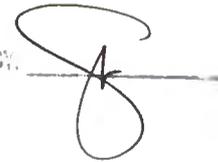


23 JAN 23 P 4 :05

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY:



SENATE
S.B. No. 1734

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
AMENDING SECTION 213, SECTION 213.1, SECTION 213.2, SECTION 213.3,
SECTION 213.4, SECTION 213.5, AND SECTION 213.6 OF REPUBLIC ACT
NO. 8293, OTHERWISE KNOWN AS THE "INTELLECTUAL PROPERTY CODE
OF THE PHILIPPINES," AS AMENDED BY REPUBLIC ACT NO. 10372, AND
FOR OTHER PURPOSES

EXPLANATORY NOTE

Article XIV, Section 13 of the 1987 Philippine Constitution states that "*the State 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 period as provided under existing laws.*"

To implement the above-stated policy, Republic Act No. 8293, otherwise known as the "Intellectual Property Code of the Philippines", as amended by Republic Act No. 10372, was enacted to establish an effective intellectual and industrial property system recognized as vital to the development of domestic and creative activity, which facilitates the transfer of technology, attracts foreign investments, and ensures market access for our products and artistic works. Republic Act No. 8293 further declares as a state policy the enhancement of the enforcement of intellectual property rights in the Philippines.

Under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) which the Philippines has adopted as early as 1994, the term of copyright protection shall be *at least* twenty-five (25) years from creation for applied art and photographic works and *at least* fifty (50) years counted from (i) the death of the creator in case of posthumous, original, and derivative works; (ii) from the end of the calendar year of publication for authorized publication; and (iii) from the making of the work those without authorized publication. Such durations are the *minimum* standard copyright terms that parties to said treaty have agreed to as fair and favorable to creators or artists in order to protect their existing work and encourage further creation. Other countries have extended their copyright terms from the minimum fifty (50) years

to seventy (70) years (e.g., Canada, Brazil, and Australia) and 100 years (e.g., Mexico). Indeed, extended copyright protection that lets creators retain moral and economic rights to their work for a longer period gives them well-deserved attribution and economic benefits that in turn incentivize further creativity and artistic innovation. It is time the Philippines adopts a similar policy of expanding the minimum standards of protection provided by the TRIPS Agreement and give its artists and creators increased protection in the form of extended copyright terms for their works.

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

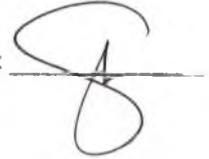
A handwritten signature in black ink that reads "Imee R. Marcos". The signature is written in a cursive style and is positioned above a horizontal line.

IMEE R. MARCOS

23 JAN 23 P4 :05

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SENATE
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AN ACT
AMENDING SECTION 213, SECTION 213.1, SECTION 213.2, SECTION 213.3,
SECTION 213.4, SECTION 213.5, AND SECTION 213.6 OF REPUBLIC ACT
NO. 8293, OTHERWISE KNOWN AS THE "INTELLECTUAL PROPERTY CODE
OF THE PHILIPPINES," AS AMENDED BY REPUBLIC ACT NO. 10372, AND
FOR OTHER PURPOSES

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

1 **SECTION 1.** Sections 213 and 213.1 of Republic Act (R.A.) No. 8293 is hereby
2 amended to read as follows:

3 "SECTION 213. Term of Protection. –

4 213.1. Subject to the provisions of Subsections 213.2 to 213.5, the
5 copyright in works under Sections 172 and 173 shall be protected
6 during the life of the author and for [~~fifty (50)~~] **SEVENTY (70)**
7 years after his death. This rule also applies to posthumous works."
8
9

10 **SEC. 2.** Section 213.2 of R.A. No. 8293, as amended by Section 21 of R.A. No.
11 10372, is hereby amended to read, thus:

12 "Sec. 213.2. In case of works of joint authorship, the economic
13 rights shall be protected during the life of the last surviving author
14 and for [~~fifty (50)~~] **SEVENTY (70)** years after his death.
15
16

17 **SEC. 3.** Section 213.3 of R.A. No. 8293, as amended by Section 23 of R.A. No.
18 10372, is hereby amended to read as follows:

19 "Sec. 213.3. In case of anonymous or pseudonymous works, the
20 copyright shall be protected for [~~fifty (50)~~] **SEVENTY (70)** years
21 from the date on which the work was first lawfully published:
22
23

1 *Provided*, That where, before the expiration of the said period, the
2 author's identity is revealed or is no longer in doubt, the provisions
3 of Subsections 213.1. and 213.2 shall apply, as the case may be:
4 *Provided*, further, That such works if not published before shall be
5 protected for [~~fifty (50)~~] **SEVENTY (70)** years counted from the
6 making of the work."
7

8 **SEC. 4.** Section 213.4 of R.A. No. 8293, as amended by Section 24(B) of R.A.
9 No. 10372, is hereby amended to read as follows:

10 "Sec. 213.4. In case of works of applied art the protection shall be
11 for a period of [~~twenty-five (25)~~] **FIFTY (50)** years from the date
12 of making."
13

14 **SEC. 5.** Section 213.5 of R.A. No. 8293, as amended by Section 24(C) of R.A.
15 No. 10372, is hereby amended to read as follows:

16 "Sec. 213.5. In case of photographic works, the protection shall be
17 for [~~fifty (50)~~] **SEVENTY (70)** from publication of the work and, if
18 unpublished, [~~fifty (50)~~] **SEVENTY (70)** from the making."
19

20 **SEC. 6.** Section 213.6 of R.A. No. 8293, as amended by Section 24(C) of R.A.
21 No. 10372, is hereby amended to read as follows:

22 "Sec. 213.6. In case of audio-visual works including those produced
23 by process analogous to photography or any process for making
24 audio-visual recordings, the term shall be [~~fifty (50)~~] **SEVENTY**
25 **(70)** from date of publication and, if unpublished, from the date of
26 making."
27

28 **SEC. 7. Separability Clause.** – If for any reason, any provision of this Act is
29 declared invalid or unconstitutional, the remaining parts or provisions not affected shall
30 remain in full force and effect.
31

32 **SEC. 8. Repealing Clause.** – All laws, ordinances, rules, regulations, other
33 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or
34 modified accordingly.
35

36 **SEC. 9. Effectivity.** – This Act shall take effect fifteen (15) days after its
37 publication in the Official Gazette or in a newspaper of general circulation.
38

39
40
Approved,