Delivery for impounding sales invoices and other documents evidencing sales, all articles and their packaging alleged and equipment used for making them, while the action is pending;
- ✓ Delivery for destruction of all infringing goods and equipment used to reproduce them; and
- ✓ Payment of moral and exemplary damages.

Note: Award of damages is doubled when infringement was committed with circumvention of technological protection measure (TPM) or alteration of rights management information

Reliefs under Criminal Remedy

First offense: imprisonment of between one and three years *plus* a fine of between P50,000 and P150,000;

Second offense: imprisonment of between three years and one day and six years *plus* a fine of between P150,000 and P500,000;

Third and subsequent offenses: imprisonment of between six years and one day and nine years *plus* a fine of between P500,000 and P1,500,000.

- ❖ **In the event that the offender is insolvent, they will be sentenced to subsidiary imprisonment.**
- ❖ **In the event that the infringement was committed with circumvention of technological protection measure (TPM) or alteration of rights management information – maximum penalty will be imposed.**

Reliefs under Administrative Remedy (Bureau of Legal Affairs)

1. Issuance of a cease and desist order with submission of compliance report within a reasonable time
2. Acceptance of a voluntary assurance of compliance or discontinuance;
3. Condemnation or seizure of products which are subject of the offense.
4. Forfeiture of paraphernalia and all real and personal properties which have been used in the commission of the offense;
5. Imposition of administrative fines (not less than Php 5,000 nor more than Php 150,000;
6. Cancellation or withholding of any permit, license, authority, or registration granted by the Office;
7. Damages;
8. Censure; and
9. Other analogous penalties or sanctions.

Reliefs under Administrative Remedy (IP Rights Enforcement Office)

1. Issuance of warning letters;
2. Issuance of Compliance Order
3. Conduct of visits and inspection of establishment/s
4. Referral of cases to law enforcement authorities
5. Cease and desist order
6. Issuance of notice and take down
7. Request for cancellation of permits, licenses from other government agencies

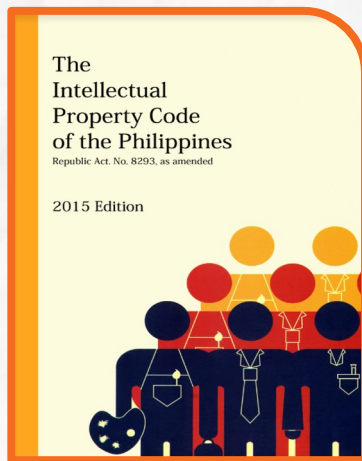
Developments on IP Laws and Regulations

Proposed Legislations on the Amendment of the IP Code

- HB 7600, strengthening the powers and functions of the Intellectual Property Office of the Philippines, has been approved by the House of Representatives on third reading on May 22, 2023. Currently the bill has passed the first reading by the Senate and referred to the Committee on TRADE, COMMERCE AND ENTREPRENEURSHIP
 1. If passed, the legislation will create a method for internet service providers to restrict websites that include pirated content
 2. additional wordings would be placed on Republic Act No. 8293 or the IP Code, to broaden the scope of what could be considered as counterfeit or pirated goods – which would include content posted online; and
 3. it allows the Intellectual Property Office of the Philippines to receive complaints and petitions to take down infringed content posted online, or to conduct site blocking. The complaints can be heard in a simplified manner that also adheres to the constitutional requirement of due process – including means for appeal.

House Bill No. 7600, or “An Act Amending Chapter XVII of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines, as amended

- Also authored by Albay 2nd District Rep. Joey Salceda.



Proposed Legislations on the Amendment of the IP Code

Senate Bill No. 2150

AN ACT STRENGTHENING THE POWERS AND FUNCTIONS OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8293, AS AMENDED, OTHERWISE KNOWN AS THE INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES

Senate Bill No. 2385

AN ACT STRENGTHENING THE POWERS AND FUNCTIONS OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8293, AS AMENDED, OTHERWISE KNOWN AS THE INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES

- Senators Jinggoy Estrada and Ramon “Bong” Revilla Jr. have filed separate bills to strengthen the Intellectual Property Code, a parallel measure to House Bill No. 7600 by Rep. Joey Salceda of Albay's 2nd District in the House of Representatives which passed third reading in May 2023.
- These legislative efforts are designed to update Republic Act No. 8293, also known as the Intellectual Property Code of the Philippines, which was established in 1997, well before online content piracy became prevalent.
- Estrada's Senate Bill 2150, submitted on May 9, 2023, suggests blocking access to websites promoting copyright violations and proposes fines of up to ₱1 million. Meanwhile, Revilla's Senate Bill No. 2385, filed on August 1, 2023, focuses on enhancing the IPOPHL's authority and responsibilities.

