

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session



HOUSE BILL NO. 4702

Introduced by Representative **RAYMOND ADRIAN SALCEDA**

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”

EXPLANATORY NOTE

Intellectual Property (IP) rights protection continues to be a cornerstone of economic growth, innovation, and cultural development. Yet, the rise of digital technologies and online platforms has dramatically changed the way IP rights are infringed upon, requiring an updated and more robust legal framework to address these realities.

Republic Act No. 8293, or the “Intellectual Property Code of the Philippines,” was last amended over a decade ago. Since then, the landscape of infringement has expanded from traditional counterfeit goods to widespread piracy and unauthorized digital content distribution. Online platforms, social media, and other internet-based services have provided new avenues for violations of intellectual property rights, which existing laws could not have fully anticipated.

This proposal strengthens the powers and functions of the Intellectual Property Office of the Philippines (IPOP HL) to better equip it in combating these evolving challenges. It introduces clear definitions of “counterfeit goods” and “pirated goods,” ensuring that enforcement is guided by precise legal language. Furthermore, it grants IPOP HL enforcement powers, including intelligence gathering, on-site inspections, and coordination with local government units and other agencies to penalize and deter violators.

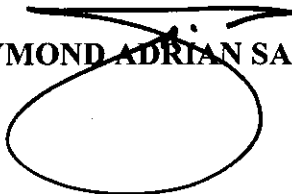
The measure also addresses the urgent need to combat online infringement. It empowers IPOP HL, after due notice and hearing, to order the disabling of access to infringing online locations, in coordination with internet service providers. This provision is crucial in the digital age, where illegal content can be disseminated rapidly and reach a global audience within seconds.

The bill further strengthens the role of the Bureau of Legal Affairs by expanding its adjudicatory powers and increasing administrative penalties to more realistic amounts that reflect the seriousness of violations today. It likewise institutionalizes alternative dispute resolution mechanisms to provide efficient remedies for stakeholders.

In sum, this proposal revises the Intellectual Property Code to provide regulators with broader powers to enforce IP rights in both physical and digital spaces. It ensures that our laws are adaptive to technological advancements and aligned with global enforcement practices.

The enactment of this measure is vital to protecting Filipino innovators, creators, and entrepreneurs, while also encouraging investment and participation in the creative and knowledge-driven economy.

In view of the foregoing, the immediate approval of this bill is earnestly sought.


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

SEC. 1. Section 4 of Republic Act No. 8293, as amended, otherwise known as the “Intellectual Property Code of the Philippines”, is hereby amended to read as follows:

“SEC. 4. *Definitions.* – 4.1 x x x.

“4.5 THE TERM “COUNTERFEIT GOODS” REFER TO GOODS OR MATERIALS INCLUDING PACKAGING BEARING WITHOUT AUTHORIZATION A TRADEMARK WHICH IS IDENTICAL TO A TRADEMARK VALIDLY REGISTERED WITH THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES (IPOPHL) OR ALREADY DECLARED AS A WELL-KNOWN MARK INTERNATIONALLY OR IN THE PHILIPPINES BY A COMPETENT AUTHORITY IN RESPECT OF SUCH GOODS OR WHICH CANNOT BE DISTINGUISHED IN ITS ESSENTIAL ASPECTS FROM SUCH A TRADEMARK AND WHICH THEREBY VIOLATES THE RIGHTS OF THE OWNER OF THE TRADEMARK IN QUESTION.

“4.6. THE TERM “PIRATED GOODS” REFER TO GOODS OR MATERIALS OR CONTENT, WHETHER TANGIBLE AND INTANGIBLE, IN ELECTRONIC OR DIGITAL FORM, WHICH ARE MADE PRODUCED, COPIED, REPRODUCED, DISSEMINATED, DISTRIBUTED, IMPORTED, USED, REMOVED, ALTERED, SUBSTITUTED, MODIFIED, STORAGE, UPLOADED, DOWNLOADED, COMMUNICATED, MADE AVAILABLE TO

THE PUBLIC, OR PROTECTED MATERIAL BROADCASTED, OR REPLICATED WITHOUT THE CONSENT OF THE RIGHT HOLDER OR PERSON DULY AUTHORIZED BY THE RIGHT HOLDER AND WHICH ARE MADE, PRODUCED, OR REPLICATED DIRECTLY OR INDIRECTLY FROM AN ARTICLE WHERE THE MAKING OF THAT COPY WOULD HAVE CONSTITUTED AN INFRINGEMENT OF COPYRIGHT OR RELATED RIGHTS.”

