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NEWS RELEASE

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Villar: Protect Filipino artists, amend IP law

Sen. Manny Villar today said tightening the regulation to protect intellectual property rights will greatly work for the benefit of Filipinos who excel in various fields that rely on copyrighted protection.

“We must act now to respond to the onslaught of criminal activity happening under our noses, at the expense of our brilliant and creative human resources. We owe it to our artists, composers, writers, designers, programmers, scientists, animators and Filipino professionals to protect their body of work against copyright infringement,” Villar said.

Villar, chairman of the Committee on Trade and Commerce, made this pitch during his sponsorship speech on Senate Bill No. 2842 under Committee Report No. 38, the bill which seeks to amend Republic Act 8293 or the Intellectual Property Code of the Philippines.

Villar cited the case of Freddie Aguilar, composer of the very popular song “Anak.” Aguilar reportedly assigned all his rights to a music publisher, who now earns royalties for the song’s exploitation by third parties.

In June 2001, Aguilar was arrested and charged for copyright infringement for the song that he himself composed and popularized. To this day, the case has not been resolved and is pending in court.

Villar also referred to the experience of National Artist Levi Celerio, who wrote over 4,000 songs, including Ang Pasko ay Sumapit, Ikaw, Bakya Mo Neneng, etc. Despite the thousands of musical compositions he wrote which should have earned millions in royalties, he died poor.

Villar said the issue of copyright is paramount as copyright-based industries (CBIs) significantly affect the nation’s economy. According to a study commissioned by the World Intellectual Property Organization (WIPO) in the early 2000s, CBIs contribute almost five (5) percent to the Gross Domestic Product (GDP).

The International Intellectual Property Alliance (IIPA), a private sector coalition of trade associations in copyright-based industries in the United States, recommends the Philippines and 12 other countries to be placed in the Priority Watch List of the Office of the US Trade Representative (USTR) 2011 Special 301 Report on Intellectual Property Rights (IPR).

To be included in the USTR’s Priority Watch List means that countries “do not provide an adequate level of IPR protection or enforcement, or market access for persons relying on intellectual property protection.”

“For all intents and purposes, the law should be updated to make the country better equipped to fight piracy, avert intellectual theft and protect copyrighted works in an era where knowledge is a powerful too,” he said.

Among the amendments being proposed in the bill are the following:

- The establishment of a Bureau of Copyright, which will perform the more substantial function of policy formulation, rule making, adjudication, research and education.
- The regulation of Collective Management Organization (CMO) which will enable the Intellectual Property Office of the Philippines to monitor and promote good corporate governance among CMOs, benefitting not only the rights holders themselves but also the users of copyrighted works.
- Exempting the blind or visually impaired persons from securing permission for the non-commercial reproduction of copyrighted works for their use.
- The provisions on copyright infringement have been refined to include contributory infringement, circumvention of technological measures and rights management information as aggravating circumstances, and the option to collect statutory damages instead of actual damages.
- Important provisions of the Copyright Treaty and the Performances and Phonograms Treaty of the WIPO, of which the Philippines is both signatory, will be considered, such as the protection of technological measures and rights management information to provide protection for copyrighted works disseminated through the Internet. ###