**Joint Administrative Order No. 22-01 ("JAO") entitled
GUIDELINES FOR ONLINE BUSINESSES REITERATING THE
LAWS AND REGULATIONS APPLICABLE TO ONLINE BUSINESS
AND CONSUMERS**



JOINT ADMINISTRATIVE ORDER NO. 22-01
GUIDELINES FOR
ONLINE BUSINESSES

Reiterating the Laws and Regulations
Applicable to Online Businesses and
Consumers

Senate Bill 1591, or the proposed “Internet Transactions Act - DTI Led

the Internet Transactions Act has passed the third reading in both Congressional houses. After the deliberations by the Bicameral Conference Committee (BCC), a clean copy of the bill is being finalized to be forwarded to the Office of the President for action.



Department of Interior and Local Government (DILG) Issuances

DILG Memorandum Circular 2020-124



DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA cor. Quezon Avenue, Quezon City
www.dilg.gov.ph

INTELLECTUAL PROPERTY RIGHTS PROTECTION

Memorandum Circular No. 2020-124
21 SEP 2020

1.0. Background

- 1.1. Republic Act No. 8293, or the Intellectual Property Rights Code of the Philippines recognizes the protection of the exclusive rights of scientists, inventors, artists and other gifted citizens to their intellectual property creations.
- 1.2. Piracy counterfeiting of intellectual property rights does not only cause economic prejudice and demoralization among legitimate businessmen and establishments, but also undermine strategies for growth and development, resulting to unrealized revenues and taxes.
- 1.3. The National Government adheres to curb the proliferation and introduction into commerce of pirated, counterfeit or fake goods, articles, or services, and the commission of other acts that violate intellectual property rights as protected by law.
- 1.4. This Memorandum Circular is a reiteration of DILG MC Nos. 2003-229, 2009-104, 2011-89, and 2013-110, in view of the continuous proliferation of the sale and distribution of fake, counterfeit and pirated goods and articles despite previous issuances.

2.0 Legal Basis

- 2.1 Republic Act No. 9239, or the Optical Media Act of 2003;
- 2.2 DILG Memorandum Circular No. 2011-056 dated April 27, 2011 on *Submission of OMB-issued licenses prior to release of business permits for optical media establishments*;

DILG Memorandum Circular 2022-055



DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA cor. Quezon Avenue, West Triangle, Quezon City
www.dilg.gov.ph

MEMORANDUM CIRCULAR No. 2022-055

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS, THE BARMM MINISTER OF INTERIOR AND LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : ADOPTION OF AN INTELLECTUAL PROPERTY OR ANTI-COUNTERFEIT AND ANTI-PIRACY POLICY IN THE WORKPLACE

DATE : MAY 04 2022

1. Background

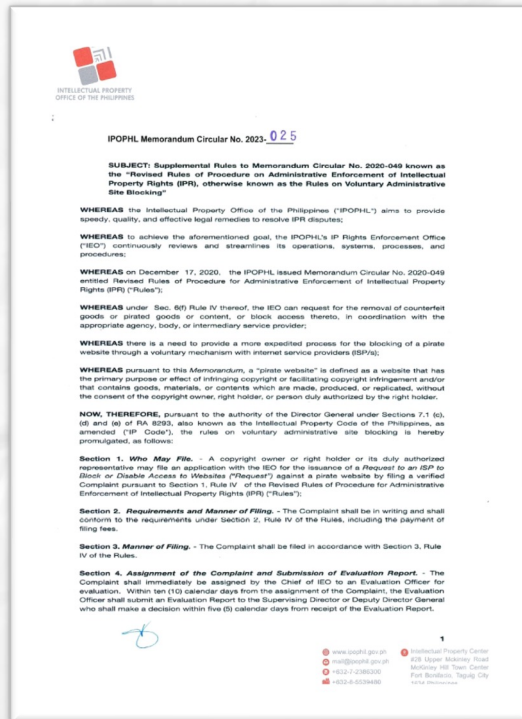
- 1.1 Executive Order NO. 736, s. 2008, created the National Committee on Intellectual Property Rights (NCIPR), an inter-agency body tasked to formulate and implement plans and policies, and strengthen the protection and enforcement of intellectual property rights in the country. The Committee is composed of 12 member-agencies, including the DILG.
- 1.2 It is the policy of the State to protect, and secure the exclusive rights of scientists, inventors, artists, and other gifted citizens to their intellectual property and creations. Likewise, the State is committed in enhancing the enforcement of intellectual property rights in the Philippines.
- 1.3 The Intellectual Property Office of the Philippines (IPOPHL), tasked to lead the NCIPR coordination efforts and ensure its continuing activities, mandated all of its member-agencies to promote, and practice the adoption of Intellectual Property (IP) or Anti-Counterfeit and Anti-Piracy (ACAP) policies. The adoption of an IP and/or ACAP Policy is to support and promote a fake-free work environment, and to protect, and respect intellectual property rights.

