

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9981



Introduced by Representative Jan “Atty. JP” D. Padiernos

EXPLANATORY NOTE

The current Intellectual Property Code of the Philippines (R.A. 8293) was enacted in 1997—decades prior to the emergence of generative artificial intelligence as a mainstream creative tool. Today, technologies like large language models, diffusion models, and automated creators are actively integrated into the workflows of Filipino artists, writers, programmers, and filmmakers.

This technological leap has created a severe statutory gap. Our current framework vests copyright exclusively in "authors," which jurisprudence defines as natural persons. However, the law provides no guidance on how to treat works born from a hybrid collaboration between human intellect and machine algorithms. This regulatory vacuum creates profound legal uncertainty. On one hand, over-regulation risks stifling digital innovation and compromising our economic competitiveness. On the other hand, under-regulation threatens to dilute the value of genuine human creativity and clog our registries with automated, non-human outputs.

This Bill addresses this gap by amending R.A. 8293 to introduce distinct legal thresholds. It explicitly clarifies that while purely AI-generated materials belong in the public domain, AI-assisted works are protectable *only* to the extent of the human author's creative control, modification, and arrangement. It also introduces a mandatory disclosure mechanism during registration to maintain transparency and protect the integrity of the intellectual property system.

This measure embraces technological progress with foresight and responsibility. By establishing clear legal boundaries for AI-assisted works, it ensures the Philippines remains a competitive digital hub while upholding the core mandate of our intellectual property system—to incentivize and protect the irreplaceable spark of human genius.

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


Rep. Jan “Atty. JP” D. Padiernos
GP (GALING SA PUSO)
Partylist

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AN ACT AMENDING REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES, TO REGULATE THE COPYRIGHTABILITY OF WORKS CREATED WITH THE ASSISTANCE OF ARTIFICIAL INTELLIGENCE, ESTABLISHING STANDARDS FOR HUMAN AUTHORSHIP, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the "*Copyright Authorship and Artificial Intelligence Regulation (CAIR) Act*."

SECTION 2. Declaration of Policy. – 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, particularly when beneficial to the people. The State recognizes the rapid advancement of technology, including Artificial Intelligence (AI), as a tool for expression.

In promoting the progress of science and the useful arts, the State shall maintain the human-centric foundation of copyright law, ensuring that intellectual property protections are granted exclusively to original creations of human intellect, while providing clear frameworks for works generated with technological assistance.

SECTION 3. Definition of Terms. – Section 171 of Republic Act No. 8293 is hereby amended to include the following definitions:

"(m) '*Artificial Intelligence (AI)*' refers to a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, or generate content such as text, images, audio, or video.

(n) '*AI-Generated Content*' refers to output, data, or works produced predominantly or exclusively by an artificial intelligence system without direct, creative human intervention or control in the expressive elements of the output.

(o) '*AI-Assisted Work*' refers to an original literary or artistic work created by a natural person where an artificial intelligence system was utilized as a technical tool or medium, provided that the human author exercised substantial creative control, direction, and selection over the final arrangement and expression of the work."

SECTION 4. Human Authorship Requirement. – A new Section 172.3 is hereby added to Section 172 of Republic Act No. 8293, to read as follows:

"172.3. *Human Authorship.* – Copyright protection under this Chapter shall vest exclusively in natural persons. Works that are purely AI-generated, wherein the human contribution is limited to a general prompt, idea, or instructions, lack the requisite human authorship and shall not be eligible for copyright protection. Such works shall remain in the public domain, without prejudice to other forms of intellectual property or contractual protections."

SECTION 5. Copyrightability of AI-Assisted Works. – A new Section 172.4 is hereby added to Section 172 of Republic Act No. 8293, to read as follows:

"172.4. *Copyright in AI-Assisted Works.* – AI-assisted works shall be eligible for copyright protection, subject to the following conditions:

(a) Protection shall only extend to the original elements of human expression, arrangement, selection, or modification added by the natural person, and shall not cover the underlying AI-generated content itself.

(b) To determine eligibility, the Bureau of Copyright shall apply the 'De Minimis Non-Curat Lex' standard to the AI's contribution. If the AI-generated portions are mechanical, automated, or subordinate to the independent creative execution of the human author, the work as a whole is copyrightable.

(c) Prompt engineering alone, consisting of standard descriptive commands or strings of text, shall not satisfy the threshold of original human authorship unless accompanied by substantial post-generation modification, arrangement, or creative synthesis by the natural person."

SECTION 6. Disclosure and Transparency in Registration. – Section 191 of Republic Act No. 8293 is hereby amended to include a new subsection, to read as follows:

"191.2. *Mandatory Disclosure of AI Utilization.* – Applicants seeking registration and deposit of a work with the National Library and the Bureau of Copyright shall have an affirmative duty to disclose the use of artificial intelligence in the creation of the work. The applicant must:

(a) Clearly demarcate the portions of the work created by human agency and those generated by AI; and

(b) Provide a brief description of the extent of human control and the nature of the AI tools utilized.

Failure to disclose the material use of AI with intent to deceive shall be grounds for the cancellation of the certificate of registration, without prejudice to administrative or criminal liabilities for perjury or fraud."

SECTION 7. Implementing Rules and Regulations (IRR). – Within six (6) months from the effectivity of this Act, the Intellectual Property Office of the Philippines (IPOPHL), in coordination with the National Library of the Philippines and the Department of Information and Communications Technology (DICT), shall promulgate the necessary rules and regulations for the effective implementation of this Act, including specific guidelines and rubrics for evaluating human creative control in AI-assisted applications.

SECTION 8. Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional or invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation in the Philippines.