

INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

ABS-CBN BROADCASTING
CORPORATION,
Complainant,

-versus-

DSC No. 7-2001-00003
For: Author's Rights

FILIPINO SOCIETY OF COMPOSERS
AUTHORS AND PUBLISHERS, INC.,
Respondent,

X-----X

ORDER

On 13 February 2002, the Complainant filed the instant case against the Respondent praying for the resolution for the intervention and mediation by this Office of their dispute concerning royalty/license fees.

On 18 February 2002, this Office issued a Notice to Settle, inviting both parties to appear in a Mediation Conference on 05 March 2002. However, the Respondent filed a Motion to Dismiss on 04 March 2002, on the following grounds: (i) lack of proper subject for mediation; and (ii) complaint does not come before this Office with clean hands. The Complainant filed its Opposition thereto on 15 March 2002.

This Office issued a Resolution denying the Motion to Dismiss on 22 October 2003. Desiring to achieve industrial peace within a definite period, this Office invited the parties to a Mediation Conference set on 06 February 2004. The Notice stated:

“The mediation proceedings shall be confidential and no record thereof shall be taken, except a compromise agreement, which may be arrived at by the parties.

To help ensure the success of the proceedings, the representative of each party must be equipped with the appropriate board resolution or secretary's certificate specifically stating therein the extent of his authority.

While counsel may accompany the representative, parties are strongly urged to limit the participation to their responsible officers.” (Emphasis supplied)

Another meeting was held on 09 March 2004. Subsequently, the Parties agreed to settle the case amicably and conduct further talks between themselves to work out the details of the agreement.

Finally, on 05 November 2004, the parties signed an Agreement, effective for six (6) years in the presence of representatives of this Office. However, this Office was not furnished a copy of the Agreement in view of the confidentiality provision incorporated therein.

WHEREFORE, premises considered, this Office hereby declares the instant case SETTLED.

SO ORDERED.

Makati City, 08 December 2004

EMMA C. FRANCISCO
Director General