2. Purpose

- 2.1 This policy issuance recognizes the importance of intellectual property protection, critical in fostering innovation, protection of ideas, businesses, and for individuals to reap the full benefits of their creations and inventions, thereby generating more jobs and improving competitiveness.

"Matino, Mahusay at Maassahan"
Trunkline No. 8976-34-54

Rules on Voluntary Administrative Site Blocking



- Signed on 20 Sep 2023, will be effective after 2 months or on 21 Nov 2023
- Voluntary Mechanism: ISPs agree to block pirate websites at the request of the IPOP HL IP Rights Enforcement Office (IEO) if it has been determined that the website is predominantly used for piracy (IPOP HL-ISPs MOU).
- No liability on ISPs but in case of non-compliance, will be referred to the NTC (IPOP HL-NTC MOA)
- Complaint to be filed by the copyright owner or rights holder (licensee, etc.)
- Provides for a streamlined procedure - approximately 21 days from the filing of complaint
- Provides also for dynamic blocking of mirror sites
- Stopgap measure until site blocking legislation is passed

IP Awareness and Education

IP Enforcement Summit

- **Date:** November 14-17, 2023
- The summit's main objective is to **strengthen collaboration** and the **exchange of best practices** in the fight against intellectual property crimes. The event will provide an opportunity for leaders in IP enforcement to **connect** with one another.
- Members of the NCIPR, as well as international experts, brand owners, micro, small, and medium enterprises (MSMEs), consumer advocates, and other stakeholders, will gather for this summit to discuss how to strengthen IP rights enforcement in the Philippines.
- PH-KOREA Copyright Forum and an Anti-Piracy Forum

IP Awareness and Education



**Pirated Inferno
MANIX ABRERA**



IP Awareness and Education



Source: GMA News Youtube Channel:

<https://www.youtube.com/watch?v=tZ21m9zxFusS>


IP Awareness and Education

Awareness Activities on Enforcement




July 20, 2023 | Launching of Matteo Guidicelli, IPOPHL's First Anti-Piracy Ambassador.


IP Awareness and Education



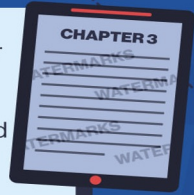
4Fs
in Detecting Piracy




Flipped
If the movie or image being streamed is flipped from the original, it is likely pirated.




Framed
If the movie or image is shown inside a frame which is not present in the original, it is likely pirated.



Floaters
If the image, movie, or e-book has:
1. Floating words or watermarks, intended to discourage unauthorized use
2. Silhouettes of people, indicating the movie was illegally recorded in a theater
... then it is likely pirated.




Free
If the movie, image, song, or e-book can be accessed for free, or from a source not affiliated with the producer, it is likely pirated.




STOP PIRACY
Respect Intellectual Property Rights

REPORT IP VIOLATIONS
operations@ipophil.gov.ph
f t i n c o IPOPHL | www.ipophil.gov.ph



INTELLECTUAL PROPERTY
OFFICE OF THE PHILIPPINES



NCIPR
NATIONAL CENTER OF INTELLECTUAL PROPERTY
2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025

HELP, SUPPORT and REPORT!



**REPORT
IP VIOLATIONS**



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OFFICE OF THE PHILIPPINES**

www.ipophil.gov.ph

Report made by email: operations@ipophil.gov.ph

SCAN ME!





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Thank You!

Rising.
Shining.
Beckoning.

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