SEC. 2. Section 5 of Republic Act No. 8293, as amended, is hereby amended to read as follows:

“SEC. 5. *Functions of the Intellectual Property Office (IPO).* – x x x

“x x x

“5.3. THE OFFICE SHALL PERFORM THE FOLLOWING ENFORCEMENT FUNCTIONS:

“(A) GATHER INTELLIGENCE INFORMATION RELATED TO THE VIOLATIONS OF THIS ACT, CONDUCT INQUIRY AND INVESTIGATION, AND DEVELOP EFFECTIVE COUNTERMEASURES TO DETER COUNTERFEIT OR PIRATED GOODS OR CONTENT;

“(B) CONDUCT VISITS DURING REASONABLE HOURS TO ESTABLISHMENTS AND BUSINESSES OF ACTIVITIES SUSPECTED TO BE IN VIOLATION OF THIS ACT IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED HEREIN;

“(C) DEVELOP A DATABASE OF PENDING CASES INVOLVING VIOLATIONS OF THIS ACT;

“(D) UNDERTAKE ANY OR ALL OF THE FOLLOWING ENFORCEMENT ACTIONS:

“(1) SERVE AND EXECUTE THE ADMINISTRATIVE ORDERS DULY ISSUED BY THE OFFICE OF THE DIRECTOR GENERAL IN ACCORDANCE WITH ITS POWERS UNDER THIS ACT;

“(2) ISSUE NOTICE OR WARNING TO THE RESPONDENT OR RESPONDENTS;

“(3) RECOMMEND THAT THE CONCERNED LOCAL GOVERNMENT UNIT AND/OR OTHER GOVERNMENT AGENCY CANCEL LICENSES AND BUSINESS PERMITS OF ESTABLISHMENTS OR BUSINESSES FOR ENGAGING

**IN SELLING OR MAKING AVAILABLE TO
THE PUBLIC COUNTERFEIT OR PIRATED
GOODS OR FILE CHARGES AGAINST THE
RESPONDENTS FOR VIOLATION OF APPLICABLE
LAWS, RULES OR REGULATIONS;**

**“(4) REQUEST THE CONCERNED LOCAL GOVERNMENT
UNIT OR OTHER GOVERNMENT AGENCIES TO
IMPLEMENT THE DECISIONS OF THE
INTELLECTUAL PROPERTY RIGHTS
ENFORCEMENT PURSUANT TO THEIR RESPECTIVE
MANDATES;**

**“(5) REPORT THE RESULT OF SERVICE AND EXECUTION
OF ADMINISTRATIVE ORDERS; AND**

**“(6) SUCH OTHER ORDERS OR ACTIONS NECESSARY TO
ENSURE COMPLIANCE WITH THE PROVISIONS OF
THIS CODE ACT.**

**“(E) COORDINATE WITH OTHER GOVERNMENT AGENCIES
AND PRIVATE SECTOR EFFORTS ON MATTERS RELATED
TO INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT;**

**“(F) ASSIST IN THE ENFORCEMENT OF ORDERS, WRITS, AND
PROCESSES ISSUED BY THE BUREAU OF LEGAL AFFAIRS
AND THE OFFICE OF THE DIRECTOR GENERAL;**

**“(G) CONDUCT MONITORING ACTIVITIES RELATED OR
RELEVANT TO INTELLECTUAL PROPERTY RIGHTS
ENFORCEMENT;**

**“(H) EXERCISE INTER-AGENCY SPECIAL ENFORCEMENT
COORDINATION FUNCTIONS; AND**

**“(I) SUCH OTHER POWERS AND FUNCTIONS AS MAY BE
NECESSARY OR INCIDENTAL TO THE ATTAINMENT OF
THE PURPOSES AND OBJECTIVES OF THIS ACT OR AS
MAY BE ASSIGNED BY THE DIRECTOR GENERAL.”**

SEC. 3. Section 10 of Republic Act No. 8293, as amended, is hereby further amended to read as follows:

“SEC. 10. *The Bureau of Legal Affairs.* – The Bureau of Legal Affairs shall have the following functions:

“10.1 x x x;

“10.2 (a) x x x.

“10.2 (b) After formal investigation, the Director for Legal Affairs may impose one (1) or more of the following administrative penalties:

“x x x

“(v) The imposition of administrative fines in such amount as deemed reasonable by the Director of Legal Affairs, which shall in no case be less than [Five thousand pesos (Php 5,000)] **ONE HUNDRED THOUSAND PESOS (PHP 100,000)** nor more than [One hundred fifty thousand pesos (Php 150,000)] **ONE MILLION PESOS (PHP 1,000,000)**. In addition, an additional fine of not more than [One thousand pesos (Php 1,000)] **TEN THOUSAND PESOS (PHP 10,000)** shall be imposed for each day of continuing violation;

“x x x

“THE DECISIONS OF THE ADJUDICATION OFFICERS ARE APPEALABLE TO THE DIRECTOR.

