

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



23 JUL 18 A11 :08

SENATE  
S. No. 2326

RECEIVED BY:

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Introduced by Senator Loren B. Legarda

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**AN ACT**  
**AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT 8293, OTHERWISE**  
**KNOWN AS THE INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES**

EXPLANATORY NOTE

The fast-paced international advances in technology and the Philippines' commitments under the Regional Comprehensive Economic Partnership (RCEP) Agreement are compelling reasons for the immediate amendment of the Intellectual Property (IP) Code of the Philippines.

The Regional Comprehensive Economic Partnership (RCEP) Agreement necessitates the inclusion of several intellectual property provisions, such as the protection of non-traditional marks and certification marks. Amending the Intellectual Property (IP) Code to accommodate the RCEP's intellectual property provisions will advance the interests of Filipino innovators, especially their commercial interests in foreign RCEP countries.

Today's modern world demands an intellectual property legal system that is adaptive to the international legal framework. In order to sufficiently protect businesses and consumers, our intellectual property laws must be kept at par with the rest of the world's developing legal system and standards. Keeping up with international norms and best practices will result in an increase in foreign investors and a stronger economy.

The issues of counterfeiting and piracy in our markets must also be resolved for the purpose of assisting not only large companies but also for helping micro, small and medium enterprises (MSMEs). Amendments that would give the IPOPHL the power to issue takedown and blocking orders and impose higher penalties that provide for joint and secondary liability with the principal infringer have become even more necessary. The proliferation of the sale of counterfeit and pirated goods have hampered the growth and success of numerous business and the government must boost the support being given to alleviate its dangerous effects.

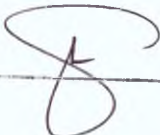
The existing Intellectual Property (IP) code must be amended to harmonize all of the amendatory laws, which were enacted in compliance with treaty obligations. Additionally, the Intellectual Property Office of the Philippines (IPOPHL) IPOPHL must be further empowered as the lead government agency in the implementation of state policies on IP. There is also a need for an amendment that will fortify the IPOPHL's enforcement powers. Further, the institutionalization of certain offices such as the IPR Enforcement Office (IEO) and the National Council for Intellectual Property Rights (NCIPR) will bolster the IPOPHL's implementation of their mandate.

In view of the foregoing, the early passage of this bill is earnestly requested.

  
**LOREN LEGARDA**

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

1 Section 1. Section 2 of Republic Act No 8293, otherwise known as the  
2 "Intellectual Property Code of the Philippines", is hereby amended to read as follows:

3 "Sec. 2. *Declaration of State Policy.* - The State recognizes that an effective and  
4 efficient intellectual property system is vital to the development of domestic and  
5 creative industries, facilitates transfer of technology, attracts foreign  
6 investments, promotes business confidence and ensures market access for our  
7 products. Towards this end, the State shall:

8 a. modernize and improve certain aspects of the law on intellectual property  
9 to ensure that the intellectual property system operates more efficiently  
10 and is more accessible for all scientists, inventors, creators, artists and other  
11 gifted citizens, including the indigenous peoples and local communities.

12 (n)

13 b. streamline administrative procedures relating to intellectual property  
14 rights, liberalize the registration on the transfer of technology, enhance the  
15 enforcement of intellectual property rights in the Philippines; (Sec. 2, R.A.  
16 8293a)

17 c. promote the use of relevant, emerging, advanced, and state-of-the-art  
18 technologies to provide more efficient and higher quality service to the

1 public; and (n)

2 d. recognize, protect, and promote the rights of the indigenous peoples and  
3 communities to their intellectual and cultural rights under the principles of  
4 free and prior informed consent and benefit sharing. Thus, the State shall  
5 implement appropriate measures to prevent misuse and misappropriation  
6 of the indigenous peoples' and communities' intellectual and cultural  
7 properties. (n)"

8 Sec. 2. Section 4 of Republic Act No. 8293 is hereby amended to read as follows:

9 "Sec. 4. *Definitions.* - 4.1. The term "intellectual property rights" consists of:

- 10 a. Copyright and Related Rights;
- 11 b. Trademarks and Service Marks;
- 12 c. Geographical Indications;
- 13 d. Industrial Designs;
- 14 e. Patents;
- 15 f. Layout-Designs (Topographies) of Integrated Circuits;
- 16 g. Protected of Undisclosed Information; and (Sec. 2, R.A. 8293a)
- 17 h. Utility Models. (n)

18 4.2. The term "technology transfer arrangements" refer to contracts or  
19 agreements involving intellectual property rights with the transfer of systematic  
20 knowledge or technology for the manufacture of a product, the application of a  
21 process, or rendering of a service including management contracts; and the  
22 transfer, assignment or licensing of all forms of intellectual property rights,  
23 including licensing of computer software except computer software developed  
24 for mass market.

25 x x x

26 4.5. "Counterfeit goods" refer to any goods or materials including packaging  
27 bearing without authorization a trademark which is identical to a trademark  
28 validly registered with the Intellectual Property Office of the Philippines  
29 (IPOPHL) or already declared as a well-known mark internationally or in the  
30 Philippines by a competent authority in respect of such goods or which cannot  
31 be distinguished in its essential aspects from such a trademark and which  
32 thereby violates the rights of the owner of the trademark in question. (n)



1 4.6. "Innovation" refers to the creation of new ideas that results in the  
2 development of new or improved products, processes, or services, which are  
3 then spread or transferred across the market; (n)

4 4.7. "Pirated goods" refer to any goods or materials or content, whether tangible  
5 and intangible, in electronic or digital form which are made, produced, or  
6 replicated, reproduced, distributed, used, uploaded, downloaded,  
7 communicated or made available to the public, or protected material  
8 broadcasted without the consent of the right holder or person duly authorized  
9 by the right holder and which are made, produced, or replicated directly or  
10 indirectly from an article where the making of that copy would have constituted  
11 an infringement of copyright or related rights. (n)"

12 Sec. 3. Section 5 of Republic Act No. 8293 is hereby amended to read as follows:

13 "Sec. 5. *Functions of the Intellectual Property Office of the Philippines (IPOPHL)*. –

14 5.1. The IPOPHL is mandated to administer and implement the State policies  
15 declared in this Act, having the following functions:

- 16 a. Examine applications and grant letters patent for inventions and register  
17 utility models industrial designs, layout-designs (topographies) of  
18 integrated circuits, trademarks and other marks of ownership; [Sec. 5(a,b),  
19 R.A. 8293a]
- 20 b. Provide protection for geographical indications; [Sec. 5(b), R.A. 8293a]
- 21 c. Register technology transfer arrangements and settle disputes on  
22 payments involving the same and develop and implement strategies to  
23 promote and facilitate technology transfer; [Sec. 5(c), R.A. 8293a]
- 24 d. Promote the use of patent information as a tool for policy making and  
25 technology development; [Sec. 5(d), R.A. 8293a]
- 26 e. Publish regularly in its own publication the patents, marks, copyright,  
27 utility models and industrial designs, issued and approved, and the  
28 technology transfer arrangements registered; [Sec. 5(e), R.A. 8293a]
- 29 f. Administratively adjudicate disputes involving intellectual property  
30 rights; [Sec. 5(f), R.A. 8293a]
- 31 g. Coordinate with and enter into partnerships with other government  
32 agencies, institutions, and the private sector efforts to formulate and

1 implement plans and policies to strengthen the creation, promotion,  
2 protection, utilization, and enforcement of intellectual property rights in  
3 the country; [Sec. 5(g), R.A. 8293a]

4 h. Register copyright, issue certificates of deposit or registration and  
5 promote the use of copyright and related rights as a tool to foster a culture  
6 of creativity and respect for artistic creation; (n)

7 i. Undertake enforcement functions supported by concerned agencies; (n)

8 j. Secure and receive bilateral and international grants and endowments to  
9 support its programs and projects; and (n)

10 k. Formulate policies to promote creativity, innovation, and respect for  
11 intellectual property. (n)

12 x x x

13 5.3. The Office shall have the authority to establish and collect fees and other  
14 charges in the exercise of its functions and rendering of services including the  
15 holding of trainings and seminars. In relation to and in the performance of its  
16 functions and promotion of intellectual property, the Office shall have the  
17 authority to sell educational and promotional materials, and import and accept  
18 donations consisting of equipment or similar items to be exclusively used for  
19 official purposes. (n)

20 5.4. The Office shall promulgate rules and procedures, including reasonable  
21 timelines consistent with international agreements and best practices. The  
22 Office shall adhere as closely as possible to the mandated timelines for  
23 processing transactions under Republic Act No. 11032, otherwise known as the  
24 "Ease of Doing Business and Efficient Government Service Delivery Act of  
25 2018": *Provided*, That for specific transactions and procedures stipulated under  
26 this Act, the prescribed timeline shall commence from the time of the  
27 submission of all the requirements and completion of all the stages of the  
28 prescribed processes, including post grant publications, *inter partes* and  
29 intellectual property rights violations and proceedings.

30 The rules of procedure shall include the grant of letters patents, registration of  
31 utility models, industrial designs, layout-designs (topographies) of integrated  
32 circuits, marks of ownership, the adjudication of intellectual property disputes,

1 and other similar or related services. (n)”

2 Sec. 4. Section 6 of Republic Act No. 8293 is hereby amended to read as follows:

3 “Sec. 6. *The Organizational Structure of the IPOPHL.* -

4 x x x.

5 6.2. The Office shall be divided into seven (7) Bureaus, each of which shall be  
6 headed by a Director and assisted by an Assistant Director. These Bureaus are:

7 x x x

8 c. The Bureau of Innovation Support and Business Development;

9 d. The Information Technology Management Service;

10 e. The Finance, Administrative, and Human Resource Development  
11 Services;

12 f. The Bureau of Copyright and Related Rights; and (Sec. 6.2, R.A. 8293a)

13 g. The Intellectual Property Academy. (n)

14 6.3. The Director General, Deputies Director General, Directors and Assistant  
15 Directors shall be appointed by the President. The other officers and employees  
16 of the Office shall be appointed by the Secretary of Trade and Industry,  
17 conformably with and under the Civil Service Law: *Provided*, That such power  
18 may be delegated to the Director General. (Sec. 6.3, R.A. 8293a)”

19 Sec. 5. Section 7 of Republic Act No. 8293 is hereby amended to read as follows:

20 “Sec. 7. *The Director General and Deputies Director General.* -

21 7.1. *Powers and Functions.* - The Director General shall exercise the following  
22 powers and functions:

23 a. Manage and direct all functions and activities of the Office, including the  
24 promulgation of rules and regulations to implement its mandates,  
25 objectives, policies, plans, programs and projects and the recognition of  
26 individuals representing applicants or other parties before the Office or  
27 handling services related to intellectual property: *Provided*, That for  
28 recognition of lawyers, such rules and regulations shall be subject to Rule  
29 138 of the Rules of Court of the Philippines.

30 In the exercise of the authority to propose policies and standards in  
31 relation to the following: (1) the effective, efficient, and economical  
32 operations of the Office requiring statutory enactment; (2) coordination



1 with other agencies of government in relation to the enforcement of  
2 intellectual property rights; and (3) the establishment of fees for the filing  
3 and processing of an application for a patent, and registration of utility  
4 model or industrial design, layout-design (topography) of an integrated  
5 circuit, or mark or a collective mark, and other marks of ownership, and  
6 for all other services performed and materials furnished by the Office.

7 The Director General shall be subject to the supervision of the Secretary  
8 of Trade and Industry; [Sec. 7(a), R.A. 8293a]

9 b. Exercise

10 1) exclusive original jurisdiction over petitions for the grant of  
11 compulsory licenses or special compulsory licenses. The decisions  
12 of the Office of the Director General over compulsory licensing cases  
13 shall be appealable to the Court of Appeals in accordance with the  
14 Rules of Court; (n)

15 2) exclusive appellate jurisdiction over all decisions rendered by the  
16 Director of Legal Affairs, the Director of Patents, the Director of  
17 Trademarks, the Director of Copyright and Related Rights, and the  
18 Director of Innovation Support and Business Development in the  
19 performance of their quasi-judicial functions.

20 The decisions of the Director General in the exercise of his appellate  
21 jurisdiction in respect of the decisions of the Director of Legal  
22 Affairs, Director of Patents, the Director of Trademarks, and the  
23 Director of Copyright and Related Rights shall be appealable to the  
24 Court of Appeals in accordance with the Rules of Court: *Provided,*  
25 That the decisions of the Director of Innovation Support and  
26 Business Development on technology transfer arrangements shall be  
27 appealable to the Secretary of Trade and Industry; [Sec. 7(b), R.A.  
28 8293a]

29 c. Undertake enforcement functions supported by concerned agencies such  
30 as:

31 (1) Issue visitorial orders in relation to violations of intellectual  
32 property rights involving counterfeit and pirated goods and



1 materials, and if necessary, issue provisional cease and desist and  
2 preventive custody orders: *Provided*, That the issuance of such orders  
3 are in accordance with the procedure under this Act: *Provided however*,  
4 That the complainant shall post a bond sufficient to answer for any  
5 and all damages that the respondent may suffer because of the  
6 wrongful order.

7 For purposes of the issuance of the orders under this Section, the  
8 following shall be strictly complied with:

9 (1.1) *Issuance of Visitorial Orders*

10 The visitorial order shall be issued in relation to violations of intellectual  
11 property rights involving counterfeit and pirated goods and materials,  
12 and only upon filing of a verified complaint by the owner(s) or holder(s)  
13 of intellectual property rights or their authorized representatives,  
14 accompanied by (a) a certificate of registration or sworn statement of  
15 ownership, (b) a sample of the authentic and counterfeit or pirated goods  
16 and materials subject of the complaint, and (c) a sworn statement by the  
17 complainant or its expert on the lack of authenticity of the product or lack  
18 of authority of the respondent to sell, offer for sale, display or make  
19 available to the public the said goods and materials. Any visitorial order  
20 shall be issued only upon showing of reasonable cause by the  
21 complainant and any visit shall only be conducted during reasonable  
22 hours to open establishments and businesses where the counterfeiting or  
23 piracy is alleged to be taking place or counterfeit goods or pirated goods  
24 or materials are alleged to be sold, offered for sale, displayed or made  
25 available to the public.

26  
27 During the visit, the Director General, or any officer authorized in writing  
28 by the Director General, shall give the respondent reasonable time and  
29 opportunity to provide evidence of authenticity or authority for the goods  
30 sold, offered for sale, displayed or made available to the public, or kept in  
31 storage.

32 (1.2) *Cease and Desist Order; Preventive Custody Order*

1 A cease-and-desist order may be issued after due notice and hearing, and  
2 only if the respondent fails to produce such evidence of authenticity or  
3 authority, in which case, the subject goods may be placed in preventive  
4 custody. Goods placed in preventive custody shall be subject to  
5 inventory, appropriately marked, and segregated from the rest of the  
6 products in the establishment but shall physically remain in the  
7 establishment of the respondent or in a place mutually agreed upon by  
8 the complainant, the respondent, and the Director General or any officer  
9 authorized in writing by the Director General. The inventory shall be  
10 witnessed and accepted by the respondent.

11 (1.3) *Compliance to Cease-and-Desist and Preventive Custody*

12 The preventive custody of the goods shall be effective for a maximum  
13 period of five (5) days which may be extendible for a maximum of another  
14 five (5) days upon reasonable ground. Within this period, the respondent  
15 should be able to show cause why the preventive custody should be  
16 revoked, amended or not made permanent, and the Director General shall  
17 make a determination thereof.

18 If the goods are determined to be not counterfeit or pirated, the preventive  
19 custody shall be revoked within twenty-four (24) hours and an Order for  
20 Release of the goods subject of preventive custody shall be issued within  
21 the said period.

22 Should the Director General determine that the goods are counterfeit or  
23 pirated, the Director General, after due notice and hearing, shall issue an  
24 Order of Confiscation and the goods shall be confiscated and removed  
25 from the establishment of the respondent and subjected to forfeiture,  
26 destruction, or disposal proceedings in accordance with law.

