

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



Senate
Office of the Secretary

'14 JUL -1 P2:19

SENATE
S. No. 2296

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
CREATING THE INTELLECTUAL PROPERTY ASSET MANAGEMENT
ADVISORY COUNCIL

EXPLANATORY NOTE

The intellectual property generated by government-funded research represents a great opportunity to return social and economic value to taxpayers in return for public investment in research. Government needs to manage its intellectual property effectively so that it is best utilized for the benefit of the government, the taxpayers, and the private sector.

This bill seeks to create an Intellectual Property Asset Management Advisory Council to recommend to the President how to manage government-owned intellectual property created under government contracts, grants, and agreements in order to maximize their social and economic value to taxpayers.*

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Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, Third Regular Session.



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

14 JUL -1 P2:19

SENATE
S. No. **2296**

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Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 CREATING THE INTELLECTUAL PROPERTY ASSET MANAGEMENT
3 ADVISORY COUNCIL

4 SECTION 1. *Short Title.* – This Act shall be known as the “Intellectual Property Asset
5 Management Act.”

6 SECTION 2. *Definition of Terms.* – As used in this Act, the term:

7 (A) “Patentable inventions” means inventions that fall within the scope of patentable
8 subject matter under the Intellectual Property Code of the Philippines, but are not yet the subject
9 of an issued patent.

10 (B) “Patented inventions” means those rights reflected in subsisting patents issued by
11 the Philippine government, as well as the governments of those countries who are signatories to
12 treaties regarding intellectual property which have ratified by the Philippines.

13 (C) “Government-owned intellectual property rights” means any and all intellectual
14 property that is owned by the government, including all trademarks and service marks,
15 collective marks and certification marks, all copyrights, all trade secrets, all patentable
16 inventions, and all patented inventions.

17 (D) “President” means the President of the Republic of the Philippines.

18 SECTION 3. *The Intellectual Property Asset Management Advisory Council.* – There is
19 hereby created the Intellectual Property Asset Management Advisory Council to make
20 recommendations to the President on the management, storage, preservation, and utilization of

1 government-owned intellectual property created under government contracts, grants, and
2 agreements.

3 The council shall consist of seven (7) members, as follows:

4 (A) Secretary of Trade and Industry, who shall serve as the chairperson of the
5 Council;

6 (B) Secretary of Science and Technology;

7 (C) Director General of the Intellectual Property Office;

8 (D) Two (2) representatives from State colleges and universities;

9 (E) A representative from private colleges and universities; and

10 (F) A representative from the private sector.

11 The representatives from the educational and private sectors shall be individuals with
12 outstanding knowledge and leadership in any of the following fields: high-risk venture
13 investments in new scientific or technological businesses; new scientific or technological product
14 development; intellectual property law; international patent law, including patent cooperation
15 treaties; or university technology transfer and commercialization.

16 SECTION 4. *Term.* – All members of the advisory council shall serve for a term of two
17 (2) years or until such time as the council has completed its recommendations to the President.

18 SECTION 5 *Actual and Necessary Expenses.* – The members of the advisory council
19 shall receive no compensation for their services, but shall be reimbursed for the actual and
20 necessary expenses incurred by them in the performance of their duties under this Act.

21 SECTION 6. *Meetings.* – The advisory council shall meet regularly and at least four (4)
22 times each year. Special meetings may be called by the chairperson of the council and shall be
23 called by him or her at the request of any of its members.

24 SECTION 7. *Recommendations to the President.* –

1 (A) The advisory council shall submit its recommendations in writing to the President
2 within six (6) months after the first meeting of the council. The council's recommendations shall
3 include, but not be limited to, the following:

4 (1) Whether all, none, or some of the rights arising out of the creation of intellectual
5 property should be dedicated to the public domain.

6 (2) The manner by which the government should maximize the protection of
7 intellectual property that it owns.

8 (3) The manner by which government employees and officials should be made aware
9 of the obligations, restrictions, requirements, and opportunities regarding the
10 protection and management of government-owned intellectual property.

11 (4) The manner by which government employees and officials should be informed on
12 disclosure and whether a uniform system of disclosure should be developed and
13 implemented.

14 (5) The actions that are being taken by government agencies, authorities, boards, and
15 commissions to manage government-owned intellectual property.

16 (6) The manner by which ownership rights should be determined when intellectual
17 property is created by government employees in the course of their government
18 employment.

19 (B) The council shall also submit reports to the President providing guidance on
20 how to:

21 (1) Promote the utilization of intellectual property arising from government-
22 supported contracts, grants, and agreements.

23 (2) Encourage maximum participation of small-business firms in licensing
24 government-owned intellectual property.

25 (3) Promote collaboration between commercial concerns and government entities in
26 commercializing government-owned intellectual property.

27 (4) Ensure that there are mechanisms in place that allow the government to obtain
28 certain minimal rights in government-supported intellectual property to meet the

1 needs of the government and protect the public against nonuse or unreasonable
2 use of such intellectual property.

3 SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
5 valid and subsisting.

6 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
7 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
8 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

9 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of general circulation.

Approved.

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