“10.3. ESTABLISH AND ADMINISTER ALTERNATIVE DISPUTE RESOLUTION MECHANISMS; AND

“10.4. PROVIDE ASSISTANCE TO OTHER BUREAUS AND OFFICES OF THE IPOPHL, INCLUDING LEGAL REVIEW, STUDY, AND SIMILAR TASKS.

“10.[3]5. The Director General may by Regulations establish the procedure to govern the implementation of this Section.”

SEC. 4. Section 216 of Republic Act No. 8293, as amended, is hereby further amended to read as follows:

“SEC. 216. *Infringement.* – Any person infringes a right protected under this Act when one:

“(a) x x x;

“(b) x x x;

“(c) x x x.

“216-A. *PREVENTIVE ACTION ON ONLINE INFRINGEMENT.* – UNLESS OTHERWISE PROVIDED BY LAW, OR UNLESS OTHERWISE ORDERED BY THE APPROPRIATE COURT OF LAW, THE INTELLECTUAL PROPERTY OFFICE SHALL HAVE THE POWER, AFTER DUE NOTICE AND HEARING, TO DISABLE ACCESS TO AN ONLINE LOCATION PREVENT FURTHER ACCESS TO AN ONLINE LOCATION WHOSE PRIMARY PURPOSE OR PRIMARY EFFECT OF WHICH IS TO INFRINGE COPYRIGHT OR FACILITATE COPYRIGHT INFRINGEMENT.

“THE COPYRIGHT OWNER OR THE EXCLUSIVE LICENSEE OF

COPYRIGHT, HEREINAFTER REFERRED TO AS THE “ELIGIBLE PARTY,” MAY SUBMIT AN APPLICATION TO THE INTELLECTUAL PROPERTY OFFICE TO ORDER THE DISABLING OF ACCESS TO ANY INFRINGING ONLINE LOCATION IDENTIFIED IN THE APPLICATION.

“THE APPLICATION TO THE INTELLECTUAL PROPERTY OFFICE SHALL BE SUBMITTED BY COMPLETING IN ITS ENTIRETY THE FORMS AND DOCUMENTATION AS REQUESTED BY THE INTELLECTUAL PROPERTY OFFICE TO ALLOW THE INTELLECTUAL PROPERTY OFFICE TO ESTABLISH THAT THE PARTY FILING THE APPLICATION IS AN ELIGIBLE PARTY, OR IS AUTHORISED TO FILE THE APPLICATION ON BEHALF OF AN ELIGIBLE PARTY AND VERIFY THROUGH EVIDENCE THAT THE SUBJECT OF THE ORDER APPLIED FOR IS AN INFRINGING ONLINE LOCATION.

“FOR PURPOSES OF THIS CHAPTER, “ONLINE LOCATION” SHALL REFER TO ANY SINGLE OR COLLECTION OF RELATED WEB PAGE ACCESSIBLE BY A USER THROUGH A DOMAIN, IP ADDRESS, OR UNIFORM RESOURCE LOCATOR (URL), OR A SPECIFIC DOMAIN, IP ADDRESS, OR UNIFORM RESOURCE LOCATOR (URL) WHICH SERVES TO OPERATE, IN WHOLE OR IN PART, AN APPLICATION ON THE INTERNET.

“216-B. *PROCEDURE OF INQUIRY FOR PREVENTIVE ACTION.* – THE INTELLECTUAL PROPERTY OFFICE SHALL FORMULATE THE PROCEDURE OF INQUIRY FOR PREVENTIVE ACTION ON ONLINE INFRINGEMENT, ACCORDING TO THE FOLLOWING STANDARDS:

“(1) MINIMUM REQUIREMENTS OF THE APPLICATION FOR ACTION BY AN ELIGIBLE PARTY. THE APPLICATION REFERRED TO IN SECTION 84A SHALL INDICATE: THE FACT THAT, AND THE MANNER BY WHICH, THE INFRINGING ONLINE LOCATION IS ACCESSIBLE; AND OTHER MATTERS WHICH THE INTELLECTUAL PROPERTY OFFICE MAY TAKE INTO ACCOUNT, INCLUDING:

“(I) WHETHER THE ONLINE LOCATION MAKES AVAILABLE OR CONTAINS DIRECTORIES, INDEXES OR CATEGORIES OF THE MEANS TO INFRINGE, OR FACILITATE AN INFRINGEMENT OF, COPYRIGHT;

“(II) WHETHER THE OWNER OR OPERATOR OF THE ONLINE LOCATION DEMONSTRATES A DISREGARD FOR COPYRIGHT GENERALLY; OR

“(III) WHETHER ACCESS TO THE ONLINE LOCATION HAS BEEN DISABLED BY ORDERS FROM ANY COURT OF ANOTHER COUNTRY OR TERRITORY ON THE GROUND OF OR RELATED TO COPYRIGHT INFRINGEMENT.

