



OFFICE ORDER NO. 13-171
Series of 2013

SUBJECT: RULES AND REGULATIONS ON COPYRIGHT REGISTRATION AND DEPOSIT

Whereas, the Intellectual Property Office of the Philippines (IPOP HL) is mandated to administer and implement the State policies declared in Republic Act No. 8293, the Intellectual Property Code of the Philippines (IP Code);

Whereas, Sec. 191 of the IP Code, as amended by Sec. 16 of Republic Act No. 10372, provides for the registration and deposit of works with the National Library and the Supreme Court Library at any time during the subsistence of the copyright;

Whereas, in a Memorandum of Agreement (MOA) signed on January 25, 2011, the National Library of the Philippines (NLP) deputized the IPOP HL as a receiving office for the registration and deposit of copyrighted works;

Now, therefore, pursuant to the said MOA entered into by the NLP and IPOP HL, the following rules and regulations on copyright registration and deposit are hereby adopted:

**RULE I
GENERAL PROVISIONS**

Section 1. Title. These rules shall be known as the "Rules on Copyright Registration and Deposit".

Section 2. Coverage. These rules shall apply to registration and deposit of copyrighted works with the IPOP HL through its Intellectual Property Satellite Offices (IPSOs) and may be adapted *mutatis mutandis* by the NLP. These rules shall not affect the system of deposit of works in the field of law maintained by the Supreme Court Library.

Section 3. These rules shall be liberally construed to carry out the objectives of the Constitution, the IP Code, and the IPOP HL-NLP MOA.

Section 4. Definition of Terms.

- a. Assignee – a person or entity to which the author or copyright holder has assigned the copyright in whole or in part. Within the scope of the assignment, the assignee is entitled to all the rights and remedies which the assignor had with respect to the copyright.
- b. Author or Creator – natural person who has created the work.
- c. Bureau of Copyright and other Related Rights (BCRR) – bureau within IPOP HL in charge of copyright matters.

- d. Copyright – right granted by a statute to the proprietor of an intellectual production to its exclusive use and enjoyment to the extent specified in the statute.
- e. Heir – a person called to the succession either by the provision of a will or by operation of law.
- f. Intellectual Property Field Operations Unit (IPFOU) – the unit within IPOPHL that supervises the operations of the IPSOs.
- g. Intellectual Property Satellite Office (IPSO) – field offices of IPOPHL which are established in selected areas in the country to provide a base for launching public awareness campaigns in key areas and make technical and advisory services readily available to enable IP stakeholders in the regions to ensure the effective use of the IP system for protection and commercialization of their IP assets.
- h. IPSO Field Specialist – IPSO personnel in charge of receiving applications for intellectual property rights. For purposes of these guidelines, this shall also refer to the IPFOU personnel in Manila assigned to receive the applications.
- i. Storage Medium – device that serves as container of electronic data including, but not limited to, universal serial bus (USB) flash drives, optical discs, magnetic tapes or such other device that may be developed in the future. Technical Description – a brief description of every view of the design or drawing, i.e., perspective, front, side, top, bottom and/or back, and indicated with corresponding figure numbers.
- j. Technical Description – a brief description of every view of the design or drawing, i.e., perspective, front, side, top, bottom and/or back, and indicated with corresponding figure numbers.

RULE II REQUIREMENTS FOR APPLICATION

Section 1. *Who may Apply.* The author or creator of the work, his heirs, or assignee, may apply for a certificate of copyright registration and deposit. They may apply in person, or through a duly authorized representative. Non-resident applicants may be represented by a duly authorized resident agent.

Section 2. *Documentary requirements.* The duly accomplished registration and deposit form (RDF) must be filed in duplicate for each work, together with the original or certified true copy of the following documents:

- a. Document evidencing ownership of the copyright or the manner of its acquisition:
 - (i) for authors or creators: affidavit under Sec. 218 of R.A. No. 8293, the Intellectual Property Code of the Philippines (IP Code);
 - (ii) for heirs: affidavit under Sec. 218 of IP Code; death certificate of author or creator; and birth certificate (for children), or marriage certificate (for spouse), or will/any document evidencing designation as heir (for heirs other than spouse or children); Provided, that, for heirs other than spouse

or children, the aforementioned affidavit shall contain a statement that there are no other existing heirs and a statement indicating the relationship with deceased author, if related by consanguinity;

(iii) for assignees: affidavit under Sec. 218 of IP Code and deed of assignment or any instrument transferring or waiving ownership of copyright;

b. Document evidencing identity of the applicant

(i) for natural persons: any competent evidence of identity, which refers to the identification of an individual based on:

(a) at least one current identification document issued by an official agency bearing the photograph and signature of the individual; or

(b) oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.