27 The Office shall issue the necessary implementing rules and regulations  
28 (IRR) for the proper implementation of the visitorial powers of the  
29 Director General consistent with the Rules of the Supreme Court and the  
30 Rules of Court of the Philippines.

31 (2) After due notice and hearing, issue temporary and permanent  
32 blocking orders, take down orders, cease-and-desist, or disable access

1 orders, to the intermediary service providers, domain name registries  
2 and registrars, website owners, online intermediaries, online platforms,  
3 social media platforms, or any similar medium in relation to an online  
4 violation of intellectual property rights involving counterfeit goods,  
5 copyright infringing or pirated goods, materials, and content,  
6 infringement of copyright, and other violations of intellectual property  
7 rights and this Act, upon filing of a verified complaint by the owner(s) or  
8 holder(s) of the intellectual property rights or their authorized  
9 representative accompanied by a certificate of registration or sworn  
10 statement of ownership, and a sworn statement by the complainant or its  
11 expert on the lack of authenticity of the product or lack of authority to  
12 sell, offer for sale, display or make available to the public the counterfeit  
13 or pirated goods and materials. In the case of online platforms, the take  
14 down or cease and desist orders may, as the Director General may deem  
15 appropriate, be limited to directing the online platform or the persons  
16 operating them to (i) take down, or compel the sellers on the platform to  
17 take down, infringing products or listings from the platform as identified  
18 in the complaint; or (ii) block specific sellers from the platform when such  
19 sellers have been found to infringe intellectual property rights pursuant  
20 to at least three (3) verified complaints filed with the IPOPHL.

21  
22 The temporary blocking, takedown, cease and desist or other orders or  
23 measures shall be issued only upon showing of grave injury on the part  
24 of the applicant and shall only be effective for forty-eight (48) hours and  
25 in no case longer than seventy-two (72) hours. Within this period, the  
26 Director General shall conduct a hearing and order the respondent to  
27 show cause why the temporary order or measure should be revoked,  
28 amended or not made permanent. The Director General shall determine  
29 within the same period whether the temporary order or measure should  
30 be amended, revoked or made permanent.

31 The Director General shall issue fair and equitable procedures to  
32 implement its enforcement powers, which procedures shall be applied in

1 a manner as to avoid the creation of barriers to legitimate trade and to  
2 provide for safeguards against their abuse. (n)

3 d. The power to hold in contempt, in accordance with the procedure  
4 provided in the implementing rules and regulations of the Office, on all  
5 those who disregard orders or writs issued in the exercise of the powers  
6 and functions provided for in this Section, and to impose a fine of not less  
7 than Twenty thousand pesos (P 20,000.00) but not more than Three  
8 hundred thousand pesos (P 300,000.00); and (n)

9 e. Such other functions in furtherance of the objectives of this Act. [Sec. 7(e),  
10 R.A. 8293a]

11 x x x

12 7.3. *Term of Office.* - The Director General and the Deputies Director General  
13 shall be appointed by the President for a term of five (5) years and shall hold  
14 office until the successor is appointed and qualified. The Director General and  
15 each of the Deputies Director General shall be eligible for reappointment only  
16 once. Appointment to any vacancy shall be only for the unexpired term of the  
17 predecessor. (Sec. 7.3, R.A. 8293a)

18 7.4. *The Office of the Director General.* - The Office of the Director General shall  
19 consist of the Director General and the Deputies Director General, their  
20 immediate staff and such Offices and Services that the Director General will set  
21 up to support the plans and programs of the Director General such as, but not  
22 limited to:

- 23 a. Strategy Management and Planning;
- 24 b. Intellectual Property Rights Enforcement;
- 25 c. Intellectual Property Field Operations;
- 26 d. Legal and Appeals;
- 27 e. Policy and International Affairs; and
- 28 f. Internal Audit and Quality Management. (n)

29 7.5. *Strategy Management and Planning.* - The Strategy Management and  
30 Planning under the Office of the Director General shall have the following  
31 functions:



- 1 a. Provide efficient and effective services related to the formulation of data-  
2 driven plans and programs, monitoring of organizational performance,  
3 and review of strategic priorities;
- 4 b. Drive IPOPHL's strategic planning process by enhancing its knowledge  
5 of the driving forces in its operating environment; and
- 6 c. Identify and develop future-ready capabilities to improve IPOPHL's  
7 work. (n)

8 *7.6. Intellectual Property Rights Enforcement.* - The IP Intellectual Property Rights  
9 Enforcement under the Office of the Director General shall have the following  
10 powers and functions:

- 11 a. Gather intelligence information related to the violations of this Act,  
12 conduct inquiries and investigation and develop effective  
13 countermeasures to deter counterfeit and pirated goods or content;
- 14 b. Conduct visits during reasonable hours to establishments and businesses  
15 where activities suspected to be in violation of this Act are being  
16 performed in accordance with the procedure provided for under Section  
17 7.2 of this Act;
- 18 c. Develop a database of pending cases involving violations of this Act;
- 19 d. Undertake any or all of the following enforcement actions:
  - 20 (1) Serve and execute the administrative orders duly issued by the Office  
21 of the Director General in accordance with its powers granted in Section  
22 7 of this Act, such as visitorial order on premises, confiscation orders  
23 against counterfeit and pirated goods, enforcement orders, and take  
24 down or blocking orders against websites or online platforms in  
25 coordination with the appropriate agency or intermediary service  
26 provider;
  - 27 (2) Issue notice or warning to the respondent or respondents;
  - 28 (3) Recommend that the concerned local government unit or other  
29 government agency cancel licenses and business permits for engaging in  
30 selling or making available to the public counterfeit and pirated goods or  
31 file charges against the respondents for violation of their respective laws,  
32 rules or regulations;

1 (4) Request the concerned local government unit concerned or other  
2 government agencies to implement the decisions of the Intellectual  
3 Property Rights Enforcement pursuant to their respective mandates;

4 (5) Report the result of service and execution of administrative orders; and

5 (6) Such other orders or actions necessary to ensure compliance with the  
6 provisions of this Act.

7 (6.1) Coordinate with other government agencies and the private  
8 sector efforts on matters related to intellectual property rights  
9 enforcement;

10 (6.2) Assist in the enforcement of orders, writs, and processes issued  
11 by the Bureau of Legal Affairs and the Office of the Director General;

12 (6.3) Conduct monitoring activities related or relevant to intellectual  
13 property rights enforcement;

14 (6.4) Exercise inter-agency special enforcement coordination  
15 functions; and

16 (6.5) Such other powers and functions as may be necessary or  
17 incidental to the attainment of the purposes and objectives of this Act or  
18 as may be assigned by the Director General or the Deputy Director  
19 General-in-charge. (n)

20 7.7. *Intellectual Property Field Operations.* - The Intellectual Property Field  
21 Operations under the Office of the Director General shall have the following  
22 functions:

23 a. Implement programs and render intellectual property-related services to  
24 promote the effective use and respect of intellectual property, and foster  
25 an intellectual property-inspired culture of innovation and creativity in  
26 the regions of the country;

27 b. Develop linkages and partnerships with regional offices of other  
28 government agencies, local government units and local academic  
29 institutions to advance intellectual property-focused programs in the  
30 regions;

31 c. Perform such other functions that will promote the mandate of the Office.  
32 (n)''

1 Sec. 6. Section 8 of Republic Act No. 8293 is hereby amended to read as follows:

2 "Sec. 8. *The Bureau of Patents.* - The Bureau of Patents shall have the following  
3 functions:

4 x x x

5 8.4. Provide other administrative support services related to the foregoing and  
6 charge reasonable fees therefor. (n)"

7 Sec. 7. Section 9 of Republic Act No. 8293 is hereby amended to read as follows:

8 "Sec. 9. *The Bureau of Trademarks.* - The Bureau of Trademarks shall have the  
9 following functions:

10 9.1. Search and examination of the applications for the registration of marks,  
11 geographical indications and other marks of ownership and the issuance of the  
12 certificates of registration; (Sec. 9.1, R.A. 8293a)

13 x x x

14 9.3. Establish and maintain registers of trademarks, well-known marks, and  
15 other marks of ownership; and (n)

16 9.4. Provide other administrative support services related to the foregoing and  
17 charge reasonable fees therefor. (n)"

18 Sec. 8. Section 9A of Republic Act No. 8293 is hereby amended to read as follows:

19 "Sec. 9A. *The Bureau of Copyright and Related Rights.* - The Bureau of Copyright  
20 and Related Rights shall have the following functions:

21 9A.1. Exercise original jurisdiction to resolve disputes relating to copyright  
22 and related rights, except for copyright infringement cases, cancellation of  
23 copyright registration, and those other cases which are within the jurisdiction  
24 of the Bureau of Legal Affairs under Section 15 of this Act; (n)

25 9A.2. Accept and review applications for the accreditation of collective  
26 management organizations or similar entities; and within twenty (20) days  
27 from the submission of complete application documents and observation of  
28 interested parties, decide on the said applications for accreditation. The Bureau  
29 of Copyright and Related Rights recognizes the importance of the role of  
30 collective management organizations and shall encourage accreditation  
31 thereof; (Sec. 9A.2, R.A. 8293a; n)

32 9A.3. Formulate and implement plans and projects to promote the use of

1 copyright and related rights as a tool to foster a culture of creativity and respect  
2 for artistic creations; (n)

3 x x x

4 9A. 5. Receive, evaluate and allow the voluntary registration and deposit of  
5 works as provided for under Section 214 of this Act; (n)

6 9A. 6. Establish and maintain registries or databases involving copyright and  
7 related rights in coordination with other government agencies, entities and  
8 private stakeholders; (n)

9 9A. 7. Conduct researches and education activities, to enhance public  
10 awareness on copyright and of fair use of works; (n)

11 9A. 8. Approve, after careful deliberation or public consultation, matters  
12 concerning the rate or amount of fees and royalties of collective management  
13 organizations mentioned in Section 206 of this Act. (n)

14 The Director General may, by regulations, establish the procedure to govern  
15 the implementation of this Section. (n)''

16 Sec. 9. Section 10 of Republic Act No. 8293 is hereby amended to read as follows:

17 ''Sec. 10. *The Bureau of Legal Affairs.* - The Bureau of Legal Affairs shall have the  
18 following functions:

19 10.1. Adjudicate on the following:

20 a. opposition to the application for registration of trademarks and other  
21 marks of ownership; [Sec. 10.1(a), R.A. 8293a]

22 b. Cancellation of trademarks, geographical indications registration,  
23 copyright registration, other marks of ownership and subject to the  
24 provisions of Section 64 of this Act, cancellation of patents, utility models,  
25 industrial designs, and layout-designs (topographies) of integrated  
26 circuits; [Sec. 10.1(a,b), R.A. 8293a]

27 c. Opposition to application or request for, and revocation of, the  
28 declaration of well-known marks by the Bureau of Trademarks; (n)

29 d. Petition for declaration as true and actual inventor; and (n)

30 e. Revocation of declaration as true and actual inventor: (n)

31 *Provided, That decisions of the adjudication officers are appealable to the*  
32 *Director. (n)*



1 10.2. Exercise jurisdiction in the following manner:

2 a. Exercise original and exclusive jurisdiction in administrative complaints  
3 for violations of laws involving intellectual property rights: Provided,  
4 That availment of the provisional remedies may be granted in accordance  
5 with the Rules of Court. The Bureau shall, after notice and hearing, have  
6 the power to impose fines of not less than not less than fifty thousand  
7 pesos (P 50,000.00) but not more than Three hundred thousand pesos (P  
8 300,000.00) for all those who disregard orders or writs issued in the course  
9 of the proceedings and recommend or pursue contempt actions as  
10 provided for under Section 7.1 (d) of this Act, or the revocation or  
11 suspension of the relevant business permit, license or authority as  
12 provided for under Section 255 of this Act, or both. [Sec. 10.2(a), R.A.  
13 8293a; n]

14 b. After formal investigation, the Bureau may impose one (1) or more of the  
15 following administrative penalties:

16 x x x

17 (2) x x x.

18 The Bureau may also require the respondent to submit periodic  
19 compliance reports and file a bond to guarantee compliance of his  
20 undertaking; [Sec. 10.2(b), R.A. 8293a]

21 (3) The condemnation or seizure of products which are subject of the  
22 offense. The goods seized hereunder shall be disposed of in such manner  
23 as may be deemed appropriate by the Bureau, such as by destruction, sale,  
24 donation to distressed local governments or to charitable or relief  
25 institutions, exportation, recycling into other goods, or any combination  
26 thereof, under such guidelines as the Bureau may provide; [Sec. 10.2(b),  
27 R.A. 8293a]

28 (4) The forfeiture of paraphernalia, machines, equipment, and personal  
29 properties used primarily or predominantly in the violation of intellectual  
30 property rights; [Sec. 10.2(b), R.A. 8293a]

31 (5) The imposition of administrative fines, which shall in no case be less  
32 than One hundred thousand pesos (Php 100,000) nor more than One

1 million pesos (Php 1,000,000). In addition, an additional fine of not less  
2 than Ten thousand pesos (Php 10,000) shall be imposed for each day of  
3 continuing violation; [Sec. 10.2(b), R.A. 8293a]

4 (6) The cancellation of any license, authority, or registration which may  
5 have been granted by the Office, or the suspension of the validity thereof  
6 for such period as the Bureau may deem reasonable which shall not  
7 exceed one (1) year; [Sec. 10.2(b), R.A. 8293a]

8 (7) The withholding of any license, authority, or registration which is  
9 being secured by the respondent from the Office; [Sec. 10.2(b), R.A. 8293a]

10 (8) The assessment and award of damages, including such profits the  
11 infringer may have made due to such infringement and advertising  
12 revenues; and when appropriate, exemplary, nominal or moral damages,  
13 attorney's fees, and costs of litigation; (n)

14 x x x

15 *Provided*, that decisions of the adjudication officers are appealable to the  
16 Director. (n)

17 c. Establish and administer alternative dispute resolution mechanisms; and  
18 (n)

19 d. Provide assistance to other bureaus and offices of the IPOPHL, including  
20 legal review, study, and similar tasks. (n)

21 x x x"

22 Sec. 10. Section 11 of Republic Act No. 8293 is hereby amended to read as follows:

23 "*Sec. 11. The Bureau of Innovation Support and Business Development.* - The Bureau  
24 of Innovation Support and Business Development shall have the following  
25 functions:

26 11.1. Foster creativity, innovation, and business development by implementing  
27 policies, programs, and activities therefor, through the following:

28 a. Promote and provide assistance on the utilization and commercialization  
29 of intellectual property through various modes in coordination and  
30 collaboration with other government agencies and the relevant private  
31 institutions;

- b. Promote the use of intellectual property information as a strategic tool to facilitate the development of technology in the country;
- c. Perform patent searches, analytics mapping and similar activities;
- d. Register technology transfer arrangements, and settle disputes involving technology transfer payments;
- e. Adapt and package intellectual property information; and
- f. Provide advisory services for the determination of search patterns.

11.2. Support advocacy programs and initiatives of the office through marketing of services, and external communications; and

11.3. Build public awareness on intellectual property through information dissemination and the conduct of seminars, lectures, capacity building exercises and other similar activities.

