
Introduced by Senator Maria Lourdes Nancy S. Binay

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EXPLANATORY NOTE

The Law on Copyright, which is Part IV of Republic Act 8293 or the Intellectual Property Code of the Philippines protects not only "Original Works" but also "Derivative Works".

Derivative works are defined as follows:

Section 173. *Derivative Works.* - 173.1. The following derivative works shall also be protected by copyright:

- (a) Dramatizations, translations, adaptations, abridgments, arrangements, and other alterations of literary or artistic works; and
- (b) Collections of literary, scholarly or artistic works, and compilations of data and other materials which are original by reason of the selection or coordination or arrangement of their contents. (Sec. 2, [P] and [Q], P.D. No. 49)

173.2. **The works referred to in paragraphs (a) and (b) of Subsection 173.1 shall be protected as new works:** Provided however, That such new work shall not affect the force of any subsisting copyright upon the original works employed or any part thereof, or be construed to imply any right to such use of the original works, or to secure or extend copyright in such original works. (Sec. 8, P.D. 49; Art. 10, TRIPS)

The above provisions particularly Section 173.1. (a) has spawned unnecessary litigations as an increasing number of Filipinos have translated, adapted or altered literary or artistic works and had said works protected as new works.

Based on the provision of the law, it may be argued that a translator of a literary work can have the derivative work protected in his own name without liability for copyright infringement of the original work translated.

It is submitted that the law did not intend to put a stamp of legitimacy to any and all forms of plagiarism.

As such, the passage of this Bill is earnestly requested.


MARIA LOURDES NANCY S. BINAY
Senator

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AN ACT CLARIFYING THE SCOPE OF DERIVATIVE WORKS, AMENDING FOR THE PURPOSE SECTION 173.1 (A) OF REPUBLIC ACT 8293 OR THE PHILIPPINE INTELLECTUAL PROPERTY CODE

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

1 **SECTION 1.** Section 173 of Republic Act 8293 is hereby amended to read as follows:
2

3 **Section 173. Derivative Works.** - 173.1. The following derivative works shall also be
4 protected by copyright:

5 (a) Dramatizations, translations, adaptations, abridgments, arrangements, and other
6 alterations of literary or artistic works; and
7

8 (b) Collections of literary, scholarly or artistic works, and compilations of data and
9 other materials which are original by reason of the selection or coordination or
10 arrangement of their contents. (Sec. 2, [P] and [Q], P.D. No. 49)
11

12 173.2. The works referred to in paragraphs (a) and (b) of Subsection 173.1 shall be
13 protected as new works: Provided however, That such new work shall not affect the
14 force of any subsisting copyright upon the original works employed or any part
15 thereof, or be construed to imply any right to such use of the original works, or to
16 secure or extend copyright in such original works. (Sec. 8, P.D. 49; Art. 10, TRIPS)
17

18 FOR PURPOSES OF PARAGRAPH (A) OF SUBSECTION 173.1. HEREOF, IN
19 CASE THE OWNER OF THE ORIGINAL WORKS IS DIFFERENT FROM THE
20 OWNER OF THE DERIVATIVE WORKS, THE LATTER MAY REGISTER THE
21 DERIVATIVE WORK IN HIS NAME UPON SECURING THE PRIOR WRITTEN
22 CONSENT OF THE OWNER OF THE ORIGINAL WORKS.
23

24 **SECTION 2. Separability Clause.** Should any part or provision of this Act be declared
25 unconstitutional or invalid, other parts or provisions hereof not otherwise affected thereby
26 shall remain in full force and effect.
27

28 **SECTION 3. Effectivity.** This Act shall take effect fifteen (15) days after its publication in at
29 least two (2) newspapers of general circulation.
30

31 Approved,