(ii) for juridical persons: certificate of registration issued by the Securities and Exchange Commission (for corporations) or certificate of registration issued by the Department of Trade and Industry (for single proprietorships and only if the author is other than the owner of the single proprietorship).

c. Document evidencing authority to represent (i.e., with authority to sign in behalf of) another person/entity:

(i) for representatives of natural persons: special power of attorney;

(ii) for representatives of juridical persons: board resolution or secretary's certificate;

d. Official receipt of the filing fee, or validated deposit slip if payment is made through the depositary bank;

e. Work to be deposited in the manner provided in No. 6 below.

Section 3. Filing Fee. A fee structure shall be adopted in accordance with the IP Code and relevant laws or regulations. The filing fee shall be comprised of a basic fee, which includes the fund-in-trust for NLP equivalent to fees imposed on copyright registrations and the administrative expenses incurred by IPOPHL. An additional fee shall be charged to cover the expenses of sending the deposited works to IPOPHL Manila as well as sending the certificates directly to the address of the applicant.

The fee covering administrative expenses may be granted by IPOPHL to NLP upon formal request by the latter and approval of a project proposal related to enhancement of copyright services.

In view thereof, the following schedule of fees shall be adopted:

Reference Code	Origin	Basic Fee (PhP)		Courier (PhP)	Total
		Fund-in-trust for NLP	Administrative expenses		
C01	Manila	200	300	125	625
C02	Regions	200	300	250	750
C03	Bulk works (50 and above)	200			200

Section 4. Manner of deposit. The works shall be deposited in the following manner:

Class	Works Included	Manner of Deposit
A	Books, pamphlets, articles, e-books, audio books, comics, novels, and other writings	Two (2) original copies or an electronic copy submitted online or in a storage medium
B	Periodicals, newspapers, journals, diaries, magazines, e-zines,	Two (2) original copies or an electronic copy submitted online or in a storage medium
C	Lectures, sermons, addresses, speeches, dissertations prepared for oral delivery	Two (2) original copies or an electronic copy submitted online or in a storage medium
D	Letters, circulars, encyclicals, e-mail and other electronic messages	Two (2) original copies or an electronic copy submitted online or in a storage medium
E	Dramatic or dramatico-musical compositions, plays, operas, choreographic works, pantomimes, magic routines and other novelty acts	Two (2) original copies of the music sheet or an electronic copy submitted online or in a storage medium
F	Musical compositions with or without lyrics	Two (2) original copies of the music sheet or an electronic copy submitted online or in a storage medium
G	Drawings, paintings, architectural works, sculpture, engraving, prints, lithography or other works of art, models or designs for works of art	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
H	Ornamental designs or models for articles of manufacture and industrial objects, and other works of applied art	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium, with a technical description of the design
I	Illustrations, maps, plans, sketches, charts and three-dimensional works	Two (2) 5R photographs or an electronic copy submitted

	relative to geography, topography, architecture, or science	online or in a storage medium
J	Drawings or plastic works of a scientific or technical character	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
K	Photographic works including works produced by a process analogous to photography, lantern slides	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
L	Audiovisual works and cinematographic works and works produced by a process analogous to cinematography or any process for making audio-visual recordings	Two (2) original copies or an electronic copy submitted online or in a storage medium
M	Pictorial illustrations and advertisements	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
N	Computer programs, software, games, applications	Two (2) original copies or an electronic copy submitted online or in a storage medium
O	Other literary, scholarly, scientific and artistic works, including reports, studies, research, theses, and other academic papers, examinations, online courses, presentations	Two (2) original copies or an electronic copy submitted online or in a storage medium
P	Sound recordings	Two (2) original copies or an electronic copy submitted online or in a storage medium
Q	Broadcast recordings	Two (2) original copies or an electronic copy submitted online or in a storage medium

RULE III PROCEDURE FOR REGISTRATION

Section 1. *Submission of Accomplished RDF.* Applicant personally submits his accomplished RDF together with all the other required documents to the IPFOU (if filed in Manila), or to the proper IPSO (if filed outside of Manila). The IPSO Field Specialist shall determine the class/es under which his work can be categorized.