The Director General may, by implementing rules and regulations, establish the procedure to govern the implementation of this section. (n)"

Sec. 11. Section 12 of Republic Act No. 8293 is hereby amended to read as follows:

*"Sec. 12. The Information Technology Management Service. - The Information Technology Management Service shall:*

12.1. Plan, develop, and implement information technology (IT) strategies and policies in collaboration with all offices and bureaus to ensure the optimal application and utilization of IT resources and services; and

12.2. Develop and maintain databases, application systems, and network infrastructure systems to support all office and bureau operations. (n)"

Sec. 12. Section 13 of Republic Act No. 8293 is hereby amended to read as follows:

*Sec. 13. The Finance, Administrative, and Human Resource Development Services. -*

13.1. The Administrative Service shall:

- a. Provide services relative to procurement and allocation of supplies and equipment, transportation, messengerial work, cashiering, payment of salaries and other Office's obligations, office maintenance, proper safety and security, and other utility services; and [Sec. 13.1(a), R.A. 8293a]

x x x

13.2. The Finance Service shall formulate and manage a financial program to ensure availability and proper utilization of funds; provide for an effective

1 monitoring system of the financial operations of the Office. (Sec. 13.3, R.A. 8293a)  
2 13.3. The Human Resource Development Service shall design and implement  
3 human resource development plans and programs for the personnel of the  
4 Office; provide for present and future manpower needs of the organization;  
5 maintain high morale and favorable employee attitudes towards the  
6 organization through the continuing design and implementation of employee  
7 development programs. (Sec. 13.4, R.A. 8293a)”

8 Sec. 13. New Sections 13A and 13B are hereby inserted after Section 13 of Republic  
9 Act No. 8293 to read as follows:

10 “Sec. 13A. *Intellectual Property (IP) Academy*. - The IP Academy shall have the  
11 following functions:

- 12 a. Support the agent accreditation process of the Office by facilitating or  
13 conducting the accreditation training, examination, registration, and other  
14 supporting activities to accredit and register intellectual property agents,  
15 and representatives;
- 16 b. Build high-level understanding, competence and expertise in the fields of  
17 intellectual property and other related areas through the conduct of  
18 certification programs, advanced highly-technical courses, learning tracks  
19 system, continuing professional development programs and other similar  
20 activities;
- 21 c. Create and formulate the training and learning outlines, methods,  
22 curricula, modules, programs, and instructional materials for the training,  
23 learning, education programs, and other similar activities on intellectual  
24 property and other relevant disciplines;
- 25 d. Assist and support the capacity building programs of Bureaus and offices  
26 in relation to learning management, learning evaluation processes, as well  
27 as research initiatives and knowledge-building programs of intellectual  
28 property and other relevant disciplines;
- 29 e. Support and establish the creation of scientific, interdisciplinary, evidence-  
30 based and other related research and studies on intellectual property and  
31 related disciplines through the conduct of conferences, conventions,



1 publications, and other similar activities on research and knowledge-  
2 creation; and

- 3 f. Enhance and integrate intellectual property in the learning system of the  
4 country through the establishment of partnerships and cooperation with  
5 local or foreign educational, learning and research institutions, government  
6 agencies, private sectors, and other professional organizations. (n)

7 *Sec. 13B. The National Committee on Intellectual Property Rights. -*

8 *13B.1. Composition. -* The composition of the National Committee on Intellectual  
9 Property Rights (NCIPR), created under Executive Order No. 736, series of 2008,  
10 entitled "Institutionalizing Permanent Units to Promote, Protect and Enforce  
11 Intellectual Property Rights (IPR) in Different Law Enforcement and Other  
12 Agencies under the Coordination of the National Committee on Intellectual  
13 Property Rights (NCIPR)", is hereby expanded to include the following member  
14 agencies:

- 15 a. Department of Trade and Industry (DTI);  
16 b. Intellectual Property Office of the Philippines (IPOPHL);  
17 c. Department of Justice (DOJ);  
18 d. Department of Interior and Local Government (DILG);  
19 e. Department of Information and Communications Technology (DICT);  
20 f. Bureau of Customs (BOC);  
21 g. National Telecommunications Commission (NTC);  
22 h. Optical Media Board (OMB);  
23 i. National Bureau of Investigation (NBI);  
24 j. Philippine National Police (PNP);  
25 k. Food and Drug Administration (FDA);  
26 l. National Book Development Board (NBDB);  
27 m. Bureau of Internal Revenue (BIR);  
28 n. National Commission on Indigenous People (NCIP);  
29 o. Office of the Special Envoy for Transnational Crimes;  
30 p. Such other agencies as may be called upon by the NCIPR; and

1 q. A representative from the private sector to be appointed by the Secretary  
2 of Trade and Industry upon the recommendation of the Director General,  
3 and who shall have a term of two (2) years, without reappointment. (n)

4 The NCIPR shall be co-chaired by the Secretary of Trade and Industry and by  
5 the Director General. Each member shall designate a permanent representative  
6 with the rank of Undersecretary or Assistant Secretary. The Office shall provide  
7 secretariat services to the NCIPR. (n)

8 13B.2. *Functions.* - The NCIPR shall act as the primary inter-agency body on  
9 efforts against intellectual property rights violations and shall have the following  
10 functions:

- 11 a. Formulate strategic plans and programs;
- 12 b. Assist in the public information and education campaign on the importance  
13 of intellectual property rights;
- 14 c. Facilitate and assist in the effective enforcement and prosecution of  
15 violators of intellectual property rights;
- 16 d. Recommend measures to the legislative, executive, and judicial  
17 departments to ensure timely and effective enforcement and adjudication  
18 of intellectual property rights cases;
- 19 e. Maintain a database and enforcement monitoring system, consolidated  
20 information and reports from other agencies, and submit periodic reports;  
21 and
- 22 f. Coordinate with other government agencies and the private sector efforts  
23 on matters related to intellectual property rights enforcement. (n)

24 To perform these functions, all NCIPR member-agencies shall establish and  
25 maintain a permanent intellectual property unit with regular and adequate  
26 resources, personnel, and budgetary support allocated from their respective  
27 funds. (n)"

28 Sec. 14. Section 14 of Republic Act No. 8293 is hereby amended to read as follows:

29 "*Sec. 14. Use of Intellectual Property Rights Fees by the IPOPHL.* -

30 14.1. For a more effective and expeditious implementation of this Act, the  
31 Director General shall be authorized to retain, without need of a separate  
32 approval from any government agency, and subject only to the existing

1 accounting and auditing rules and regulations, all the fees, fines, royalties and  
2 other charges, collected by the Office under this Act and the other laws that the  
3 Office will be mandated to administer, for use in its operations, like upgrading  
4 of its facilities, equipment outlay, human resource development, and the  
5 acquisition of the appropriate office space, among others, to improve the  
6 delivery of its services to the public. This amount, which shall be in addition to  
7 the Office's annual budget, and including interests earned from the same, shall  
8 be deposited and maintained in a separate account or fund, which may be used  
9 or disbursed directly by the Director General. (Sec. 14.1, R.A. 8293a)

10 14.2. The Director General shall, subject to the approval of the Secretary of  
11 Trade and Industry, determine if the fees and charges mentioned in Subsection  
12 14.1 hereof are sufficient to meet its budgetary requirements. If so, it shall retain  
13 all the fees and charges it shall collect under the same conditions indicated in  
14 said Subsection 14.1 but shall forthwith, cease to receive any funds from the  
15 annual budget of the National Government. (Sec. 14.2, R.A. 8293a)

16 Sec. 15. Section 19 of Republic Act No. 8293 is hereby amended to read as follows:

17 *"Sec. 19. Disqualification of Officers and Employees of the Office. - All officers and*  
18 *employees of the Office shall not apply or act as an attorney or agent of an*  
19 *application for a grant of patent, for the registration of a utility model, industrial*  
20 *design, layout-design (topographies) of an integrated circuit, mark, other marks*  
21 *of ownership, nor acquire, except by hereditary succession, any patent or utility*  
22 *model, design registration, or mark or any right, title or interest therein during*  
23 *their employment and for one (1) year thereafter. (Sec. 19, R.A. 8293a)"*

24 Sec. 16. Section 20 of Republic Act No. 8293 is hereby amended to read as follows:

25 *"Sec. 20. Definition of Terms Used in Part II, The Law on Patents. - As used in Part*  
26 *II, the following terms shall have the following meanings:*

27 x x x

28 20.5. "Patent application" or "application" means an application for a patent for  
29 an invention except in Chapters XII and XIII, where application means an  
30 application for a utility model an industrial design, and layout-design design  
31 (topography) of integrated circuit, respectively; (Sec. 20.5, R.A. 8293a)

32 x x x

1 20.7. "Provisional Patent Application" means a temporary patent application  
2 that complies with Section 39.2 of this Act and filed for purposes of establishing  
3 an early filing date; and (n)

4 20.8. "Regulations" mean the Rules of Practice in Patent Cases formulated by  
5 the Director of the Bureau of Patents and promulgated by the Director  
6 General. (n)"

7 Sec. 17. Section 24 of Republic Act No. 8293 is hereby amended to read as follows:

8 "Sec. 24. *Prior Art.* - Prior art shall consist of:

9 24.1. Everything which has been made available to the public anywhere in the  
10 world, before the filing date or the priority date of the application claiming the  
11 invention: *Provided*, That an undisclosed provisional patent application shall not  
12 be considered as prior art; and (Sec. 24.1, R.A. 8293a)

13  
14 x x x"

15 Sec. 18. Section 31 of Republic Act No. 8293 is hereby amended to read as follows:

16 "Sec. 31. *Right of Priority.* - 31.1. x x x.

17 31.2. The date of filing of a provisional patent application may be claimed as the  
18 priority date of the patent application: *Provided*, That such patent application was  
19 filed within twelve (12) months and in accordance with the requirements of  
20 Section 32.1 hereof. (n)"

21 Sec. 19. Section 32 of Republic Act No. 8293 is hereby amended to read as follows:

22 "Sec. 32. *The Application.* - 32.1. The patent application shall be in Filipino or  
23 English and shall contain the following:

24 x x x

25 d. At least one (1) claim; (n)

26 e. x x x;

27 f. Payment of required fees at the time of filing; and (n)

28 g. If the applicant is not domiciled in the Philippines, the appointment of an  
29 agent or representative upon whom notice or process for judicial or  
30 administrative procedure relating to the application for patent or the patent  
31 may be served. (n)



1           x x x”

2   Sec. 20. A new Section 32A is hereby inserted after Section 32 of Republic Act No.  
3   8293 to read as follows:

4           “Sec. 32A. *Provisional Patent Application.* - 32A.1. A provisional patent  
5           application shall be replaced by a patent application that complies with Section  
6           32A.2 hereof: *Provided*, That such patent application is filed within twelve (12)  
7           months from the filing date of the provisional patent application: *Provided*  
8           *further*, That if new matter not included in the provisional application is  
9           introduced, the filing date shall be when the regular application is filed,  
10          otherwise such provisional patent application shall be considered forfeited. (n)

11         32A.2. A provisional patent application shall contain the following:

- 12           a. Request Form for Provisional Application;
- 13           b. Provisional description of the invention;
- 14           c. Provisional drawings or sequence listings, if applicable;
- 15           d. At least one (1) provisional claim;
- 16           e. Provisional abstract;
- 17           f. Payment of required fees at the time of filing; and
- 18           g. If the applicant is not domiciled in the Philippines, the appointment of an  
19           agent or representative upon whom notice or process for judicial or  
20           administrative procedure relating to the application for patent or the patent  
21           may be served. (n)

22         32A.3. The benefits of filing a provisional patent application refer only to the  
23         right of claiming priority date under Section 31.2 hereof and for establishing  
24         novelty under Section 23 hereof. The protection period referred to in Section 54  
25         of this Act shall be reckoned from the filing date of the provisional patent  
26         application. (n)”

27   Sec. 21. Section 40 of Republic Act No. 8293 is hereby amended to read as follows:

28           “Sec. 40. *Filing Date Requirements.* -

29           40.1. x x x

30           In the case of the provisional patent application, the filing date shall be the date  
31           of receipt by the Office of all of the requirements in Section 32A.2 of this Act. (n)

32           x x x.”

1 Sec. 22. Section 41 of Republic Act No. 8293 is hereby amended to read as follows:

2 “Sec. 41. *According a Filing Date.* - The Office shall examine whether the patent  
3 application or a provisional patent application satisfies the requirements for the  
4 grant of date of filing as provided in Section 40 hereof. If the date of filing cannot  
5 be accorded, the applicant shall be given an opportunity to correct the  
6 deficiencies in accordance with the implementing Regulations. If the application  
7 does not contain all the elements indicated in Section 40, the filing date should  
8 be that date when all the elements are received. If the deficiencies are not  
9 remedied within the prescribed time limit, the application shall be considered  
10 withdrawn. (Sec. 41, R.A. 8293a)”

11 Sec. 23. Section 45 of Republic Act No. 8293 is hereby amended to read as follows:

12 “Sec. 45. *Confidentiality Before Publication.* - 45.1. x x x.

13 45.2. *Confidentiality of Provisional Patent Application.* - A provisional patent  
14 application that has complied with the requirements in Sections 41 and 42 of this  
15 Act shall be kept in confidence by the Office and as such, will not be published  
16 in the IPOPHL Gazette or in any other means of publication. Provisional patent  
17 applications that are forfeited shall be destroyed or permanently deleted and no  
18 records of which shall be kept by the Office. (n)”

19 Sec. 24. Section 54 of Republic Act No. 8293 is hereby amended to read as follows:

20 “Sec. 54. *Term of Patent.* - The term of a patent shall be twenty (20) years from the  
21 filing date of the application. For a patent which was originally filed under a  
22 provisional patent application, the protection period shall be reckoned from the  
23 filing date of the provisional patent application. (Sec. 54, R.A. 8293a)”

24 Sec. 25. Section 67 of Republic Act No. 8293 is hereby amended to read as follows:

25 “Sec. 67. *Effect of Declaration as the True and Actual Inventor or a Person Having the*  
26 *Right to a Patent.* -

27 67.1. If a person declared by final order or decision of the court or by the Bureau  
28 of Legal Affairs to be the true and actual inventor or to have the right to the  
29 patent or to file a patent application, may, within three (3) months after the  
30 decision has become final and executory, notify the Bureau of Patents of any or  
31 more applicable options, namely:

32 a. Prosecute the application as his own in place of the applicant;

- 1           b. File a new patent application in respect of the same invention: *Provided,*  
2           That the filing or priority date of the old application is retained;  
3           c. Request that the application be rejected; or  
4           d. Seek cancellation of the patent, or to be substituted as patentee, if one has  
5           already been issued. (Sec. 67.1, R.A. 8293a)

6           67.2. In case of fraud, the court or Bureau of Legal Affairs may, when appropriate  
7           and necessary, award actual and other damages in favor of the true and actual  
8           inventor or person having the right to a patent. (n)”

9   Sec. 26. Section 68 of Republic Act No. 8293 is hereby amended to read as follows:

10          “Sec. 68. *Remedy of the True and Actual Inventor or a Person Having the Right to a*  
11          *Patent.* - A person, who was deprived of the patent or the right to file a patent  
12          application may file with the court or with the Bureau of Legal Affairs, an action  
13          for a declaration as the true and actual inventor or as a person having the right  
14          to a patent or to file a patent application, or raise the same as a defense in an  
15          action for patent infringement. (Sec. 68, R.A. 8293a, n)”

16   Sec. 27. Section 68 of Republic Act No. 8293 is hereby amended to read as follows:

17          “Sec. 70. *Time to File Action in Court.* - The actions indicated in Sections 67 and 68  
18          shall be filed at any time but not later than one (1) year from the date of  
19          publication of the grant. (Sec. 70, R.A. 8293a)”

20   Sec. 28. Section 72 of Republic Act No. 8293 is hereby amended to read as follows:

21          “Sec. 72. *Limitations of Patent Rights.* -

22          x x x

23          72.3. Where the act consists of making or using the invention exclusively for  
24          experiments for scientific or educational purposes and such other activities  
25          directly related to such scientific or educational experimental use; (Sec. 72.3, R.A.  
26          8293a)”

27          72.4. In the case of drugs and medicines, where the act includes testing, using,  
28          making or selling the invention including any data related thereto, solely for  
29          purposes reasonably related to the development and submission of information  
30          and issuance of approvals by government regulatory agencies required under  
31          any law of the Philippines or of another country that regulates the manufacture,  
32          construction, use or sale of any product without prejudice to the protection of



1 the data submitted by the original patent holder from unfair commercial use as  
2 provided for under Article 39.3 of the Agreement on Trade-Related Aspects of  
3 Intellectual Property Rights (TRIPS Agreement; (Sec. 72.4, R.A. 8293a)“

4 x x x”

5 Sec. 29. Section 76 of Republic Act No. 8293 is hereby amended to read as follows:

6 “Sec. 76.1. *Civil Action for Infringement.* -

7 x x x

8 76.2. Any patentee, or anyone possessing any right, title or interest in and to the  
9 patented invention, whose rights have been infringed, may bring a civil action  
10 before the appropriate Regional Trial Court to recover from the infringer such  
11 damages sustained thereby, plus attorney’s fees and other expenses of litigation,  
12 and to secure an injunction for the protection of his rights. (Sec. 76.2, R.A. 8293a)

13 x x x.”

