

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **11488**

EXPLANATORY NOTE

The Intellectual Property Code of the Philippines, or Republic Act No. 8293, provides protection to authors, performers, producers of sound recordings, and broadcasting organizations for their creative works and contributions. The existing law provides specific periods of protection for copyright and related rights, which this measure seeks to strengthen in view of the continuing development of the creative and digital industries.

This measure seeks to extend the period of copyright protection for works covered under Sections 172 and 173 of Republic Act No. 8293 from fifty (50) years to seventy-five (75) years. It likewise extends the protection for photographic works and audio-visual works to seventy-five (75) years. For performers and producers of sound recordings, the period of protection is similarly proposed to be extended from fifty (50) years to seventy-five (75) years. The protection granted to broadcasting organizations is also proposed to be increased from twenty (20) years to fifty (50) years.

The extension of these terms will provide Filipino authors, performers, producers, and other rights holders with a longer period within which they may benefit from their creative works. For performers and producers, in particular, a longer period of protection will allow them to continue receiving economic benefits from works that may remain commercially valuable for many years after their creation or initial release. It will likewise provide rights holders greater opportunity to recover investments made in the creation, production, marketing, and distribution of creative works.

By strengthening the period of protection granted to creative works and related rights, this measure seeks to provide greater incentives for the creation, dissemination, preservation, and continued commercial exploitation of Filipino works. It will likewise contribute to the development of the Philippine creative industry, encourage investment in creative works, and help ensure that Filipino creators and rights holders continue to benefit from their intellectual and artistic contributions.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **11488**

AN ACT

PROVIDING FOR THE EXTENSION OF TERMS OF PROTECTION OF COPYRIGHT AND RELATED RIGHTS, AMENDING FOR THE PURPOSE SECTIONS 213 AND 215 OF REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE "INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES"

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

SECTION 1. Section 213 of Republic Act No. 8293 is hereby amended to read as follows:

"Sec. 213. Term of Protection. -

213.1. Subject to the provisions of Subsections 213.2 to 213.5, the copyright in works under Sections 172 and 173 shall be protected during the life of the author and for [fifty (50)] SEVENTY-FIVE (75) years after his death. This rule also applies to posthumous works.

213.2. In case of works of joint authorship, the economic rights shall be protected during the life of the last surviving author and for [fifty (50)] SEVENTY-FIVE (75) years after his death.

213.3. In case of anonymous or pseudonymous works, the copyright shall be protected for [fifty (50)] SEVENTY-FIVE (75) years from the date on which the work was first lawfully published: Provided, That where, before the expiration of the said period, the author's identity is revealed or is no longer in doubt, the provisions of Subsections 213.1 and 213.2 shall apply, as the case may be: Provided, further, That such works, if not published, shall be protected for [fifty (50)] SEVENTY-FIVE (75) years counted from the making of the work.

213.4. In case of works of applied art, the protection shall be for a period of twenty-five (25) years from the date of making.

213.5. in case of photographic works, the protection shall be for [fifty (50)] SEVENTY-FIVE (75) years from publication of the work and, if unpublished, [fifty (50)] SEVENTY-FIVE (75) years from the making.

213.6. In case of audio-visual works including those produced by process analogous to photography or any process for making audio-visual recordings, the term shall be [fifty (50)] SEVENTY-FIVE (75) years from date of publication and, if unpublished, from the date of making."

SEC. 2. Section 215 of Republic Act No. 8293 is hereby amended to read as follows:

"Section 215. Term of Protection for Performers, Producers and Broadcasting Organizations. –

215.1. The rights granted to performers and producers of sound recordings under this law shall expire:

(a) For performances not incorporated in recordings, [fifty (50)] SEVENTY-FIVE (75) years from the end of the year in which the performance took place; and

(b) For sound or image and sound recordings and for performances incorporated therein, [fifty (50)] SEVENTY-FIVE (75) years from the end of the year in which the recording took place.

[215.2. In case of broadcasts, the term shall be [twenty (20)] FIFTY (50) years from the date the broadcast took place. The extended term shall be applied only to old works with subsisting protection under the prior law".]

SEC. 3. Separability Clause. - If any part or provision of this Act is declared invalid or unconstitutional, the other parts or provisions not affected thereby shall remain in full force and effect.

SEC. 4. Repealing Clause. - All laws, decrees, executive orders and other administrative issuances or parts thereof, which are inconsistent with the provisions of this Act, are repealed or modified accordingly.

SEC. 5. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,