

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5539**

Introduced by REP. Michael L. Romero and Enrico A. Pineda

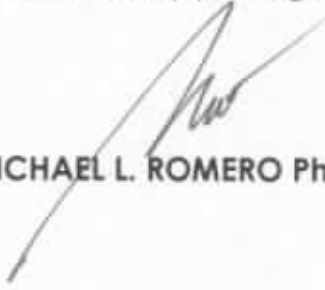
EXPLANATORY NOTE

The Republic of the Philippines recognizes that an effective intellectual and industrial property system is vital to the development of domestic and creative activity, facilitates transfer of technology, attracts foreign investments, and ensures market access for our products. It 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 periods as provided in this Act.

The use of intellectual property bears a social function. To this end, the State shall promote the diffusion of knowledge and information for the promotion of national development and progress and the common good.

This House Bill seeks to streamline all administrative procedures of registering patents, trademarks and copyright, to liberalize the registration on the transfer of technology, and to enhance the enforcement of intellectual property rights in the Philippines.

Thus, the early passage of this bill is earnestly requested.



MICHAEL L. ROMERO Ph.D



ENRICO A. PINEDA

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HOUSE BILL NO. ____

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AN ACT
AMENDING REPUBLIC ACT NO.8293 OTHERWISE KNOWN AS THE
"INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES", INCREASING ITS
PENALTIES AND SANCTIONS, RATIONALIZING ITS POWERS AND
FUNCTIONS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representative of the Philippines in congress assembled:

SECTION 1. Declaration of Policy

Section 145, of Republic Act No. 8293 is hereby amended to read:

Section 145. Duration - A certificate of registration shall remain in force for Fifteen **(15)** years:

Provided, That the registrant shall file a declaration of actual use and evidence to that effect, or shall show valid reasons based on the existence of obstacles to such use, as prescribed by the

Regulations, within two **(2)** years from the fifth anniversary of the date of the registration of the mark.

Otherwise, the mark shall be removed from the Register by the Office. (Sec. 12, R.A. No. 166a)

SECTION 2. Declaration of Policy

Section 146, of Republic Act No. 8293 is hereby amended to read:

Section 146. Renewal –

146.1. A certificate of registration may be renewed for periods of Fifteen **(15)** years at its expiration upon payment of the prescribed fee and upon filing of a request. The request shall contain the following indications:

- (a)** An indication that renewal is sought;
- (b)** The name and address of the registrant or his successor-in-interest, hereafter referred to as the "right holder";
- (c)** The registration number of the registration concerned;
- (d)** The filing date of the application which resulted in the registration concerned to be renewed;
- (e)** Where the right holder has a representative, the name and address of that representative;
- (f)** The names of the recorded goods or services for which the renewal is requested or the names of the recorded goods or services for which the renewal is not

requested, grouped according to the classes of the Nice Classification to which that group of goods or services belongs and presented in the order of the classes of the said Classification; and

(g) A signature by the right holder or his representative.

146.2. Such request shall be in Filipino or English and may be made at any time within six (6) months before the expiration of the period for which the registration was issued or renewed, or it may be made within six (6) months after such expiration on payment of the additional fee herein prescribed.

146.3. If the Office refuses to renew the registration, it shall notify the registrant of his refusal and the reasons therefore.

146.4. An applicant for renewal not domiciled in the Philippines shall be subject to and comply with the requirements of this Act. (Sec. 15, R.A. No. 166a)

SECTION 3. Declaration of Policy

Section 170, of Republic Act No. 8293 is hereby amended to read:

Section 170. Penalties - Independent of the civil and administrative sanctions imposed by law, a criminal penalty of imprisonment of a minimum of three **(3)** years to six **(6)** years and a fine ranging from One hundred fifty thousand pesos **(P150,000.00)** to Four hundred thousand pesos **(P400,000.00)**, shall be imposed on any person who is found guilty of committing any of the acts mentioned in Section 155, Section 168 and Subsection 169.1. (Arts. 188 and 189, Revised Penal Code)

SECTION 4. Declaration of Policy

Section 200, of Republic Act No. 8293 is hereby amended to read:

Section 200. Sale or Lease of Work - In every sale or lease of an original work of painting or sculpture or of the original manuscript of a writer or composer, subsequent to the first disposition thereof by the author, the author or his heirs shall have an inalienable right to participate in the gross proceeds of the sale or lease to the extent of eight percent **(8%)**. This right shall exist during the lifetime of the author and for fifty (50) years after his death.

SECTION 5. Declaration of Policy

Section 217, of Republic Act No. 8293 is hereby amended to read:

Section 217. Criminal Penalties –

217.1. Any person infringing any right secured by provisions of Part IV of this Act or aiding or abetting such infringement shall be guilty of a crime punishable by:

(a) Imprisonment of two **(2)** years to four **(4)** years plus a fine ranging from One hundred fifty thousand pesos **(P150,000.00)** to Three hundred thousand pesos **(P300,000.00)** for the first offense.

(b) Imprisonment of a minimum of three **(3)** years and one **(1)** day to six **(6)** years plus a fine ranging from Three hundred thousand pesos **(P300,000.00)** to Five hundred thousand pesos **(P500,000.00)** for the second offense.

(c) Imprisonment of a minimum of six **(6)** years and one **(1)** day to twelve **(12)** years plus a fine ranging from five hundred

thousand pesos (P500,000.00) to One million five hundred thousand pesos (P1,500,000.00) for the third and subsequent offenses.

(d) In all cases, subsidiary imprisonment in cases of insolvency.

217.2. In determining the number of years of imprisonment and the amount of fine, the court shall consider the value of the infringing materials that the defendant has produced or manufactured and the damage that the copyright owner has suffered by reason of the infringement.

217.3. Any person who at the time when copyright subsists in a work has in his possession an article which he knows, or ought to know, to be an infringing copy of the work for the purpose of:

(a) Selling, letting for hire, or by way of trade offering or exposing for sale, or hire, the article;

(b) Distributing the article for purpose of trade, or for any other purpose to an extent that will prejudice the rights of the copyright owner in the work; or

(c) Trade exhibit of the article in public, shall be guilty of an offense and shall be liable on conviction to imprisonment and fine as above mentioned. (Sec. 29, P.D. No. 49a)

SECTION 6. SEPARABILITY CLAUSE - If any provision or section of this Act or the application thereof to any person or circumstances is held invalid, the other provisions or sections of this Act shall remain valid, and the application of such remaining provisions or sections to the other persons or circumstances, shall not be affected thereby.

SECTION 7. REPEALING CLAUSE - All laws, executive orders, issuances, rules and regulations inconsistent with this Act are hereby amended, repealed or modified accordingly.

SECTION 8. EFFECTIVITY CLAUSE - This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.