14 Sec. 30. Section 84 of Republic Act No. 8293 is hereby amended to read as follows:

15 “Sec. 84. *Criminal Action and Penalties.* -

16 84.1 Independent of the civil and administrative remedies, persons liable for  
17 infringement shall, upon conviction, be punished, by imprisonment and/or fine,  
18 or both, at the discretion of the court, as follows:

19 a. Patent Infringement. - In infringement of industrial design, the offender  
20 shall suffer imprisonment for a period of not less than three (3) years but  
21 not more than five (5) years and/or a fine of not less than One hundred  
22 thousand pesos (PHP 100,000.00) but not more than Three hundred  
23 thousand pesos (PHP 300,000.00). (n)

24 b. Repetition of Patent Infringement. - If infringement of invention patents,  
25 utility models, layout-design (topographies) of integrated circuits is  
26 repeated by the infringer or by anyone in connivance with him after finality  
27 of the judgment of the court against the infringer, the offender shall suffer  
28 imprisonment for the period of not less than three (3) years but not more  
29 than five (5) years and/or a fine of not less than Five hundred thousand  
30 pesos (PhP 500,000) but not more than One million pesos (Php 1,000,000).  
31 (Sec. 84, R.A. 8293a)“

32 Sec. 31. Section 85 of Republic Act No. 8293 is hereby amended to read as follows:



1       “Sec. 85. *Voluntary License Contract.* - To encourage the transfer and  
2 dissemination of technology, prevent or control practices and conditions that  
3 may in particular cases constitute an abuse of intellectual property rights, or will  
4 substantially prevent, restrict or lessen competition in the market and have  
5 adverse effect on trade, all technology transfer arrangements shall comply with  
6 the provisions of this Chapter. (Sec. 85, R.A. 8293a)”

7       Sec. 32. Section 86 of Republic Act No. 8293 is hereby amended to read as follows:

8       “Sec. 86. *Jurisdiction to Settle Disputes on Royalties.* - The Director of the Bureau of  
9 Innovation Support and Business Development shall exercise quasi-judicial  
10 jurisdiction in the settlement of disputes between parties to a technology transfer  
11 arrangement arising from technology transfer payments, including the fixing of  
12 appropriate amount or rate of royalty. (Sec. 86, R.A. 8293a)”

13       Sec. 33. Section 87 of Republic Act No. 8293 is hereby amended to read as follows:

14       “Sec. 87. *Prohibited Clauses.* - Except in cases under Section 91, the following  
15 provisions are prohibited from inclusion in Technology Transfer Arrangements:  
16 87.1. Those which impose upon the licensee the obligation to acquire from a  
17 specific source capital goods, intermediate products, raw materials, and other  
18 technologies, or of permanently employing personnel indicated by the licensor,  
19 except if these will be sourced locally when comparable alternatives are locally  
20 available and such imposition is essential for maintaining the quality of the  
21 products or services produced or rendered under the agreements; (Sec. 87.1, R.A.  
22 8293a; n)”

23       x x x

24       87.15. Other clauses with equivalent effects, such as those which impose upon  
25 the licensee unreasonable post-termination non-compete covenants surviving  
26 more than one (1) year after termination of the technology transfer arrangement.  
27 The Bureau’s findings and decision on the above may serve as *prima facie*  
28 evidence before the Philippine Competition Commission that the subject  
29 technology transfer arrangement does not violate Philippine competition laws.  
30 (n)”

31       Sec. 34. Section 88 of Republic Act No. 8293 is hereby amended to read as follows:

32       “Sec. 88. *Mandatory Provisions.* -

1 x x x

2 **88.3.** In the event the technology transfer arrangement shall provide for  
3 arbitration, the venue of arbitration shall be the Philippines or any neutral  
4 country; and (Sec. 88.3, R.A. 8293a)

5 x x x.”

6 Sec. 35. Section 91 of Republic Act No. 8293 is hereby amended to read as follows:

7 “Sec. 91. *Exceptional Cases.* - In exceptional or meritorious cases where substantial  
8 benefits will accrue to the economy, such as high technology content, increase in  
9 foreign exchange earnings, employment generation, regional dispersal of  
10 industries and/or substitution with or use of local raw materials, or in the case  
11 of companies with pioneer status registered with the Board of Investments,  
12 exemption from any of the above requirements may be allowed by the Bureau of  
13 Innovation Support and Business Development after evaluation thereof on a case  
14 by case basis. (Sec. 91, R.A. 8293a)”

15 Sec. 36. Section 92 of Republic Act No. 8293 is hereby amended to read as follows:

16 “Sec. 92. *Non-Registration with the Bureau of Innovation Support and Business*  
17 *Development.* - Technology transfer arrangements that conform with the  
18 provisions of Sections 87 and 88 need not be registered with the Bureau of  
19 Innovation Support and Business Development. Non-conformance with any of  
20 the provisions of Sections 87 and 88, however, shall automatically render the  
21 technology transfer arrangement unenforceable, unless said technology transfer  
22 arrangement is approved and registered with the Bureau of Innovation Support  
23 and Business Development under the provisions of Section 91 on exceptional  
24 cases. (Sec. 92, R.A. 8293a)”

25 Sec. 37. Section 101 of Republic Act No. 8293 is hereby amended to read as follows:

26 “Sec. 101. *Amendment, Cancellation, Surrender of Compulsory License.* -

27 101.1. Upon the request of the patentee or the licensee, the Director General may  
28 amend the decision granting the compulsory license, upon proper showing of  
29 new facts or circumstances justifying such amendment. (Sec. 101.1, R.A. 8293a)

30 101.2. Upon the request of the patentee, the Director General may cancel the  
31 compulsory license:

32 x x x

1 101.4. The Director General shall cause the amendment, surrender, or  
2 cancellation in the Register, notify the patentee, and/or the licensee, and cause  
3 notice thereof to be published in the IPO Gazette. (Sec. 101.4, R.A. 8293a)"

4 Sec. 38. Section 103 of Republic Act No. 8293 is hereby amended to read as follows:

5 "Sec. 103. *Transmission of Rights.* –

6 103.1. Patents or applications for patents and invention to which they relate, shall  
7 be protected in the same way as the rights of other property under the New Civil  
8 Code of the Philippines. (Sec. 103.1, R.A. 8293a)

9 x x x."

10 Sec. 39. Section 109 of Republic Act No. 8293 is hereby amended to read as follows:

11 "Sec. 109. *Special Provisions Relating to Utility Models.* –

12 x x x

13 109.2. Sections 43 to 49 shall not apply in the case of applications for registration  
14 of a utility model: *Provided*, That applications for registration shall be published  
15 in the IPOPHL Gazette. Within thirty (30) days from publication, third parties  
16 may file with the Director a sworn adverse information citing grounds or  
17 information that the utility model is non-registrable. The Director shall decide  
18 whether or not to register the utility model application based on information or  
19 registrability report that the application does not comply with Section 108 of this  
20 Act. (n)

21 109.3. A utility model registration shall expire, without any possibility of  
22 renewal, after seven (7) years from the filing date of the application. (Sec. 109.3,  
23 R.A. 8293a)

24 x x x

25 109.5. Any utility model registrant, or anyone possessing any right, title or  
26 interest in and to the utility model invention, whose rights have been infringed,  
27 may bring a civil action before the appropriate Regional Trial Court, to recover  
28 from the infringer such damages sustained thereby, plus attorney's fees and  
29 other expenses of litigation, and to secure an injunction for the protection of his  
30 or her rights: *Provided*, That the complaint shall include a registrability report.  
31 (n)"

32 Sec. 40. Section 111 of Republic Act No. 8293 is hereby amended to read as follows:



1       “Sec. 111. *Parallel Applications.* –

2       111.1. An applicant may not file two (2) applications for the same subject, one for  
3       utility model registration and the other for the grant of an invention patent  
4       whether simultaneously or consecutively. (Sec. 111, R.A. 8293a)

5       111.2. If the utility model application is granted registration, a certificate shall be  
6       issued to the applicant and it shall be protected as a registered utility model. The  
7       invention application shall be deemed withdrawn unless the applicant confirms  
8       and proceeds with the invention application within fifteen (15) days from the  
9       utility model registration. (n)

10       111.3. If the applicant confirms and proceeds with the invention patent  
11       application, the utility model registration shall be deemed cancelled upon the  
12       date of grant of the corresponding patent application. If the patent application is  
13       denied, the utility model registration remains valid unless the denial is due to  
14       the lack of novelty of the invention. (n)

15       111.4. There shall only be one protection granted at any given time and in case  
16       of infringement, only one cause of action shall be invoked regardless of the  
17       presence of two (2) applications. (n)

18       111.5. For applications involving drugs and medicines subject of parallel  
19       applications, the early working provision under Section 78.4 of this Act shall  
20       not be prejudiced. (n)”

21   Sec. 41. Section 113 of Republic Act No. 8293 is hereby amended to read as follows:

22       “Sec. 113. *Conditions for Protection.* –

23       x x x.”

24   Sec. 42. Section 116 of Republic Act No. 8293 is hereby amended to read as follows:

25       “Sec. 116. *Formality Examination.* –

26       x x x

27       116.3. After the conduct of a formality examination and upon full compliance  
28       with the prescribed formality requirements, the application for registration shall  
29       be published in the IPOP HL Gazette. Within thirty (30) days from the date of  
30       publication, third parties may file with the Director adverse information citing  
31       grounds or information that the design is not new or not registrable. The Director  
32       shall decide whether or not to grant the layout-design registration based on such



1 information.

2 An applicant has the option to file a request for deferred publication  
3 simultaneously with the filing of the application or at any time prior to  
4 publication date. The maximum period allowed for the deferred publication of  
5 a layout-design application shall be thirty (30) months from the filing date or  
6 priority date of the application. In case the request for the deferred publication  
7 is made after the filing of the application, the allowable period for the deferred  
8 publication shall be the remaining time from the allowed thirty (30) months  
9 deferred publication period. The applicant or applicants may request for a  
10 specific time for the Office to publish the application: *Provided*, That it does not  
11 go beyond the allowed deferment period of thirty (30) months. (n)"

12 Sec. 43. Section 117 of Republic Act No. 8293 is hereby amended to read as follows:

13 "Sec. 117. *Registration.* -

14 117.1. The conditions referred to in Sec. 113 are deemed fulfilled, in the absence  
15 of adverse information or where an adverse information was resolved by the  
16 Director in favor of the applicant, the Director shall issue the registration of the  
17 layout-design; otherwise, it shall refuse the application.

18 The Director may decide whether or not to register the layout-design application  
19 based on information or registrability report that the application does not comply  
20 with Section 113 of this Act. (Sec. 117.1, R.A. 8293a; n)

21 x x x

22 117.4. The Office shall record in the register any change in the identity of the  
23 proprietor of the industrial design or layout-design or his representative, if proof  
24 thereof is furnished to it. A fee shall be paid, with the request to record the  
25 change in the identity of the proprietor. If the fee is not paid, the request shall be  
26 deemed not to have been filed. In such case, the former proprietor and the former  
27 representative shall remain. (Sec. 117.4, R.A. 8293a)

28 x x x."

29 Sec. 44. Section 121 of Republic Act No. 8293 is hereby amended to read as follows:

30 "Sec. 121. *Definitions.* - As used in Part III, the following terms have the  
31 following meanings:

32 121.1. "Mark" means any sign or any combination of signs as may be prescribed

1 by the Regulations, capable of distinguishing the goods (trademark) or services  
2 (service mark) of an enterprise and may include a stamped or marked container  
3 of goods; (Sec. 121.1, R.A. No. 8293a)

4 x x x

5 121.8. "Certification mark" means any sign, used or intended for use in  
6 commerce with the owner's permission by someone other than its owner, to  
7 certify regional or other geographic origin, material, mode of manufacture,  
8 quality, accuracy, or other characteristics of someone's goods or services, or that  
9 the work or labor on goods or services was performed by members of a group  
10 or associations. (n)"

11 Sec. 45. Section 123 of Republic Act No. 8293 is hereby amended to read as follows:

12 "Sec. 123. *Registrability.* -

13 123.1. A mark cannot be registered if it:

14 a. Consists of matter, which:

15 (1) is deceptive or scandalous;

16 (2) may disparage or falsely suggest a connection with living or dead persons,  
17 institutions, entities, beliefs, customs, values, or national symbols, national  
18 identity, heritage or patrimony; or

19 (3) brings any of the foregoing into contempt, disrespect, or disrepute; [Sec.  
20 123.1(a), R.A. No. 8293a]

21 b. Consists of the flag, coat of arms or other insignia of the Philippines or any  
22 of its political subdivisions, or of its agencies, or of any foreign nation, or  
23 of any international intergovernmental organization, or any simulation  
24 thereof; [Sec. 123.1(b), R.A. No. 8293a]

25 c. Consists of a name, portrait or signature identifying a particular living  
26 individual except by his written consent, or the name, signature, or portrait  
27 of a deceased President of the Philippines, during the life of the surviving  
28 spouse, if any, except by written consent of the latter; [Sec. 123.1(c), R.A.  
29 No. 8293a]

30 d. Is identical with a registered mark belonging to a different proprietor or a  
31 mark with an earlier filing or priority date, in respect of the same goods or  
32 services, or closely related goods or services, or nearly resembles such a

1 registered mark with an earlier filing or priority date as to likely deceive or  
2 cause confusion; [Sec. 123.1(d), R.A. No. 8293a]

3 e. Is identical with, or confusingly similar to, or constitutes a translation of a  
4 mark which is considered by a competent authority of the Philippines to be  
5 well-known internationally or in the country following the criteria  
6 prescribed in the Regulations, whether or not it is registered here, as being  
7 already the mark of a person other than the applicant for registration, and  
8 used for identical or similar goods or services: *Provided*, That use of the  
9 mark in relation to those goods or services which are not similar to those  
10 with respect to which registration is applied for and that the use of such  
11 mark in those goods and services would indicate a connection between  
12 those goods or services, and the owner of the well-known mark and that  
13 the interests of the owner of the well-known mark are likely to be damaged  
14 by such use: *Provided further*, That in determining whether a mark is well-  
15 known, account shall be taken of the knowledge of the relevant sector of  
16 the public, rather than of the public at large, including knowledge in the  
17 Philippines which has been obtained as a result of the promotion of the  
18 mark; [Sec. 123.1(e,f), R.A. No. 8293a]

19 f. Is likely to mislead the public, particularly as to the nature, quality,  
20 characteristics or geographical origin of the goods or services; [Sec.  
21 123.1(g), R.A. No. 8293a]

22 g. Consists exclusively of signs that are generic for the goods or services that  
23 they seek to identify; [Sec. 123.1(h), R.A. No. 8293a]

24 h. Consists exclusively of signs or of indications that have become customary  
25 or usual to designate the goods or services in everyday language or in *bona*  
26 *fide* and established trade practice; [Sec. 123.1(i), R.A. No. 8293a]

27 i. Consists exclusively of signs or of indications that may serve in trade to  
28 designate the kind, quality, quantity, intended purpose, value,  
29 geographical origin, subject matter, time or production of the goods or  
30 rendering of the services, or other characteristics of the goods or services,  
31 except when the application for registration is for a geographical indication  
32 either as a collective or certification mark; [Sec. 123.1(j), R.A. No. 8293a]

1 j. Consists of shapes that may be necessitated by technical factors or by the  
2 nature of the goods themselves or factors that affect their intrinsic value;  
3 [Sec. 123.1(k), R.A. No. 8293a]

4 k. Consists of color alone, unless defined by a given form; [Sec. 123.1(l), R.A.  
5 No. 8293a]

6 l. Is contrary to public order or public policy; [Sec. 123.1(m), R.A. No. 8293a]

7 m. Lacks distinctiveness; or (n)

8 n. Impairs or dilutes the distinctiveness, or harms the reputation of a well-  
9 known mark, as declared by competent authority, whether registered or  
10 not. (n)

11 123.2. For the purpose of declaring a mark well-known as provided for under  
12 paragraphs (e) and (m) hereof, the Director General, Director of the Bureau of  
13 Legal Affairs, Director of the Bureau of Trademarks and judicial authorities are  
14 considered competent authorities in relation to their respective functions or  
15 jurisdictions. The Adjudication Officers are also considered competent  
16 authorities if an issue of well-known status of a mark is raised before them. (n)

17 123.3. As regards signs or devices mentioned in Section 123.1 (j), (k), and (l)  
18 hereof or those where the shapes of the goods themselves or portion thereof,  
19 their packaging, or containers are not necessitated by technical factors or those  
20 factors only affect their intrinsic value, nothing shall prevent the registration of  
21 any such sign or device which has become distinctive in relation to the goods for  
22 which registration is requested as a result of the use that have been made of it in  
23 commerce in the Philippines. The Office may accept as prima facie evidence that  
24 the mark has become distinctive, as used in connection with the applicant's  
25 goods or services in commerce, proof of substantially exclusive and continuous  
26 use thereof by the applicant in commerce in the Philippines for three (3) years  
27 before the date on which the claim of distinctiveness is made. (Sec. 123.3, R.A.  
28 No. 8293a)

29 x x x."

