

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

15TH CONGRESS
First Regular Session

HOUSE BILL NO. 3417

Introduced by Representative JOEL ROY R. DUAVIT

EXPLANATORY NOTE

Intellectual property rights (IPR) violations and the crimes of piracy and counterfeiting do not only encroach on the personal property rights of creators and IPR owners. The resounding effects of these crimes on the Philippine economy are two-fold. First, IPR violations that remain unaddressed impede the creative growth of the Filipino people, as our scientists, inventors, artists and other gifted citizens are left without adequate protection against those who steal their intellectual property and creations. Second, piracy and counterfeiting also hinder international trade and foreign investment. The inadequacy of mechanisms for the protection of foreign brands in the local market dissuades investors from establishing businesses in the country, resulting to lost opportunities for employment and the infusion of fresh capital into the economy.

On the other hand, due to the highly profitable nature of IPR violations, piracy and counterfeiting are also increasingly being committed by large syndicates with considerable resources. Pirates and counterfeiters have begun employing more creative means and sophisticated networks of personnel in the conduct of their illegal operations. Enforcement of IPR has therefore become more complicated, requiring trained enforcement personnel with unique knowledge and expertise in IPR.

The bill therefore seeks to address the inadequacy of enforcement mechanisms to protect IPR. By according visitorial powers and empowering the Director General of the Intellectual Property Office of the Philippines to undertake enforcement functions supported by concerned agencies, the office would be more adequately equipped to protect IPR and provide immediate assistance to IPR owners.

In view of the foregoing, immediate passage of this bill is earnestly requested.


JOEL ROY R. DUAVIT

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AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8293
ENTITLED "AN ACT PRESCRIBING THE INTELLECTUAL PROPERTY
CODE AND ESTABLISHING THE INTELLECTUAL PROPERTY OFFICE,
PROVIDING FOR ITS POWERS AND FUNCTIONS AND FOR OTHER
PURPOSES"

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

SECTION 1 Section 7 of Republic Act 8293 is hereby amended to read as follows:

“ **Section 7.** *The Director General and Deputies Director General.* - 7.1.
Functions. - The Director General shall exercise the following powers and
functions:

a) x x x

d) x x x

E) UNDERTAKE ENFORCEMENT FUNCTIONS SUPPORTED BY
CONCERNED AGENCIES SUCH AS THE PHILIPPINE
NATIONAL POLICE, NATIONAL BUREAU OF INVESTIGATION,
BUREAU OF CUSTOMS, OPTICAL MEDIA BOARD, LOCAL
GOVERNMENT UNITS, AMONG OTHERS;

F) CONDUCT VISITS 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,

**G)SUCH OTHER FUNCTIONS IN FURTHERANCE OF
PROTECTING IP RIGHTS AND OBJECTIVES OF THIS ACT."**

SEC. 2. All laws, presidential decrees, executive orders, rules, and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC 3. This Act shall take effect fifteen (15) days after publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,