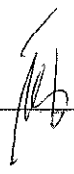


**SENATE**

9 MAY 25 1949

**S. No. 3269**

RECEIVED BY: 

**Introduced by Senator Antonio "Sonny" F. Trillanes IV**

### **EXPLANATORY NOTE**

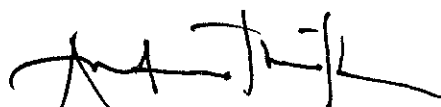
Article XIV of the Constitution states the importance of quality education as it declares the value of establishing an integrated system of education that is relevant to the needs of the people and society. However, the limiting condition of visually-impaired citizens to print materials severely keep a tight rein on their access to education, work and social integration that is readily available to print readers. This scenario puts them at a significant social and economic disadvantage, which in effect, renders them illiterate.

Worldwide, accessible media producers have been confronted with long delays in securing permission from copyright holders to produce their materials in a format accessible for the visually-impaired. It is known that print material available to any sighted person at present may take months or even longer before it can be provided in a format that a visually-impaired person can read, which by then, may be no longer relevant.

This circumstance brings the necessity to adopt a measure that shall permit production and distribution of special format books and magazines for the visually impaired, without first obtaining a copyright clearance from the appropriate bureau, and thereby expediting the early circulation of the aforesaid materials necessary for the use of visually-impaired persons.

This bill seeks to grant exemption in the translation of printed materials into formats accessible to the visually-impaired and for other purposes, amending Section 185 of Republic Act No. 8293 otherwise known as the "Intellectual Property Code of the Philippines". This would give visually-impaired persons equal and timely access to copyrighted print materials, thus, improving their educational and vocational levels.

In view of the foregoing, the immediate approval of this bill is earnestly sought.



**ANTONIO "SONNY" F. TRILLANES IV**  
Senator

SENATE

9 MAY 25 19:19

S. No. 3269

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT

GRANTING EXEMPTIONS FROM SECURING PERMISSION FROM THE PUBLISHER OR COPYRIGHT OWNER OF PRINTED MATERIALS TO REPRODUCE THE SAME IN A SPECIALIZED FORMAT FOR THE EXCLUSIVE USE OF BLIND OR VISUALLY-IMPAIRED INDIVIDUALS, AMENDING FOR THIS PURPOSE SECTION 185 OF REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE "INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES", AND FOR OTHER PURPOSES

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

1        **SECTION 1.** Section 185 of Republic Act No. 8293 is hereby amended by adding a new  
2        provision to read as follows:

3        " **SECTION 185. *Fair Use of Copyrighted Work.*** - 185.1. The fair use of a  
4        copyrighted work for criticism, comment, news reporting, teaching including multiple  
5        copies for classroom use, scholarship, research, and similar purposes is not an  
6        infringement of copyright. IT IS NOT ALSO AN INFRINGEMENT OF THE  
7        COPYRIGHTED WORK TO REPRODUCE OR DISTRIBUTE COPIES OF  
8        PUBLISHED ARTICLES/MATERIALS IF SUCH COPIES ARE REPRODUCED OR  
9        DISTRIBUTED IN A SPECIALIZED FORMAT EXCLUSIVELY FOR THE USE OF  
10       THE BLIND OR VISUALLY IMPAIRED PERSONS PROVIDED, THAT SUCH  
11       COPIES AND DISTRIBUTION SHALL BE MADE ON A NON-PROFIT BASIS AND  
12       SHALL INDICATE THE COPYRIGHT OWNER AND THE DATE OF THE  
13       ORIGINAL PUBLICATION. THIS DISTRIBUTION IS ALSO PERMITTED IN CASE

1 THE COPIES HAVE BEEN MADE ABROAD AND THE CONDITIONS  
2 MENTIONED ABOVE HAVE BEEN FULFILLED.

3           Decompilation, which is understood here to be the reproduction of the code and  
4 translation of the forms of the computer program with other program to achieve the  
5 interoperability of an independently created computer program with other programs may  
6 also constitute fair use, the factors to be considered shall include:

- 7           a) The purpose and character of the use, including whether such use is of a commercial  
8 nature; [or is for non- profit educational purposes]
- 9           b) The nature of the copyrighted work;
- 10          c) The amount and substantially of the portion used in relation to the copyrighted work  
11 as a whole;
- 12          d) The effect of the use upon the potential market for or value of the copyrighted work.”

13

14           **SECTION 2. *Limitations.*** – The provision of section 1 shall not apply to standardized,  
15 secure, or norm- referenced tests and related testing materials, or to computer programs, except  
16 the portions thereof that are conventional human language (including descriptions of pictorial  
17 works) and displayed to users in the ordinary course of using the computer programs.

18

19           **SECTION 3. *Definition of Terms.*** –For purposes of this Act, these terms shall be  
20 defined as follows:

- 21           a) *Blind or visually-impaired person* means an individual who cannot read printed  
22 materials due to low or lack of vision.
- 23           b) *Specialized format* means braille, audio, large print, digital text or other formats  
24 which enables the blind or visually-impaired person to read the print material.

1           **SEC. 4. *Separability Clause.*** – If any provision of this Act shall at any time be found to  
2 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall  
3 remain in full force and effect.

4  
5           **SEC. 5. *Repealing Clause.*** – All laws, decrees, rules or regulations inconsistent with the  
6 provisions of this Act are hereby repealed or modified accordingly.

7  
8           **SEC. 6. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following  
9 its complete publication in two (2) newspapers of general circulation

Approved,