30 Sec. 46. Section 124 of Republic Act No. 8293 is hereby amended to read as follows:

31 "Sec. 124. *Requirements of Application.* -

32 124.1. The application for the registration of the mark shall be in Filipino or in



1 English and shall contain the following:

2 x x x

3 i. One or more reproductions of the mark or series marks, as prescribed in the  
4 Regulations; [Sec. 124.1(i), R.A. No. 8293a]

5 124.2. To maintain the application or registration of the mark, it must be used on  
6 goods or services covered in the registration. For this purpose, the applicant or  
7 registrant shall file a declaration of actual use of the mark with evidence to that  
8 effect within:

9 a. three (3) years and six (6) months from the filing date of the application;

10 b. One (1) year from the fifth (5<sup>th</sup>) anniversary of the registration;

11 c. One (1) year from date of each renewal; and

12 d. One (1) year from the fifth (5<sup>th</sup>) anniversary of each renewal.

13 Otherwise, the application shall be refused or the mark shall be removed from  
14 the Register by the Director.”

15 Sec. 47. Section 127 of Republic Act No. 8293 is hereby amended to read as follows:

16 “Sec. 127. *Filing Date.* -

17 127.1. *Requirements.* - The filing date of an application shall be the date on which  
18 the Office received the following indications and elements in English or Filipino:

19 a. An express indication that the registration of a mark is sought;

20 b. The identity of the applicant;

21 c. Contact details of the applicant or his representative, if any;

22 d. A reproduction of the mark to be registered; and

23 e. The list of the goods or services covered by the mark to be registered. (Sec.  
24 127.1, R.A. No. 8293a)

25 127.2. Payment of the required filing fee on or immediately after the date of filing  
26 of the above requirements shall confirm the filing date and application number  
27 accorded to the application. (n)”

28 Sec. 48. Section 130 of Republic Act No. 8293 is hereby amended to read as follows:

29 “Sec. 130. *Signature and Other Means of Self-Identification.* -

30 130.1. Where a signature is required, the Office shall accept:

31 a. A hand-written signature; or

32 b. The use of other forms of signature, such as an electronic, digital, printed

1 or stamped signature, or the use of a seal, instead of a hand-written  
2 signature: *Provided*, That where a seal is used, it should be accompanied by  
3 an indication in letters of the name of the signatory. (Sec. 130.1, R.A. No.  
4 8293a)

5 130.2. The Office shall accept communications to it by electronic means or the  
6 latest technologies subject to the conditions or requirements that will be  
7 prescribed by the Regulations. (Sec. 130.2, R.A. No. 8293a)

8 130.3. No attestation, notarization, authentication, legalization or other  
9 certification of any signature or other means of self-identification referred to in  
10 the preceding paragraphs, shall be required. Where the signature concerns the  
11 surrender of a registration, the request must be notarized and if notarized in  
12 another country, apostilled. (Sec. 130.3, R.A. No. 8293a)

13 Sec. 49. Section 131 of Republic Act No. 8293 is hereby amended to read as follows:

14 “Sec. 131. *Priority Right.* –

15 131.1. An application for registration of a mark filed in the Philippines by a  
16 person referred to in Section 3, and who previously duly filed an application for  
17 registration of the same mark in one of those countries, shall be considered as  
18 filed as of the day the application was first filed in the foreign country: *Provided*,  
19 That the application in the Philippines is filed within six (6) months from the date  
20 on which the application was first filed in the foreign country. (Sec. 131.1, R.A.  
21 No. 8293a)

22 131.2. Nothing in this section shall entitle the owner of a registration granted  
23 under this section to sue for acts committed prior to the date on which his mark  
24 was registered in this country: *Provided*, That, notwithstanding the foregoing, the  
25 owner of a well-known mark as defined in Section 123.1(e) of this Act, that is not  
26 registered in the Philippines, may, against an identical or confusingly similar  
27 mark, oppose its registration, or petition the cancellation of its registration or sue  
28 for unfair competition, without prejudice to availing himself of other remedies  
29 provided for under the law. (Sec. 131.3, R.A. No. 8293a)

30 131.3. In like manner and subject to the same conditions and requirements, the  
31 right provided in this section may be based upon a subsequent regularly filed  
32 application in the same foreign country: *Provided*, That any foreign application

1 filed prior to such subsequent application has been withdrawn, abandoned, or  
2 otherwise disposed of, without having been laid open to public inspection and  
3 without leaving any rights outstanding, and has not served, nor thereafter shall  
4 serve, as a basis for claiming a right of priority. (Sec. 131.4, R.A. No. 8293a)”

5 Sec. 50. Section 132 of Republic Act No. 8293 is hereby amended to read as follows:

6 “Sec. 132. *Application Number and Filing Date.* -

7 132.1. The Office shall examine whether the application satisfies the formalities  
8 and substantive requirements for the grant of registration. If the application does  
9 not satisfy the registration requirements, the applicant shall be given the  
10 opportunity to complete or correct the application as required, otherwise, the  
11 application shall be considered abandoned. (Sec. 132.1, R.A. No. 8293a)”

12 Sec. 51. Section 134 of Republic Act No. 8293 is hereby amended to read as follows:

13 “Sec. 134. *Opposition.* - Any person who believes that he would be damaged by  
14 the registration of a mark may, upon payment of the required fee and within  
15 thirty (30) days after the publication of the application, file with the Bureau of  
16 Legal Affairs an opposition thereto. For good cause shown and upon payment of  
17 the required surcharge, the time for filing an opposition may be extended by the  
18 Director of the Bureau of Legal Affairs, who shall notify the applicant of such  
19 extension. (Sec. 134, R.A. No. 8293a)”

20 Sec. 52. A new Section 135A is hereby inserted after Section 135 of Republic Act No.  
21 8293 to read as follows:

22 “Sec. 135A. *Remand of Application to the Examiner.* - The Examiner may again  
23 exercise jurisdiction over the application upon remand of the Director on the  
24 ground of newly discovered information or objection to the registration of the  
25 mark prior to the registration thereof and subject to the jurisdiction of the Bureau  
26 of Legal Affairs. After remand of an application, the amendment(s)  
27 recommended by the Examiner, if any, may be approved by the Director and  
28 may be made without withdrawing the allowance. The Examiner may likewise  
29 issue a subsequent action on the basis of the newly discovered information or  
30 objection. (n)”

31 Sec. 53. Section 136 of Republic Act No. 8293 is hereby amended to read as follows:

32 “Sec. 136. *Issuance and Publication of Certificate.* - When the period for filing the



1 opposition or appeal has expired or the decision or order granting the application  
2 has become final and executory, and upon payment by the applicant of the  
3 required fee, the Office shall issue the certificate of registration with notice  
4 thereof published in the IPOPHL Gazette. (Sec. 136, R.A. No. 8293a)”

5 Sec. 54. Section 139 of Republic Act No. 8293 is hereby amended to read as follows:

6 *Sec. 139. Publication of Registered Marks; Inspection of Register. -*

7 139.1. x x x.

8 139.2. Notwithstanding the provisions of Republic Act No. 10173, otherwise  
9 known as the “Data Privacy Act of 2012”, and in accordance with the provisions  
10 of Executive Order No. 2, series of 2016, entitled “Operationalizing in the  
11 Executive Branch the People’s Constitutional Right to Information and the State  
12 Policies to Full Public Disclosure and Transparency in the Public Service and  
13 Providing Guidelines Therefor”, all official documents pertaining to a registered  
14 mark, including the application, prosecution history and declaration of actual  
15 use, shall be open to the public for inspection upon request and payment of the  
16 prescribed fee. (n)”

17 Sec. 55. Section 140 of Republic Act No. 8293 is hereby amended to read as follows:

18 *“Sec. 140. Cancellation upon Application by Registrant; Amendment or Disclaimer of*  
19 *Registration. - Upon application of the registrant, the Office may permit any*  
20 *registration to be surrendered for cancellation, and upon cancellation the*  
21 *appropriate entry shall be made in the records of the Office. Upon application of*  
22 *the registrant and payment of the prescribed fee, the Office for good cause may*  
23 *permit any registration to be amended or to be disclaimed in part. (Sec. 140, R.A.*  
24 *No. 8293a)”*

25 Sec. 56. Section 141 of Republic Act No. 8293 is hereby amended to read as follows:

26 *“Sec. 141. Sealed and Certified Copies as Evidence. - Copies of any records, books,*  
27 *papers, or drawings belonging to the Office relating to marks, and copies of*  
28 *registrations, when authenticated by the seal of the Office and certified by the*  
29 *Director of the Bureau of Trademarks or in his name by an employee of the Office*  
30 *duly authorized by said Director, shall be evidence in all cases wherein the*  
31 *originals would be evidence; and any person who applies and pays the*  
32 *prescribed fee shall secure such copies. (Sec. 141, R.A. No. 8293a)”*



1 Sec. 57. Section 142 of Republic Act No. 8293 is hereby amended to read as follows:

2 "Sec. 142. *Correction of Mistakes Made by the Office.* - Certificate of trademark  
3 registration may be cancelled or corrected in accordance with the Regulations.  
4 All certificates of registration heretofore issued in accordance with the  
5 Regulations and the registration to which they are attached shall have the same  
6 force and effect as if such certificates and their issuance had been authorized by  
7 this Act. (Sec. 142, R.A. No. 8293a)"

8 Sec. 58. Section 143 of Republic Act No. 8293 is hereby amended to read as follows:

9 "Sec. 143. *Correction of Mistakes in the Trademark Registration.* - Upon request of  
10 any interested person and payment of the prescribed fee, the Office is authorized  
11 to correct any formal or clerical mistake in trademark registrations not incurred  
12 through the fault of the Office. (Sec. 143, R.A. No. 8293a)"

13 Sec. 59. Section 144 of Republic Act No. 8293 is hereby amended to read as follows:

14 "Sec. 144. *Classification of Goods and Services.* -  
15 144.1. x x x.

16 144.2. Goods or services that are in the same class are not necessarily similar. On  
17 the other hand, goods or services that are in different classes of the Nice  
18 Classification are not necessarily dissimilar. (Sec. 144, R.A. No. 8293a)"

19 Sec. 60. Section 145 of Republic Act No. 8293 is hereby amended to read as follows:

20 "Sec. 145. *Duration.* - A certificate of registration shall remain in force for ten (10)  
21 years: from the date of registration. (Sec. 145, R.A. No. 8293a)"

22 Sec. 61. Section 146 of Republic Act No. 8293 is hereby amended to read as follows:

23 "Sec. 146. *Renewal.* - A certificate of registration may be renewed for periods of  
24 ten (10) years at its expiration upon payment of the prescribed fee and upon filing  
25 of a request. (Sec. 146.1, R.A. No. 8293a)"

26 Sec. 62. Section 147 of Republic Act No. 8293 is hereby amended to read as follows:

27 "Sec. 147. *Rights Conferred.* -

28 147.1. Except in cases of importation of drugs and medicines allowed under  
29 Section 72.1 of this Act and of off-patent drugs and medicines, the owner of a  
30 registered mark shall have the exclusive right to prevent, prohibit, and restrain  
31 all third parties not having the owner's consent from using in the course of trade  
32 identical or similar signs or containers for goods or services which are identical

1 or similar to those in respect of which the trademark is registered where such use  
2 would result in a likelihood of confusion. In case of the use of an identical sign  
3 for identical goods or services, a likelihood of confusion shall be presumed.

4 There shall be no infringement of trademarks or tradenames of imported or sold  
5 patented drugs and medicines allowed under Section 72.1 of this Act, as well as  
6 imported or sold off-patent drugs and medicines; *Provided*, That said drugs and  
7 medicines bear the registered marks that have not been tampered, unlawfully  
8 modified, or infringed upon, under Section 155 of this Code. (Sec. 147.1, R.A. No.  
9 8293a)

10 147.2. x x x.”

11 Sec. 63. Section 148 of Republic Act No. 8293 is hereby amended to read as follows:

12 “Sec. 148. *Lawful Use of Indications by Third Parties.* -

13 148.1. *Use of Indications of Third Parties for Purposes Other than Use of the Mark;*  
14 *Descriptive Fair Use.* - Registration of the mark shall not confer on the registered  
15 owner the right to preclude third parties from using bona fide their names,  
16 addresses, pseudonyms, a geographical name, or exact indications concerning  
17 the kind, quality, quantity, destination, value, place of origin, or time of  
18 production or of supply, of their goods or services: *Provided*, That such use is  
19 confined to the purposes of mere identification or information and cannot  
20 mislead the public as to the source of the goods or services. (Sec. 148.1, R.A. No.  
21 8293a)

22 148.2. *Other Use of the Mark; Normative Fair Use.* The registered owner of a  
23 protectable trademark cannot preclude third parties from nominative use of a  
24 registered mark: *Provided*, That the following requisites occur:

- 25 a. The goods or service of the third party is not readily identifiable without  
26 the use of indication;
- 27 b. That only so much of the registered trademark as is reasonably necessary  
28 to identify the product or service is used; and
- 29 c. That such use does not suggest sponsorship, endorsement, or affiliation  
30 with the trademark owner. (n)”

31 Sec. 64. Section 151 of Republic Act No. 8293 is hereby amended to read as follows:

32 Sec. 151. *Cancellation of Registration.* -

1 151.1. A petition to cancel a registration of a mark under this Act may be filed  
2 with the Bureau of Legal Affairs by any interested person at any time:

- 3 a. If the registration was contrary to the provisions of this Act; (n)
- 4 b. If the registration was obtained fraudulently; (Sec. 151.1, R.A. No. 8293a)
- 5 c. If the registration was obtained in bad faith; (n)
- 6 d. If the mark has been abandoned; (n)
- 7 e. If the mark is being used to misrepresent the source of the goods or services  
8 on or in connection with which the mark is used; (Sec. 151.1, R.A. No.  
9 8293a)
- 10 f. If the registered owner of the mark without legitimate reason fails to use  
11 the mark within the Philippines, or to cause it to be used in the Philippines  
12 by virtue of a license during an uninterrupted period of forty-two (42)  
13 months or longer; or (n)
- 14 g. If the mark has become generic.

15 If the registered mark becomes the generic name for less than all of the  
16 goods or services for which it is registered, a petition to cancel the  
17 registration for only those goods or services may be filed. A registered  
18 mark shall not be deemed to be the generic name of goods or services solely  
19 because such mark is also used as a name of or to identify a unique product  
20 or service. The primary significance of the registered mark to the relevant  
21 public rather than purchaser motivation shall be the test for determining  
22 whether the registered mark has become the generic name of goods or  
23 services on or in connection with which it has been used. (Sec. 151.1, R.A.  
24 No. 8293a)

25 151.2. x x x."

