

COUNTRY REPORT: PHILIPPINES

COPYRIGHT REGISTRATION

In the Philippines, the functions of a copyright registering and recording body is carried out by the Copyright Section of the National Library. The functions of the Copyright Section are governed by the pertinent provisions of the Intellectual Property Code of the Philippines and its implementing rules contained in the Copyright Safeguards and Regulations. Under the said laws and regulations, two complete copies of works protected by copyright shall be registered and deposited within three weeks after first public dissemination to the National Library. However, despite the mandatory nature of the requirement for registration, in practice, registration and deposit is voluntary, and the period within which the registration has to be made is not fully implemented; neither are fines collected for registrations effected beyond the period contained in the law.

In registering a work protected under copyright, the copyright owner is required to answer a form which shall be submitted together with the copies of the work. Currently, our office requires that the works being deposited be submitted in hard copies. However, for works necessarily in digital form such as audiovisual works, broadcast and sound recording, as well as computer programs, the submission of soft copies is accepted. After payment of the prescribed fees, the copyright owner is issued a certificate of deposit and registration. Works that may be deposited include not only those protected by copyright but also those that are the subject matter of related rights. Both types of work undergo the same registration process. Works are classified into 22 classifications as indicated in the Copyright Safeguards and Regulations, and range from books, pamphlets, articles and other writings to broadcast recordings.

The effect of this registration is intended purely for creating a record of the date of registration and deposit of the work. Moreover, registration of printed materials, such as books, magazines, and periodicals among others, exempts the copyright owner from making additional deposits of the works under the Legal and Cultural Deposits Law of which the National Library of the Philippines acts as one of the depositories.

COPYRIGHT RECORDATION

Instruments concerning the transfers, assignments, and other transactions affecting copyright may be filed with the National Library. Upon payment of the prescribed fee, the applicant is issued a notation of the fact of record together with a copy of the instrument.

SEARCH FACILITIES

The records of copyright registration have been traditionally kept in record books, and the data entered by hand. Effort is currently being undertaken to create a searchable database which will be made available online through the website of the National Library. In the meantime, these record books, as well as pertinent documents including the application forms and other documents are accessible to the general public. Moreover, most of the deposited published works are available to the public through the Filipiniana Division. For unpublished works however, access will only be granted upon express permission of copyright owner.

RECORD OF WORKS ENTERING THE PUBLIC DOMAIN

There is currently no specific record of works entering the public domain in the National Library; moreover, there are no existing initiatives to create one.