

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

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **10546**



Introduced by Honorable Ma. Alana Samanta Taliño Santos

**AN ACT PROMOTING AWARENESS FOR THE INTELLECTUAL PROPERTY
RIGHTS OF INDEPENDENT ARTISTS, ESTABLISHING PROGRAMS PURSUANT
THERETO, AND PROVIDING FUNDS THEREFOR**

EXPLANATORY NOTE

Artists have greatly contributed to the Filipino culture and identity. Their works of art and means of expression are part of the cultural heritage. They catalyze cultural and economic development for the country, making a more sustainable future. As such, the State recognizes the key role artists play in nation-building in Article XIV Sections 14 and 15 in the 1987 Constitution. Arts and letters shall enjoy the State's patronage, promoting the nation's historical, cultural, and artistic creations. Based on the principle in unity in diversity, free artistic and intellectual expression fosters Filipino national culture.

The number of new Philippine artists is rising in recent years. The Philippines reached its all-time high record for the volume of intellectual property (IP) applications in 2022, according to the Report of the Intellectual Property Rights Office (IPOPHL). However, independent artists today are particularly vulnerable from IP infringement. Majority of art is now easily accessible through various online platforms.

Independent artists lack the financial and legal support to safeguard their creative expression. Since the nature of online platforms is borderless, it also adversely affects the standards adopted by the country to protect IP rights. These standards are widely divergent. The weak enforcement of IP rights also encourages trade in counterfeit and pirated goods.

According to the National Committee on Intellectual Property Rights (NCIPR), the total IP counterfeit goods for 2023 reached an estimated market value of P26.86 billion, surpassing the previous 2021 record of P24.90 billion. While 2023 IP prosecution cases declined to 205 from the preceding year's 291, Department of Justice (DOJ) data shows that the conviction rate rose to 17.07 percent as compared to the 7.90 percent in the same time period.

This bill aims to strengthen the independent artists' control over their intellectual property, wherein they can be properly compensated for their work. It also aims to empower them by providing awareness campaigns, educational training and programs on the protection of IP rights, in partnership with relevant artistic communities and groups.

Intellectual property rights drive innovation and competition, ensuring that Philippine art, products, and services stand out in the market. This bill encourages innovation to thrive, thereby enabling cultural and economic growth in the country.

In view of the notable works of independent artists and to show support to them, approval of this measure is earnestly sought.



MA. ALANA SAMANTHA TALIÑO SANTOS
Representative
3rd District, Cotabato Province

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THERE TO, AND PROVIDING FUNDS THEREFOR**

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

Section 1. *Declaration of Policy.* - The State recognizes the vital role of intellectual property as a tool for national development and cultural advancement. It is the policy of the State to encourage the creation and dissemination of Filipino intellectual property, particularly by independent artists, while ensuring their legal protection and promotion of their economic rights.

Sec. 2. *Definition of Terms.* - For the purposes of this Act:

(a) "Independent artists" refer to those engaged in the creation, production, and/or distribution of their artistic work who are not employed with or managed under an existing contract with a company or firm and lacks the financial or legal support provided by the said firm or company;

(b) "Intellectual property creations" refer to original works of art, copyrightable works, and other protected expressions under the Intellectual Property Code of the Philippines;

(c) "Awareness campaign" refers to educational initiatives, seminars, workshops, or any activity designed to inform and educate the public on the protection and value of intellectual property rights;

Sec. 3. The Intellectual Property Office (IPO) shall develop and implement programs to promote and raise awareness of the legal rights and mechanisms available for the protection of the intellectual property creations of independent artists.

The said programs shall include, but shall not be limited to:

(a) Conducting seminars, workshops, and training courses for independent artists on their intellectual property rights and protection under the law;

(b) Establishing partnerships with artistic communities, local government units, and educational institutions to promote awareness and protection of intellectual property rights;

(c) Cooperating with existing intellectual property organizations, both local and international, to further strengthen the protection and recognition of independent artists' rights in the Philippines and abroad; and

(d) Undertaking research and development geared towards the innovation and advancement of intellectual property protection strategies for independent artists in the country.

Sec. 4. *Funding.* - An amount necessary to carry out the aims and purposes of this Act shall be allocated in the General Appropriations Act under the allocation for the Intellectual Property Office. This funding shall be utilized for the programs and services targeting the protection of independent artists' intellectual property rights.

Sec. 5. *Implementing Rules and Regulations.* - Within ninety (90) days after the approval of this Act, the Intellectual Property Office, in consultation with key stakeholders, shall formulate and issue the necessary implementing rules and regulations.

Sec. 6. *Separability Clause.* - If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

Sec. 7. *Repealing Clause.* - All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 8. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,