26 Sec. 65. Section 155 of Republic Act No. 8293 is hereby amended to read as follows:

27 "Sec. 155. *Infringing Acts.* – The following acts committed without the consent of  
28 the owner, shall constitute infringement:

29 x x x."

30 Sec. 66. A new Section 155A is hereby inserted after Section 155 of Republic Act No.  
31 8293 to read as follows:

1 "155A. *Solidary Liability.* - The following shall be held solidarily liable with the  
2 infringer only to the extent of civil damages suffered by the complainant:

- 3 a. One who, for profit or benefit, permits the use of the latter's premises in  
4 selling, offering for sale, manufacturing, or distribution of any infringing,  
5 counterfeit or pirated goods or content, and has been proven to have  
6 knowledge of such fact and participated in the infringing act of the tenants;
- 7 b. Internet service providers, domain name registries and registrars, website  
8 owners, online intermediaries, online platforms, social media platforms, or  
9 any similar entities engaged in selling, offering for sale, or making  
10 available to the public any infringing, counterfeit or pirated goods or  
11 content, who (i) fail to exercise due diligence in complying with the  
12 minimum requirements set by law, or (ii) fail to take down or block access  
13 to the infringing material or website within a reasonable time or enforce  
14 their policy against infringement, counterfeiting or piracy, after notice of  
15 the fact of infringement or counterfeiting has been given.

16 The concerned entity referred to in this paragraph (b) shall not be held  
17 liable if it is able to prove that it has exercise due diligence in ascertaining  
18 the accuracy and reliability of the documents or information submitted by  
19 the online merchant or exhibitor and that it has no knowledge of such fact  
20 of infringement and counterfeiting and no participation in the infringing  
21 and counterfeiting act. (n)"

22 Sec. 67. Section 156 of Republic Act No. 8293 is hereby amended to read as follows:

23 "*Sec. 156. Actions, and Damages and Injunction for Infringement.* -

24 156.1. x x x.

25 156.2. On application of the complainant, the court may impound during the  
26 pendency of the action, materials and implements primarily or predominantly  
27 used in the act of infringement, sales invoices and other documents evidencing  
28 sales. (Sec. 156.2, R.A. No. 8293a)

29 156.3. In cases where actual intent to mislead the public or to defraud the  
30 complainant is shown, the damages may be doubled in the discretion of the  
31 court. (Sec. 156.3, R.A. No. 8293a)

32 156.4. x x x."



1 Sec. 68. Section 159 of Republic Act No. 8293 is hereby amended to read as follows:

2 “Sec. 159. *Limitations to Actions for Infringement.* - x x x:

3 159.1. Notwithstanding the provisions of Section 155 hereof, a registered mark  
4 shall have no effect against any person who, in good faith, before the filing date  
5 or the priority date, was using the mark for the purposes of his business or  
6 enterprise: *Provided,* That his right may only be used in, or transferred or  
7 assigned together with the existing enterprise or business or with that part of his  
8 enterprise or business in which the mark is used. (Sec. 159.1, R.A. No. 8293a)

9 x x x.”

10 Sec. 69. Section 161 of Republic Act No. 8293 is hereby amended to read as follows:

11 “Sec. 161. *Authority to Determine Right to Registration.* - In any action involving a  
12 registered mark, the court or the Office may determine the right to registration  
13 or ownership, and if applicable, order the cancellation of a registration, in whole  
14 or in part, and otherwise rectify the register by the substitution of the rightful  
15 owner as the registrant with respect to the registration of any party to the action  
16 in the exercise of this right. Where the determination was made by the court, the  
17 judgment or order shall be certified by the court to the Director General, who  
18 shall cause the entry of the appropriate annotation upon the records of the  
19 respective Bureau, and shall be controlled thereby. (Sec. 161, R.A. No. 8293a)”

20 Sec. 70. Section 166 of Republic Act No. 8293 is hereby amended to read as follows:

21 “Sec. 166. *Goods Bearing Infringing Marks or Trade Names.* -

22 166.1 *Imported Goods.* - Imported goods, which shall copy or simulate the name of  
23 any domestic product, or manufacturer, or dealer, or which shall copy or  
24 simulate a mark registered in accordance with the provisions of this Act, or shall  
25 bear a mark or trade name calculated to induce the public to believe that the  
26 article is manufactured in the Philippines, or that it is manufactured in any  
27 foreign country or locality other than the country or locality where it is in fact  
28 manufactured, shall, upon notice and hearing, be seized and disposed of or  
29 destroyed. In order to aid the officers of the customs service in enforcing this  
30 prohibition, any person who is entitled to the benefits of this Act, may require  
31 that his name and residence, the name of the locality in which his goods are  
32 manufactured, and a copy of the certificate of registration of his mark or trade

1 name, to be recorded in books which shall be kept for this purpose in the Bureau  
2 of Customs, under such regulations as the Collector of Customs with the  
3 approval of the Secretary of Finance shall prescribe, and may furnish to the said  
4 Bureau facsimiles of his name, the name of the locality in which his goods are  
5 manufactured, or his registered mark or trade name, and thereupon the Collector  
6 of Customs shall cause one (1) or more copies of the same to be transmitted to  
7 each collector or to other proper officer of the Bureau of Customs. (Sec. 166, R.A.  
8 No. 8293a)

9 166.2. *Exported Goods.* Exported goods, or goods intended to be exported, which  
10 shall copy or simulate the name of any domestic product, or manufacturer, or  
11 dealer, or which shall copy or simulate a mark registered in accordance with the  
12 provisions of this Act, or shall bear a mark or trade name calculated to induce the  
13 public to believe that the article is manufactured in the Philippines, or that it is  
14 manufactured in any foreign country or locality other than the country or locality  
15 where it is in fact manufactured, shall, upon notice and hearing, be seized and  
16 disposed of or destroyed. (n)"

17 Sec. 71. Section 167 of Republic Act No. 8293 is hereby amended to read as follows:

18 "*Sec. 167. Collective Marks and Certification Marks. -*

19 167.1. Subject to Subsections 167.2 and 167.3, Sections 122 to 164 and 166 shall  
20 apply to collective marks and certification marks, except that references therein  
21 to "mark" shall be read as "collective mark or "certification mark." (Sec. 167.1,  
22 R.A. No. 8293a)

23 167.2.

24 a. An application for registration of a collective mark shall designate the mark  
25 as a collective mark and shall be accompanied by a copy of the agreement,  
26 if any, governing the use of the collective mark. An application for  
27 registration of a certification mark shall designate the mark as a  
28 certification mark and shall be accompanied by a copy of the standards set  
29 by the certifier governing the use of the certification mark.

30 b. The registered owner of a collective mark or a certification mark shall notify  
31 the Director of any changes made in respect of the agreement referred to in  
32 paragraph (a). (Sec. 167.2, R.A. No. 8293a)

1 167.3. In addition to the grounds provided in Section 149, the Office or the court  
2 shall cancel the registration of a collective mark or certification if the person  
3 requesting the cancellation proves that only the registered owner uses the mark,  
4 or that he uses or permits its use in contravention of the agreements referred to  
5 in Subsection 166.2 or that he uses or permits its use in a manner liable to deceive  
6 trade circles or the public as to the origin or any other common characteristics of  
7 the goods or services concerned. (Sec. 167.3, R.A. No. 8293a)

8 167.4. The registration of a collective mark or certification mark, or an application  
9 therefor shall not be the subject of a license contract. (Sec. 167.4, R.A. No. 8293a)“

10 Sec. 72. Section 169 of Republic Act No. 8293 is hereby amended to read as follows:

11 “Sec. 169. *False Designations of Origin; False Description or Representation.* -

12 169.1. x x x:

13 a. x x x; or

14 b. In commercial advertising or promotion, misrepresents the nature,  
15 characteristics, sponsorship, qualities, or geographic origin of his or her or  
16 another person’s goods, services, or commercial activities, shall be liable to  
17 a civil action for damages and injunction provided in Sections 156 and 157  
18 of this Act by any interested person. (Sec. 169.1, R.A. No. 8293a)“

19 x x x.”

20 Sec. 73. Section 170 of Republic Act No. 8293 is hereby amended to read as follows:

21 “Sec. 170. *Penalties.* - Independent of the civil and administrative remedies,  
22 persons liable for trademark infringement, unfair competition, false designations  
23 of origin, or false designation or representation shall, upon conviction, be  
24 punished by imprisonment or fine, or both, at the discretion of the court, as  
25 follows:

26 a. imprisonment from three (3) years to five (5) years or a fine ranging from  
27 One hundred thousand pesos (P100,000) to Four hundred thousand pesos  
28 (P400,000), or both for the first offense;

29 b. Imprisonment from five (5) years and one (1) day to seven (7) years, or a  
30 fine ranging from over Four hundred thousand pesos (P 400,000.00) to Two  
31 million pesos (P 2,000,000.00), or both for the second offense;

32 c. Imprisonment from seven (7) years and one (1) day to ten (10) years, or a



1 fine ranging from over Two million pesos (P 2,000,000.00) to Four million  
2 pesos (P 4,000,000.00), or both for the third and subsequent offenses;

3 d. In cases of counterfeit goods that threaten life, public health and safety, the  
4 court shall impose the maximum penalty of ten (10) years of imprisonment  
5 or a fine of Four million pesos (P 4,000,000.00), or both. (n)

6 Sec. 74. Section 171 of Republic Act No. 8293 is hereby amended to read as follows:

7 "Sec. 171. *Definitions.* - For the purpose of Part IV of this Act, the following  
8 terms have the following meaning:

9 x x x

10 171.14. "Copyright" is the bundle of exclusive economic rights and moral rights;  
11 (n)

12 171.15. "Collective Management Organization" is any entity engaged in  
13 collective management of copyright and related rights subject to the rules and  
14 regulations of the Office; (n)

15 171.16. "Orphan works" are works that are still protected by copyright but  
16 whose authors or other right holders are not known or cannot be located; (n)

17 171.17. "Right holder" refers to a person or entity who owns a copyright or  
18 related right; and

19 171.18. "Bureau" means the Bureau of Copyright and Related Rights. (n)"

20 Sec. 75. Section 172 of Republic Act No. 8293 is hereby amended to read as follows:

21 "Sec. 172. *Literary and Artistic Works.* -

22 172.1. Literary and artistic works, hereinafter referred to as "works", are original  
23 intellectual creations in the literary and artistic domain protected from the  
24 moment of their creation. Originality means that the work was independently  
25 created by the author. Literary and artistic works shall include in particular:

26 x x x

27 c. Lectures, sermons, addresses, dissertations and other works of the same  
28 nature;

29 d. Letters and other private communications;

30 e. Dramatic or dramatico-musical compositions; choreographic works and  
31 entertainment in pantomimes;

32 x x x



1 n. Computer programs and databases; and

2 x x x. (Sec. 172.1, R.A. No. 8293a)

3 172.2. Works are protected by the sole fact of their creation, without need of any  
4 formality or registration, irrespective of their mode, medium, or form of  
5 expression, as well as of their content, quality and purpose. (Sec. 172.2, R.A. No.  
6 8293a)”

7 Sec. 76. Section 177 of Republic Act No. 8293 is hereby amended to read as follows:

8 “Sec. 177. *Economic Rights.* - x x x.”

9 Sec. 77. Section 178 of Republic Act No. 8293 is hereby amended to read as follows:

10 “Sec. 178. *Rules on Copyright Ownership.* -

11 x x x

12 178.4. In the case of a work commissioned by a person other than an employer  
13 of the author and who pays for it and the work is made in pursuance of the  
14 commission, the person who so commissioned the work shall have ownership of  
15 the work, but the copyright thereto shall remain with the creator, unless there is  
16 a written stipulation to the contrary;

17 The foregoing notwithstanding, with respect to commissioned photographs,  
18 films and paintings intended for private use, the following rights belong to the  
19 person who commissioned the work:

20 a. Distribution or issuance of the work to the public,

21 b. Exhibition or display of the work in public, and

22 c. Communication of the work in public. (n)

23 x x x

24 178.6. In respect of letters, the copyright shall belong to the writer subject to the  
25 provisions of Article 723 of the New Civil Code of the Philippines. (Sec. 172.2,  
26 R.A. No. 8293a)”

27 Sec. 78. Section 179 of Republic Act No. 8293 is hereby amended to read as follows:

28 “Sec. 179. *Anonymous and Pseudonymous Works.* -

29 179.1. For purposes of this Act, the publishers shall be deemed to represent the  
30 authors of articles and other writings published without the names of the authors  
31 or under pseudonyms, unless the contrary appears, or the pseudonyms or  
32 adopted name leaves no doubts as to the author’s identity, or if the author of the

1 anonymous works discloses his identity. (Sec. 179, R.A. No. 8293a)

2 179.2. *Exploitation of Orphan Works.*

3 a. Where any person, despite his considerable efforts in accordance with the  
4 criteria as prescribed under the Rules and Regulations promulgated by the  
5 Bureau of Copyright and Related Rights, could not identify the owner of  
6 author's property rights in works being made public (except foreigner's  
7 works), or his place of residence, and therefore considered orphan work, is  
8 unable to obtain the authorization of the author for its exploitation, he may  
9 exploit such orphan work after obtaining the approval of the Director of  
10 the Bureau of Copyright and Related Rights, and depositing a sum of  
11 compensation money according to the criteria as determined by the latter.

12 b. The person who exploits an orphan work under the provision of paragraph  
13 (1) of this section shall indicate the fact that the exploitation is made with  
14 the appropriate approval and the date when the same is issued.

15 c. If, within one (1) year from the date of approval of the use and exploitation  
16 issued by of the Director of the Bureau of Copyright and Related Rights in  
17 accordance with the provision of this Section 199, the author or owner of  
18 such orphan work does not or is unable to lodge an objection to, or make a  
19 claim against, such use or exploitation in accordance with the prescribed  
20 procedures, then such owner or author of the orphan work can no longer  
21 lodge his objection to or claim against the use and exploitation of his work  
22 thereafter and this right shall be deemed forfeited.

23 d. The Bureau shall provide for the regular or periodic publication of the  
24 content of all issued licenses. (n)"

25 Sec. 79. Section 180 of Republic Act No. 8293 is hereby amended to read as follows:

26 "Sec. 180. *Rights of Assignee or Licensee.* -

27 x x x

28 180.2. The copyright or related rights are not deemed assigned or licensed *inter*  
29 *vivos*, in whole or in part, unless there is a written indication of such intention.

30 (Sec. 180.2, R.A. No. 8293a)

31 x x x"

32 Sec. 80. Section 182 of Republic Act No. 8293 is hereby amended to read as follows:

1       “Sec. 182. *Filing of Assignment or License.* - An assignment or exclusive license  
2       may be filed with the Bureau upon payment of the prescribed fee for registration  
3       in books and records kept for the purpose. Upon recording, a copy of the  
4       instrument shall be returned to the sender with a notation of the fact of record.  
5       Notice of the record shall be published in the IPOPHL Gazette. (Sec. 182, R.A.  
6       No. 8293a)”

7       Sec. 81. Section 183 of Republic Act No. 8293 is hereby amended to read as follows:

8       “Sec. 183. *Designation of Collective Management Organizations.* -

9       183.1 The owners of copyright and related rights or their heirs may designate a  
10       society of artists, writers, composers and other right-holders to collectively  
11       manage their economic or moral rights on their behalf. (Sec. 183, R.A. No. 8293a)

12       183.2. *Mandatory Accreditation with the Office.* For the said collective management  
13       organizations to enforce or license the rights they administer, they shall first  
14       secure the necessary accreditation from the Bureau of Copyright and Related  
15       Rights. The accreditation regulation shall apply to local and foreign collective  
16       management organizations and individuals or entities engaging, directly or  
17       indirectly, in any of the activities in Section 202.3 hereof in behalf of more than  
18       one right holder, but only organizations duly organized under the laws of the  
19       Philippines may be accredited to operate as a collective management  
20       organization. The Bureau of Copyright and Related Rights may impose such  
21       restrictions or limitations in the accreditation regulations as may be necessary to  
22       serve public interest.

