

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



Senate
Office of the Secretary

'14 JUL 10 P2:15

SENATE

Senate Bill No. 2307

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

**AN ACT
TO STRENGTHEN THE PROMOTION OF INTELLECTUAL PROPERTY
RIGHTS DEFINING FOR THE PURPOSE FILM PIRACY AND FILM NAPPING,
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The problem of film piracy continues to persist in the country despite the efforts of various government agencies and the private sector. This has resulted to enormous loss of revenues not only to the government but also to the film makers and investors as well as employment opportunities to the workers of the film industry.

Film piracy has taken new forms such as flicker piracy and film napping. Flicker piracy uses simple or sophisticated gadgets in the illegal recording of films and other audiovisual works inside a movie house or any motion picture exhibition facility. Film napping is the stealing of legitimate film prints while being transported to and from a motion picture exhibition facility.

This measure seeks to prevent the proliferation of flicker piracy and film napping by providing penalties and fines for the offenses. It imposes penalties and fines for first, second, and third or subsequent offenses. Likewise, accomplices shall suffer the same penalty and fine. Upon conviction, the court shall cause the forfeiture and destruction of the gadgets used in the commission of the offense. To guarantee strict implementation of this Act in all localities, local government units are enjoined to actively participate in the campaign against such copyright violations and monitor the enforcement of this Act.


This measure was previously filed by Sen. Manny Villar in the 15th Congress. The immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Anti-Flicker Piracy*
2 **Act**”.

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5 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to
6 secure and protect the exclusive rights of individuals to their intellectual property
7 and creations. Toward this end, there is a need to enact a legislative measure
8 that shall define prohibited acts which are inimical to the protection of these rights
9 such as flicker piracy and film napping.

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12 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall
13 mean:

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15 (a) **Audiovisual Recording Device** – a digital or analog photographic or video
16 camera, or any other technology or device capable of enabling the
17 recording or transmission of a copyrighted motion picture or other
18 audiovisual work, or any part thereof, regardless of whether audiovisual
19 recording is the sole or primary purpose of the device;

20
21 (b) **Copyright Owner** – one who has the exclusive rights comprised in
22 copyright as provided under Republic Act No. 8293 otherwise known as
23 Intellectual Property Code and pertinent treaties and international
24 agreements; and,

25
26 (c) **Motion Picture Exhibition Facility** – a movie theater, screening room, or
27 other venue that is being used primarily for the exhibition of a copyrighted
28 motion picture, if such exhibition is open to the public or is made to an
29 assembled group of viewers outside of a normal circle of a family and its
30 social acquaintances.

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1 **SEC. 4. *Flicker Piracy.*** – The following acts shall constitute flicker piracy and are
2 hereby declared unlawful:
3

4 (a) Using without the authorization of the copyright owner, an audiovisual
5 recording device to make or transmit a copy of a motion picture or other
6 audiovisual work, protected under the Intellectual Property Code, or any
7 part thereof, from a performance of such work in a movie house or any
8 motion picture exhibition facility;
9

10 (b) Attempting to use, without the authorization of the copyright owner, an
11 audiovisual recording device to make or transmit a copy of a motion
12 picture or other audiovisual work, protected under the Intellectual Property
13 Code, or any part thereof, from a performance of such work in a movie
14 house or any motion picture exhibition facility.
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17 **SEC. 5. *Film Napping.*** – It shall be unlawful for any person to take, without the
18 authorization of the copyright owner under Republic Act No. 8293, any legitimate
19 film print with the intent to make a copy or reproduce the same while they are
20 transported to and from a motion picture exhibition facility
21

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23 **SEC. 6. *Penalties.*** – Any person committing any of the unlawful acts provided
24 under Section 4 and 5 hereof shall suffer the following penalties:
25

26 (a) Imprisonment of one (1) year to three (3) years plus a fine ranging from
27 Fifty Thousand pesos (P50,000.00) to One Hundred Fifty Thousand pesos
28 (P150,000.00) for the first offense;
29

30 (b) Imprisonment of three (3) years and one (1) day to six (6) years plus a fine
31 ranging from One Hundred Fifty Thousand pesos (P150,000.00) to Five
32 Hundred Thousand pesos (P500,000.00) for the second offense;
33

34 (c) Imprisonment of six (6) years and one (1) day to nine (9) years plus a fine
35 ranging from Five Hundred Thousand pesos (P500,000.00) to One Million
36 Five Hundred Thousand pesos (P1,500,000) for the third and subsequent
37 offenses;
38

39 (d) In all cases, subsidiary imprisonment in cases of insolvency.
40

41 Any person who willfully or knowingly aid, permit, or cause to be done any of the
42 above-mentioned acts as defined in this Act, shall likewise suffer the same
43 penalties.
44

45 In addition to any of the above-mentioned penalties, the court shall, upon
46 conviction, order the forfeiture and destruction or other means of disposing of all
47 unauthorized copies of motion pictures or other audiovisual works protected
48 under the Intellectual Property Code or parts thereof, and any audiovisual
49 recording devices or other equipment used in connection with the offense.
50

51 Possession by a person of an audiovisual recording device in a motion picture
52 exhibition facility may be considered as evidence in any proceeding to determine
53 whether that person committed an offense penalized under this Act, but shall not,
54 by itself, be sufficient to support a conviction of that person for such offense.
55
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1 **SEC. 7.** *Involvement of Local Government Units (LGUs) in the Campaign*
2 *Against Flicker Piracy.* – All local government units (LGUs) in the country shall
3 actively participate in the campaign against flicker piracy and film napping, and
4 monitor its strict implementation.
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7 **SEC. 8.** *Implementing Rules and Regulations.* – The Department of Justice
8 (DOJ), in coordination with the Department of Interior and Local Government
9 (DILG), the Optical Media Board (OMB), the Movie Picture Anti-Piracy Council
10 (MPAPC) and the National Cinema Association of the Philippines, shall formulate
11 and issue such rules and regulations necessary for the effective implementation
12 of the provisions of this Act.
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15 **SEC. 9.** *Separability Clause.* – If any provision of this Act shall at any time be
16 found to be unconstitutional or invalid, the remainder thereof not affected by such
17 declaration shall remain in full force and effect.
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20 **SEC. 10.** *Repealing Clause.* – All laws, decrees, rules or regulations inconsistent
21 with the provisions of this Act are hereby repealed or modified accordingly.
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24 **SEC. 11.** *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
25 following its complete publication in two (2) newspapers of general circulation.
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31 *Approved,*