- “(2) ONE APPLICATION MAY BE SUBMITTED FOR MULTIPLE INFRINGING ONLINE LOCATIONS, AND THE REQUIREMENTS OF THIS SECTION MUST BE MET AND SET OUT IN THE APPLICATION.**
- “(3) THE APPLICANT MUST NOTIFY THE PERSON WHO OPERATES THE ONLINE LOCATION OF THE MAKING OF AN APPLICATION UNDER SECTION 1, BUT THE INTELLECTUAL PROPERTY OFFICE MAY DISPENSE, ON SUCH TERMS AS IT SEES FIT, WITH THE NOTICE REQUIRED TO BE SENT TO THE PERSON WHO OPERATES THE ONLINE LOCATION IF THE INTELLECTUAL PROPERTY OFFICE IS SATISFIED THAT THE APPLICANT IS UNABLE, DESPITE REASONABLE EFFORTS, TO DETERMINE THE IDENTITY OR ADDRESS OF THE PERSON WHO OPERATES THE ONLINE LOCATION, OR TO SEND NOTICES TO THAT PERSON.**
- “(4) UPON RECEIPT OF THE APPLICATION, THE INTELLECTUAL PROPERTY OFFICE SHALL REVIEW THE SAME AND DETERMINE WHETHER THE ONLINE LOCATION MEETS THE REQUIREMENTS OF PARAGRAPH (A). IF AN APPLICATION MEETS THE REQUIREMENTS OF PARAGRAPH (A), THE INTELLECTUAL PROPERTY OFFICE SHALL GIVE DUE NOTICE OF THE SAME TO THE PERSON WHO OPERATES THE ONLINE LOCATION EITHER BY DIRECTLY CONTACT SUCH PERSON OR BY POSTING SUCH NOTICE PUBLICLY. THE INTELLECTUAL PROPERTY OFFICE SHALL, WITHIN FIVE (5) DAYS OF GIVING DUE NOTICE, RENDER AN ORDER REQUIRING INTERNET SERVICE PROVIDERS TO TAKE REASONABLE STEPS TO DISABLE ACCESS TO THE INFRINGING ONLINE LOCATION. A COPY OF THE SAID ORDER SHALL LIKEWISE BE GIVEN TO THE ELIGIBLE PARTY.**
- “(5) THE INTERNET SERVICE PROVIDERS MUST COMPLY WITH THE DISABLING ORDERS WITHIN 48 HOURS OF THE ISSUANCE OF THE DISABLING ORDER AND MUST DISABLE THE IDENTIFIED INFRINGING ONLINE LOCATIONS BY IMPLEMENTING AN EFFECTIVE TECHNICAL MEASURE, OR A MEASURE UNDERTAKEN BY THE INTERNET SERVICE PROVIDER TO DISABLE OR PREVENT ACCESS TO AN INFRINGING ONLINE LOCATION, AND MAY INCLUDE DOMAIN NAME SYSTEM (DNS) BLOCKING, IP BLOCKING, URL BLOCKING, SERVER NAME INDICATOR BLOCKING, OR OTHER MEANS.**
- “(6) THE INTELLECTUAL PROPERTY OFFICE MAY AT ANY TIME DURING THE OPERATION OF THE ORDERS NOTIFY THE INTERNET SERVICE PROVIDERS SHOULD IT BECOME AWARE THAT ANY INFRINGING ONLINE LOCATION IS ACCESSED FROM AN ADDITIONAL ONLINE LOCATION, INCLUDING ONE THAT APPEARS TO BE ASSOCIATED WITH ANY INFRINGING ONLINE LOCATION BASED ON ITS NAME, BRANDING OR THE IDENTITY OF ITS OPERATOR, AND MAKE SUCH DIFFERENT**

ONLINE LOCATION SUBJECT TO THE ORDERS.

“x x x.”

SEC. 5. Within ninety (90) days from the effectivity of this Act, the Intellectual Property Office shall promulgate the necessary rules and regulations for the implementation of this Act.

SEC. 6. If any provisions of this Act are declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain valid.

SEC. 7. All acts, executive orders, administrative orders, proclamations, rules and regulations or parts thereof inconsistent with any of the provisions of this Act, are hereby expressly repealed or modified accordingly.

SEC. 8. This Act shall take effect immediately upon its publication in the *Official Gazette* or in a newspaper of general circulation in the Philippines.

Approved,