23       Any person may refuse the payment or remittance of royalties to a collective  
24       management organization which is not accredited. Any person may also refuse  
25       payment or remittance of royalties to a collective management organization for  
26       a rights holder if the latter is not represented by a registered member of the  
27       collective management organization. In addition, any such organization found  
28       functioning as a collective management organization without said accreditation  
29       after due notice and hearing shall be liable for an administrative fine equivalent  
30       to one hundred percent (100%) of the gross revenue it earned for the Philippine  
31       territory, or which shall in no case be less than Fifty thousand pesos (P 50,000.00)  
32       but shall not exceed One million pesos (P1,000,000.00), whichever is higher.



1 The users who dealt with the non-accredited collective management  
2 organization knowing that said collective management organization is not  
3 accredited shall, after due notice and hearing, likewise be held solidarily liable  
4 for the aforementioned fine equivalent to one hundred percent (100%) of the total  
5 payment they have made to the said non-accredited collective management  
6 organization. (n)

7 183.3. *Effect of Accreditation.* - Accreditation shall authorize a local collective  
8 management organization to negotiate, grant licenses, collect and distribute  
9 royalties, and other remuneration of its members. (n)“

10 Sec. 82. Sections 183A and 183B are hereby inserted after Section 183 of Republic Act  
11 No. 8293 to read as follows:

12 SEC. 183A. *Extended Collective License.* - Extended collective license may also be  
13 invoked by users who, within a specified field, have made an agreement on the  
14 exploitation of works with an accredited collective management organization  
15 comprising a substantial number of authors of a certain type of works which are  
16 used in the Philippines within the specified field. However, this does not apply,  
17 if the author has issued a prohibition against use of his work in relation to any  
18 of the contracting parties, and where the work is an “orphaned” work as  
19 provided in Sec. 199. (n)

20 SEC. 183B. *Limitations to the Retention of Unclaimed Royalties.* - Royalties allocated  
21 for right holders who have not expressly authorized the collective management  
22 organization to represent them shall only be retained for three (3) years from the  
23 date of collection. Any amounts left unclaimed or undistributed after such  
24 period shall be turned over to IPOPHL to fund late claims for orphan works and  
25 government programs or projects for the copyright and related rights sectors,  
26 undertaken or recommended by the Bureau of Copyright and Related Rights. (n)

27 Sec. 83. Section 184 of Republic Act No. 8293 is hereby amended to read as follows:

28 “Sec. 184. *Limitations on Copyright.* -

29 184.1. Notwithstanding the provisions of Chapter V, the following acts shall not  
30 constitute infringement of copyright:

31 x x x

32 h. The use made of a work by or under the direction or control of the



1 Government, by the Office, the National Library or by educational, scientific or  
2 professional institutions where such use is in the public interest and is  
3 compatible with fair use; [Sec. 184.1(h), R.A. No. 8293a]

4 x x x

5 l. The reproduction or distribution, and making available to the public or works  
6 in an accessible format or copy for of published articles or materials in a  
7 specialized format exclusively for the use of the blind, or visually -impaired and  
8 those unable, through physical disability, to hold or manipulate a book or to  
9 focus or move the eyes to the extent that would be normally acceptable for  
10 reading. These limitations on copyright cover the changes needed to make the  
11 work in accessible format copies for the aforementioned beneficiaries: *Provided,*  
12 That such copies and distribution shall be made on a nonprofit basis and shall  
13 indicate the copyright owner and the date of the original publication. [Sec.  
14 184.1(l), R.A. No. 8293a]

15 m. The copyright in a work that is situated, otherwise than temporarily, in a  
16 public place, or in premises open to the public, is not infringed by the making of  
17 a painting, drawing, engraving, or photograph of the work or by the inclusion  
18 of the work in a cinematograph film or in a television broadcast. [Sec. 184.1(m),  
19 R.A. No. 8293a]"

20 Sec. 84. Section 187 of Republic Act No. 8293 is hereby amended to read as follows:

21 "*Sec. 187. Fair Use of a Copyrighted Work. -*

22 *Sec. 187. Reproduction for Research and Private Study. -*

23 187.1. Notwithstanding the provisions of Section 177, and subject to the  
24 provisions of Subsection 187.2 hereof, the reproduction in a single copy, for  
25 research or private study, of a work kept in a library, museum, or other  
26 institution to which the public has access, shall be permitted, without the  
27 authorization of the owner of copyright in the work: *Provided,* That where the  
28 identity of the author of any such work or, in the case of a work of joint  
29 authorship, of any of the authors is known to the library, museum or other  
30 institution, as the case may be, the above provisions shall apply only if such  
31 reproduction is made at a time more than forty (40) years from the date of the  
32 death of the author or, in the case of a work of joint authorship, from the death

1 of the last surviving author whose identity is known or, if the identity of more  
2 authors than one is known from the death of such of those authors who dies last.  
3 (Sec. 187.1, R.A. No. 8293a)

4 187.2. The permission granted under Subsection 187.1 shall not extend to the  
5 reproduction of:

- 6 a. A work of architecture in the form of building or other construction;
- 7 b. A compilation of data and other materials; [Sec. 187.2(c), R.A. No. 8293a]
- 8 c. A computer program except as provided in Section 189; and [Sec. 187.2(d),  
9 R.A. No. 8293a]
- 10 d. Any work in cases where reproduction would unreasonably conflict with  
11 a normal exploitation of the work or would otherwise unreasonably  
12 prejudice the legitimate interests of the author. [Sec. 187.2(e), R.A. No.  
13 8293a]”

14 Sec. 85. Section 188 of Republic Act No. 8293 is hereby amended to read as follows:

15 Sec. 188. *Reprographic Reproduction by Libraries* –

16 x x x

17 188.3. Notwithstanding Section 177 (a) of this Act, a library may create a digital  
18 reproduction of a work and lend out the secured digital reproduction to one  
19 valid user at a time: *Provided*, That the library shall -

- 20 a. own a legal copy or copies of the work;
- 21 b. maintain a corresponding ratio of legal copies of the work to the copies of  
22 the work lent, such that, at any given time, it shall not lend more physical  
23 and digital copies than the number of the copies it legally owns; and
- 24 c. use technological measures to ensure that the digital file cannot be copied  
25 or redistributed. (n)”

26 Sec. 86. A new Section 189A is hereby inserted after Section 189 of Republic Act No.  
27 8293 to read as follows:

28 “Sec. 189A. *Prohibition on Importation and Exportation of Copyrighted Works.*

29 –

30 189A.1 Notwithstanding the provision of Section 196 (c) of this Act, but subject  
31 to the limitation under Section 204.2 hereof and the provisions of Republic Act  
32 No. 10863, otherwise known as the “Customs Modernization and Tariff Act”, the

1 importation or exportation of a copy of a work by an individual for personal  
2 purposes shall be permitted without the authorization of the author of, or other  
3 owner of copyright in, the work under the following circumstances:

4 a. When copies of the work are not available in the Philippines: and

5 (1) Not more than one (1) copy at one time is imported for strictly  
6 individual use only; or

7 (2) The importation is by authority of and for the use of the Philippine  
8 Government; or

9 (3) The importation, consisting of not more than three (3) such copies or  
10 likenesses in any one invoice, is not for sale but for the use only of any  
11 religious, charitable, or education society or institution duly incorporated  
12 or registered, or is for the encouragement of the fine arts, or for any school,  
13 college, university or free library in the Philippines.

14 b. When such copies form parts of libraries and personal baggage belonging  
15 to persons or families arriving from or leaving for foreign countries and are  
16 not intended for sale: *Provided*, That such copies do not exceed three (3). (n)

17 189A.2 Copies imported as allowed by this Section may not lawfully be used in  
18 any way to violate the rights of the owner of the copyright or annul or limit the  
19 protection secured by this Act, and such unlawful use shall be deemed an  
20 infringement and shall be punishable as such without prejudice to the  
21 proprietor's right of action. (n)

22 189A.3. *Infringing Works.*- Subject to the provisions of Republic Act No. 10863,  
23 infringing works under Section 209.2 hereof shall include works for import, for  
24 export, in transit or being transshipped within the Philippines. (n)"

25 Sec. 87. Section 190 of Republic Act No. 8293 is hereby amended to read as follows:

26 "Sec. 190. *Importation and Exportation of Infringing Materials.* - Subject to the  
27 provisions of RA No. 10863, and upon the approval of the Secretary of Finance,  
28 the Commissioner of Customs is hereby empowered to promulgate rules and  
29 regulations for preventing the importation or exportation or transshipment of  
30 infringing articles prohibited under Part IV of this Act and under relevant treaties  
31 and conventions to which the Philippines may be a party and, upon notice and  
32 hearing, for seizing and condemning and disposing of the same. (Sec. 190, R.A.



1 No. 8293a)”

2 Sec. 88. The title of Chapter IX is hereby amended to read “REGISTRATION AND  
3 DEPOSIT”

4 Sec. 89. Section 191 of Republic Act No. 8293 is hereby amended to read as follows:

5 “Sec. 191. *Transfer of Powers from the National Library and the Supreme Court*  
6 *Library to Bureau of Copyright and Related Rights.* -

7 191.1 The powers, duties and functions vested in, or performed and exercised  
8 by, the National Library and the Supreme Court Library in connection with the  
9 registration of copyrights are hereby transferred to the Bureau of Copyright  
10 and Related Rights. (n)

11 191.2. At any time during the subsistence of the copyright, the owner or owners  
12 of the copyright or of any exclusive right in the work may, register and deposit  
13 the works with the Bureau in such manner and form as may be prescribed in  
14 accordance with regulations. Such registration and deposit is not a condition of  
15 copyright protection. (Sec. 191, R.A. No. 8293a)

16 191.3. *Cancellation of Certificate of Registration and Deposit.* -

17 a. A certificate of registration and deposit shall be cancelled by the Bureau of  
18 Copyright and Related Rights by virtue of a final order or decision of the  
19 Director of the Bureau of Legal Affairs, or the Director General, or of the  
20 appropriate court, pursuant to which a new certificate may be issued.

21 b. Upon submission of any instrument or deed transferring, assigning, or  
22 conveying the copyright ownership, the existing certificate shall be  
23 cancelled and a new one issued. (n)”

24 Sec. 90. A new Section 195A is hereby inserted after Section 195 of Republic Act No.  
25 8293 to read as follows:

26 “Sec. 195A. *Non-transferability of Moral Rights.* - Moral rights shall not be  
27 assignable or subject to license. (n)”

28 Sec. 91. Section 198 of Republic Act No. 8293 is hereby amended to read as follows:

29 “Sec. 198. *Term of Moral Rights.* -

30 198.1. The rights of an author under Section 193.1. shall last in perpetuity while  
31 the rights under Sections 193.2. 193.3. and 193.4. shall be coterminous with the  
32 economic rights. The person or persons to be charged with the posthumous



1 enforcement of these rights shall be named in a written instrument which shall  
2 be filed with the Bureau.

3 In default of such person or persons, such enforcement shall devolve upon either  
4 the author's heirs, and in default of the heirs, the Director of the Bureau. (Sec.  
5 198.1, R.A. No. 8293a)

6 198.2. For purposes of this Section, "Person" shall mean any individual,  
7 partnership, corporation, association, or society. The Director of the Bureau may  
8 prescribe reasonable fees to be charged for his services in the application of  
9 provisions of this Section. (Sec. 198.2, R.A. No. 8293a)"

10 Sec. 92. Section 199 of Republic Act No. 8293 is hereby amended to read as follows:

11 "Sec. 199. *Enforcement Remedies.* - Violation of any of the rights conferred by this  
12 Chapter shall entitle those charged with their enforcement to the same rights and  
13 remedies available to a copyright owner. In addition, damages which may be  
14 availed of under the New Civil Code of the Philippines may also be recovered.  
15 Any damage recovered after the creator's death shall be held in trust for and  
16 remitted to his heirs, and in default of the heirs, shall belong to the government.  
17 (Sec. 199, R.A. No. 8293a)"

18 Sec. 93. Section 200 of Republic Act No. 8293 is hereby amended to read as follows:

19 "Sec. 200. *Sale or Lease of Work.* -

20 200.1. x x x

21 200.1. *Liability to Pay Resale Royalty.* - Payment of resale royalty shall be made  
22 by the seller to the author or his heirs, within sixty (60) days from the date of sale  
23 or lease of the work. (n)

24 200.2. For purposes of monitoring the implementation of this particular  
25 provision, there is hereby created a National Registry of Qualified Works to be  
26 maintained by the Bureau of Copyright and Related Rights. This registry shall  
27 provide the means for the enrollment and registration of works qualified for the  
28 application of resale right. It shall also serve as the repository of information on  
29 the author or his heirs, for purposes of remittance of the resale royalty. Auction  
30 houses, art galleries, art salesrooms, or any dealers of works of art are required  
31 to report compliance with payment of the resale royalty to the Bureau of  
32 Copyright and Related with regularity and in such periods as may be provided

1 by regulations to be issued for this purpose. (n)"

2 Sec. 94. Section 202 of Republic Act No. 8293 is hereby amended to read as follows:

3 Sec. 202. *Definitions.* - For the purpose of this Act, the following terms shall  
4 have the following meanings:

5 x x x

6 202.4. "Fixation" is the embodiment of sounds, or of moving images, or of the  
7 representations thereof, from which they can be perceived, reproduced or  
8 communicated through a device; (Sec. 202.4, R.A. No. 8293a)

9 x x x

10 202.6. "Publication of a fixed performance or a sound recording" is the offering  
11 of copies of the fixed performance or the sound recording to the public, with the  
12 consent of the right holder: *Provided,* That copies are offered to the public in  
13 reasonable quantity; (Sec. 202.6, R.A. No. 8293a)

14 202.7. "Broadcasting" is the transmission by wireless means for the public  
15 reception of sounds or of images or of representations thereof; such transmission  
16 by satellite is also "broadcasting"; transmission of encrypted signals is  
17 broadcasting where the means for decrypting are provided to the public by the  
18 broadcasting organization or with its consent; (Sec. 202.7, R.A. No. 8293a)

19 202.8. "Broadcasting organization" is a natural person or a juridical entity duly  
20 authorized to engage in broadcasting; (Sec. 202.8, R.A. No. 8293a)

21 202.9. "Communication to the public of a performance or a sound recording" is  
22 the transmission to the public, by any medium, otherwise than by broadcasting,  
23 of an unfixed performance, or of a performance fixed in an audiovisual fixation,  
24 or of the representation of sounds fixed in a sound recording. For purposes of  
25 Section 209, "communication to the public" includes the making of a performance  
26 fixed in an audiovisual fixation audible and visible to the public; and (Sec. 202.9,  
27 R.A. No. 8293a)

28 202.10. "Rebroadcasting" is the simultaneous broadcasting by one broadcasting  
29 organization of the broadcast of another broadcasting organization. (n)

30 Sec. 95. Section 203 of Republic Act No. 8293 is hereby amended to read as follows:

31 "Sec. 203. *Scope of Performers' Rights.* - Subject to the provisions of Section 212,  
32 performers shall enjoy the following exclusive rights:

1 x x x

2 203.2. The right of authorizing the direct or indirect reproduction, in any manner  
3 or form of their performances fixed in sound recordings or audiovisual works or  
4 fixations; (Sec. 203.2, R.A. No. 8293a)

5 203.3. The right of authorizing the first public distribution of the original and  
6 copies of their performance fixed in the sound recordings or audiovisual works  
7 or fixations through sale or other forms of transfer of ownership; (Sec. 203.3, R.A.  
8 No. 8293a)

9 x x x."

10 Sec. 96. Section 204 of Republic Act No. 8293 is hereby amended to read as follows:

11 "Sec. 204. *Moral Rights of Performers.* -

12 204.1. x x x.

13 204.2. The right to be identified as the performer in accordance with Subsection  
14 203.1 shall last in. The person or persons to be charged with the posthumous  
15 enforcement of all the rights under Section 204.1 hereof shall be named in a  
16 written instrument which shall be filed with the Bureau of Copyright and  
17 Related Rights.

18 In default of such person or persons, such enforcement shall devolve upon either  
19 the author's heirs, and in default of the heirs, the Bureau."