Section 2. *Review of RDF.* The IPSO Field Specialist shall carefully review the correctness of the entries in the RDF and the completeness of the documents submitted. Only complete applications complying with the requirements prescribed in No. 4 hereof shall be given due course.

Section 3. *Payment of Fee.* Upon a finding by the IPSO Field Specialist that all the requirements are complete, the applicant shall be directed to pay the prescribed filing fee. Only one filing fee shall be charged for the application of a work falling under

multiple classes. A Statement of Account (SOA) shall be generated and issued to the applicant. The applicant pays the fee at the designated Land Bank branch.

Section 4. *Reception of Documents.* Upon showing by the applicant of the validated deposit slip, the IPSO Field Specialist receives the RDF with all the attachments, generates the RDF number and the date of filing. An Acknowledgement Receipt (AR) shall be issued in favor of the applicant pending the release of the OR.

Section 5. *Encoding and Scanning.* The IPSO Field Specialist shall encode the bibliographic entry in the database and scan the required documents, including the AR, the SOA and the validated deposit slip.

Section 6. *Transmittal to IPFOU.* The IPSO Field Specialist transmits the scanned documents to IPFOU, which shall verify the completeness of the scanned documents in collaboration with the BCRR.

Section 7. *Transmittal to Cashier.* The IPFOU shall transmit the AR, the SOA and the validated deposit slip to the IPOPHL Cashier, for preparation of the OR.

Section 8. *Release of Certificate.* Upon notification by the IPOPHL Cashier of the release of the OR, the BCRR shall cause the printing of the Certificate of Registration and Deposit, which shall be released to the applicant after five (5) working days from filing of the RDF.

Section 9. *Allowable Corrections.* Whatever has been written in the RDF as regards the ownership of copyright, authorship and title of the work shall be deemed to be final and shall be reflected in the certificate. Corrections in the RDF and the certificate may be allowed only if the same is substantial in nature and only upon written request and payment of a fee equivalent to the application fee.

Section 10. *Contents of the Certificate.* The Certificate of Registration and Deposit shall contain the following:

- a. name of the applicant or copyright holder
- b. title of the work
- c. name of the author
- d. class/es where the work belongs
- e. date of creation
- f. period of protection
- g. facsimile signature of the Director General or any IPOPHL official duly authorized by him
- h. statement that the registration and deposit is made for the purpose of completing the records of the national library
- i. statement that a certified true copy of the affidavit of ownership is attached at the back and forms an integral part of the certificate
- j. certified true copy of affidavit of ownership

**RULE IV
POST-REGISTRATION**

Section 1. *Transmittal of Deposited Works to NLP* – The IPSOs shall transmit the deposited works to the BCRR on a monthly basis. The BCRR shall have temporary custody of all the deposited works and shall transmit the same to the NLP on a semi-annual basis.

Section 2. *Cancellation of Certificate.* The IPOPHL Director General may, upon written request by an interested party and upon payment of fee equivalent to the application fee, cancel the Certificate of Copyright Registration and Deposit covering a specific work on the following grounds:

- a. Upon a final court decision ordering the cancellation of the certificate;
- b. By final order of the Director of the Bureau of legal Affairs of the IPOPHL in copyright infringement cases;
- c. Upon registration of deeds of transfers, assignments, and other transactions affecting copyright, including transfers by inheritance, conveying copyright over a specific work;
- d. Upon expiration of the term of copyright.

Section 3. *Request for Certified True Copy of the Certificate.* Upon written request of the copyright owner or any interested party, and upon payment of a fee of Five Hundred Pesos (Php 500), a certified true copy of a Certificate of Copyright Registration and Deposit may be issued by the BCRR.

Section 4. *Administration of Copyright Registration Database* – The NLP and IPOPHL shall jointly administer the copyright registration database.


**RULE V
FINAL PROVISIONS**

Section 1. *Separability Clause.* If any section or provision of these Rules shall be held to be invalid, the remaining provisions shall remain in full force and effect as completely as if the part held invalid has not been included therein.

Section 2. *Furnishing of Certified Copies.* The IPOPHL Financial Management and Administrative Services (FMAS) is hereby directed to immediately file three (3) certified copies of these Rules with the University of the Philippines Law Center, and one (1) certified copy each to the Office of the President, the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines and the National Library of the Philippines.

Section 3. *Effectivity.* These Rules shall take effect after fifteen (15) days from publication in a newspaper of general circulation.


ATTY. RICARDO R. BLANCAFLOR
Director General

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