20 Sec. 97. Section 205 of Republic Act No. 8293 is hereby amended to read as follows:

21 "Sec. 205. *Limitation on Right.* - Subject to the provisions of Section 206, once the  
22 performer has authorized the broadcasting or fixation of his performance, the  
23 provisions of Sections 203 shall have no further application. (Sec. 205.1, R.A. No.  
24 8293a)"

25 Sec. 98. Section 206 of Republic Act No. 8293 is hereby amended to read as follows:

26 "Sec. 206. *Additional Remuneration for Subsequent Communications or Broadcasts.* -  
27 Performers shall have an inalienable right to participate in the gross proceeds of  
28 subsequent commercial use or communication to the public of his performance,  
29 to the extent of five percent (5%), as additional remuneration. (Sec. 206, R.A. No.  
30 8293a)"

1 Sec. 99. Section 208 of Republic Act No. 8293 is hereby amended to read as follows:

2 “Sec. 208. *Scope of Right.* - Subject to the provisions of Section 212, producers of  
3 sound recordings shall enjoy the following exclusive rights:

4 208.1. The right to authorize the direct or indirect reproduction of their sound  
5 recordings, in any manner or form; (Sec. 208.1, R.A. No. 8293a)

6 208.2. The right to authorize the first public distribution of the original and  
7 copies of their sound recordings through sale or other forms of transferring  
8 ownership; and (Sec. 208.2, R.A. No. 8293a)”

9 x x x.”

10 Sec. 100. Section 211 of Republic Act No. 8293 is hereby amended to read as follows:

11 “Sec. 211. *Scope of Right.* - Subject to the provisions of Section 212, broadcasting  
12 organizations shall enjoy the exclusive right to carry out, authorize or prevent  
13 any of the following acts:

14 211.1. x x x;

15 211.2. The fixation of the broadcast for the purpose of communication to the  
16 public; and (Sec. 211.2, R.A. No. 8293a)

17 211.3. The use for fresh transmissions of the fixated broadcast or the  
18 reproduction of the fixated broadcast. (Sec. 211.3, R.A. No. 8293a)”

19 Sec. 101. New Sections 216A and 216B are hereby inserted after Section 216 of Republic  
20 Act No. 8293 to read as follows:

21 “Sec. 216A. *Preventive Action on Online Infringement.* - Unless otherwise provided  
22 by law, or unless otherwise ordered by the appropriate court of law, the IPOPHL  
23 shall have the power to order, after due notice and hearing, to disable access to  
24 an online location to prevent further access to an online location, the primary  
25 purpose or primary effect of which is to infringe copyright or facilitate copyright  
26 infringement.

27 The copyright owner or the rights holder, hereinafter referred to as the “eligible  
28 party,” may submit an application to the intellectual property office to order the  
29 disabling of access to any infringing online location identified in the application.

30 The application to the intellectual property office shall be submitted by  
31 completing in its entirety the forms and documentation as requested by the  
32 intellectual property office to allow the intellectual property office to establish



1 that the party filing the application is an eligible party, or is authorised to file the  
2 application on behalf of an eligible party and verify through evidence that the  
3 subject of the order applied for is an infringing online location.

4 For purposes of this chapter, "online location" shall refer to any single or  
5 collection of related web pages accessible by a user through a domain, IP  
6 address, or uniform resource locator (URL), or a specific domain, IP address, or  
7 uniform resource locator (URL) which serves to operate, in whole or in part, an  
8 application on the internet. (n)

9 Sec. 216B. *Procedure of Inquiry for Preventive Action.* – the IPOPHL shall formulate  
10 the procedure of inquiry for preventive action on online infringement, according  
11 to the following standards:

12 (1) Minimum requirements of the application for action by an eligible party. The  
13 application shall indicate: the fact that, and the manner by which, the infringing  
14 online location is accessible; and other matters which the IPOPHL may take into  
15 account, including:

16 (i) whether the online location makes available or contains directories, indexes  
17 or categories of the means to infringe, or facilitate an infringement of, copyright;

18 (ii) whether the owner or operator of the online location demonstrates a  
19 disregard for copyright generally; or

20 (iii) whether access to the online location has been disabled by orders from any  
21 court of another country or territory on the ground of or related to copyright  
22 infringement.

23 (2) One application may be submitted for multiple infringing online locations,  
24 and the requirements of this section must be met and set out in the application.

25 (3) The internet service providers must comply with the disabling orders within  
26 48 hours of the issuance of the disabling order and must disable the identified  
27 infringing online locations by implementing an effective technical measure, or a  
28 measure undertaken by the internet service provider to disable or prevent access  
29 to an infringing online location, and may include domain name system (DNS)  
30 blocking, IP blocking, URL blocking, server name indicator blocking, or other  
31 means.

1 (4) The IPOPHL, may at any time, during the operation of the orders notify the  
2 internet service providers should it become aware that any infringing online  
3 location is accessed from an additional online location, including one that  
4 appears to be associated with any infringing online location based on its name,  
5 branding or the identity of its operator, and make such different online location  
6 subject to the orders. (n)”

7 Sec. 102. Section 211 of Republic Act No. 8293 is hereby amended to read as follows:

8 “Sec. 217. *Criminal Penalties.* -

9  
10 217.1. Independent of the civil and administrative remedies, persons liable for  
11 willful infringement shall, upon conviction, be punished, by imprisonment or  
12 fine, or both, at the discretion of the court, as follows:

13 a. Imprisonment of three (3) years to five (5) years, or a fine ranging from One  
14 hundred thousand pesos (P100,000) to Three hundred thousand pesos  
15 (P300,000) for the first offense.

16 b. Imprisonment from five (5) years and one (1) day to seven (7) years or a  
17 fine ranging from Three hundred thousand pesos (P300,000) to One million  
18 pesos (P1,000,000) for the second offense.

19 c. Imprisonment from seven (7) years and one (1) day to ten (10) years or a  
20 fine ranging from One million pesos (P1,000,000) to Three million pesos  
21 (P3,000,000) for the third and subsequent offenses.

22 d. In all cases, subsidiary imprisonment in cases of insolvency. (Sec. 217.1,  
23 R.A. No. 8293a)

24 x x x.”

25 Sec. 103. Section 219 of Republic Act No. 8293 is hereby amended to read as follows:

26 “Sec. 219. *Presumption of Authorship.* -

27 x x x.

28 219.2. The person or body corporate whose name appears on an audiovisual  
29 work or sound recording in the usual manner shall, in the absence of proof to  
30 the contrary, be presumed to be the maker of said work or the producer of said  
31 sound recording. (Sec. 219.2, R.A. No. 8293a)”

- 1 Sec. 104. Section 222 of Republic Act No. 8293 is hereby amended to read as follows:  
2 "Sec. 222. *Points of Attachment for Performers.* - The provisions of this Act shall be  
3 extended to:  
4 x x x  
5 222.2. Performers who are not nationals of the Philippines subject to any of the  
6 following conditions:  
7 a. Performance takes place in the Philippines; or  
8 b. Performance is incorporated in sound recordings or in audiovisual  
9 fixations that are protected under this Act; or  
10 c. Performance which has not been fixed in sound recording or in audiovisual  
11 fixations but are carried by broadcast qualifying for protection under this  
12 Act. (Sec. 222.2, R.A. No. 8293a)
- 13 Sec. 105. Section 225 of Republic Act No. 8293 is hereby amended to read as follows:  
14 "Sec. 225. *Jurisdiction.* - Civil or administrative actions under Chapter VIII of Part  
15 II, Chapters VI and VII of Part IV and Chapter XVIII of Part V of this Act shall be  
16 cognizable by the Regional Trial Courts or by the Office and other administrative  
17 agencies with appropriate jurisdiction under existing laws. (Sec. 225, R.A. No.  
18 8293a)"
- 19 Sec. 106. Section 227 of Republic Act No. 8293 is hereby amended to read as follows:  
20 "Sec. 227. *Ownership of Deposit and Instruments.* - All copies deposited and  
21 instruments in writing filed with the Bureau in accordance with the provisions  
22 of this Act shall become the property of the Government. (Sec. 227, R.A. No.  
23 8293a)"
- 24 Sec. 107. Section 228 of Republic Act No. 8293 is hereby amended to read as follows:  
25 "Sec. 228. *Public Records.* - The section or division of the Bureau charged with  
26 receiving copies and instruments deposited and with keeping records required  
27 under this Act and everything in it shall be opened to public inspection. The  
28 Bureau Director is empowered to issue such safeguards and regulations as may  
29 be necessary to implement this Section. (Sec. 228, R.A. No. 8293a)
- 30 Sec. 108. Section 229 of Republic Act No. 8293 is hereby amended to read as follows:  
31 "Sec. 229. *Compulsory License on Copyright.* - The Philippines shall by proper

1 compliance with the requirements set forth under the Appendix of the Berne  
2 Convention (Paris Act, 1971) avail itself of the special provisions regarding  
3 developing countries, including provisions for licenses grantable by competent  
4 authority under the Appendix and as may be prescribed by the Regulations. (Sec.  
5 229, R.A. No. 8293a)”

6 Sec. 109. Section 230 of Republic Act No. 8293 is hereby amended to be part of Part V  
7 (Final Provisions) and to read as follows:

8 “Sec. 230. *Adoption of Intellectual Property (IP) Policies.* - Schools and universities,  
9 research and development institutions and public entities shall adopt intellectual  
10 property policies and programs that would govern the use and creation of  
11 intellectual property with the purpose of safeguarding the intellectual creations  
12 of the learning institution and its employees, and adopting locally-established  
13 industry practice fair use guidelines. Similarly, private entities are encouraged to  
14 adopt intellectual property policies. These policies may be developed in relation  
15 to licensing agreements entered into for purposes of implementing the state  
16 policies under this Act. (Sec. 230, R.A. No. 8293a)”

17 Sec. 110. A new Section 231A is hereby inserted after Section 231 of Republic Act No.  
18 8293 to read as follows:

19 “Sec. 231A. *Revocation of Business Permit, License, or Authority.* -The appropriate  
20 agency, including local government units, upon recommendation of the Office,  
21 may cancel, revoke, or suspend any business permit, license or authority of any  
22 person, natural or juridical, who refuses or fails to comply with the decision or  
23 order of the Director General or of any Bureau or Office of the Intellectual  
24 Property Office of the Philippines. (n)”

25 Sec. 111. Section 233 of Republic Act No. 8293 is hereby amended to read as follows:

26 “Sec. 233. *Appeals.* -

27 233.1. Appeals from decisions of Regional Trial Courts shall be governed by the  
28 Rules of Court. Unless restrained by a higher court, the judgment of the Regional  
29 Trial court shall be executory even pending appeal under such terms and  
30 conditions as the court may prescribe. (Sec. 233, R.A. No. 8293a)”

31 x x x.”



1 Sec. 112. Section 234 of Republic Act No. 8293 is hereby amended to read as follows

2 *"Sec. 234. Organization of the Office; Exemption from the Salary Standardization Law*  
3 *and the Attrition Law -*

4 234.1. The Office shall not be subject to the provisions of Republic Act. No. 7430.  
5 (Sec. 234, R.A. No. 8293a)

6 234.2. The Office shall institute its own compensation structure: *Provided, That*  
7 *the Office shall make its own system to conform as closely as possible with the*  
8 *principles provided for under Republic Act No. 6758, as amended. (Sec. 234, R.A.*  
9 *No. 8293a)"*

10 Sec. 113. Section 235 of Republic Act No. 8293 is hereby deleted and the succeeding  
11 provisions are renumbered accordingly. The new Section 235 shall read as follows:

12 *"Sec. 235. Applications Pending on Effective Date of Act - Notwithstanding the*  
13 *repeals under this Act, all pending applications for the grant of patents and*  
14 *registration of utility models, layout designs of integrated circuits, trademarks*  
15 *and industrial designs filed and processed, granted or registered under the*  
16 *previous acts shall be proceeded and prosecuted under said laws unless the*  
17 *applicant opts the same to be processed, granted or registered under this Act.*  
18 *Likewise, all existing grants and registrations under the same act shall continue*  
19 *to be enforced. (n)"*

20 Sec. 114. Section 236 of Republic Act No. 8293 is hereby amended to read as follows:

21 *"Sec. 236. Preservation of Existing Rights. - Nothing herein shall adversely affect*  
22 *the rights on the enforcement of rights in patents, utility models, industrial*  
23 *designs, marks and works, acquired in good faith prior to the effective date of*  
24 *this Act. (Sec. 237, R.A. No. 8293a)"*

25 Sec. 115. Sections 238 to 240 of Republic Act No. 8293 are hereby deleted and the  
26 succeeding provisions are renumbered accordingly. The new Section 238 shall read as  
27 follows:

28 *"Sec. 238. Public Domain. - 238.1. Patents, utility models, layout designs,*  
29 *industrial designs and copyright shall belong to the public domain pursuant to*  
30 *the relevant sections of Part II - Law on Patents, Part IV- Law on Trademarks,*  
31 *and Part V- Copyright and Related Rights of this Act. (n)*

1 238.2. The Bureau of Innovation Support and Business Development shall create  
2 immediately and maintain an updated digital registry of all works, inventions,  
3 industrial and lay-out designs that has become part of the public domain. The  
4 public shall have access to the registry subject to the payment of reasonable fees.

5 (n)

6 238.3. The Bureau of Copyright and Related Rights shall create immediately and  
7 maintain an updated digital registry of all copyright works that has become part  
8 of the public domain. (n)”

9 Sec. 116. The new Section 239 shall read as follows:

10 “Sec. 239. The contents of the registries, and the public's access thereto subject to  
11 payment of reasonable fees, shall be prescribed in the Implementing Rules and  
12 Regulations. (n)”

13 Sec. 117. The new Section 240 shall read as follows:

14 “Sec. 240. *Separability.* – If any portion or provision of this Act is subsequently  
15 declared invalid or unconstitutional, other provisions hereof, which are not  
16 affected thereby shall remain in full force and effect. (Sec. 241, R.A. No. 8293a)”

17 Sec. 118. The new Section 241 shall read as follows:

18 “Sec. 241. *Repealing Clause.* –

19 241.1. Republic Act No. 165, entitled “An Act Creating a Patent Office,  
20 Prescribing Its Powers and Duties, Regulating the Issuance of Patents, and  
21 Appropriating Funds Therefor”, as amended; Republic Act No. 166, entitled “An  
22 Act to Provide for the Registration and Protection of Trade-Marks, Trade-Names  
23 and Service-Marks, Defining Unfair Competition and False Marking and  
24 Providing Remedies Against the Same, and for Other Purposes”, as amended;  
25 Articles 188 and 189 of Act No. 3815, otherwise known as the “Revised Penal  
26 Code”, as amended; Presidential Decree No. 49, series of 1972, entitled “Decree  
27 on the Protection of Intellectual Property”, and Presidential Decree No. 285,  
28 series of 1973, entitled “Authorizing the Compulsory Licensing or Reprinting of  
29 Educational, Scientific or Cultural Books and Materials as a Temporary or  
30 Emergency Measure Whenever the Prices Thereof Become So Exorbitant as to be  
31 Detrimental to the National Interest”, as amended, are hereby repealed. (n)

1 241.2. Republic Act No. 8293, otherwise known as the “Intellectual Property  
2 Code of the Philippines”, as amended by Republic Act No. 9150, Republic Act  
3 No. 9502 and Republic Act No. 10372, is hereby repealed. (n)

4 241.3. Executive Order No. 736, series of 2008, entitled “Institutionalizing  
5 Permanent Units to Promote, Protect and Enforce Intellectual Property Rights  
6 (IPR) in Different Law Enforcement and Other Agencies under the Coordination  
7 of the National Committee on Intellectual Property Rights (NCIPR)”, is hereby  
8 amended accordingly. (n)

9 241.4. All other laws, presidential decrees or issuances, executive orders, letters  
10 of instruction, administrative orders, rules and regulations or parts thereof which  
11 are contrary or inconsistent with any provisions of this act are hereby repealed  
12 or amended accordingly. (n)

*Approved,*