


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 P4:07

RECEIVED BY: 

SENATE

S. No. 2352

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE


Intellectual Property, as the term connotes is the creation of a human mind or intellect, an intellectual creation. The existing copyright law which relate to artistic creations, provides certain protection to the artist.

There are, however, still some areas in the realms of copyright that are not being properly addresses by the present law. One of them is the right of performing artists over the replay of their taped performance.

Records and shows are artistic creations. In each live performances the artist creates something new out of his imagination and translates it into a copyrightable work. Hence, artists need to be remunerated for such creations and further replications of the same through replays, reruns, cable reproductions, video tapes and the like.

At present, artists receive no additional remuneration for the replay of their works. It is only the owners of the broadcast stations that are able to earn from the creations of the artists.


Recognizing the right of artist over their creations, the immediate approval of this bill is strongly recommended.


MANNY VILLAR

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 P4 11:00

SENATE

RECEIVED BY: 

S. No. 2352

INTRODUCED BY SEN. MANNY VILLAR

**AN ACT
SAFEGUARDING THE PROPERTY RIGHTS OF FILIPINO
ARTISTS WITH RESPECT TO THEIR ARTISTIC WORK IN THE
TELEVISION MEDIUM AND FOR OTHER PURPOSES**

*Be^{it} enacted by the Senate and House of Representatives of the
Philippines in congress assembled:*

SECTION 1. Remuneration for Replay of work.- In addition to whatever contractual benefits are already enjoyed by a Filipino artist by reason of his or her work in a Philippine television program, he or she shall be entitled to receive additional remuneration every time the program where his or her work appears is replayed on the air.

SECTION 2. Amount of remuneration.- The remuneration of said Filipino artist shall be equivalent to at least fifty percent (50%) of the original compensation he or she received for the initial broadcast.

SECTION 3. Applicability.-this law shall be applicable to all artist involved in television production, including, but not limited to, singers, actors, scriptwriters, directors and studio technicians.

SECTION 4. Waiver- This privilege may be considered waived by the Filipino artist concerned only when the contract for his or her services so provides. The absence of an express remuneration of this privilege in the contract will not be considered a waiver.

SECTION 5. Jurisdiction of the National Telecommunications Commission.- The National Telecommunications Commission shall have exclusive and original jurisdiction over cases involving violations of this Act. Proceedings before the Commission shall be summary in nature.

SECTION 6. Damages.- The television station found to have violated this Act shall be liable to pay the Filipino artist concerned liquidated damages in the amount of at least ten (10) times but not more than fifty (50) times the original compensation due the artist, but in no case lower than fifty thousand pesos (P50,000.00).

SECTION 7. Cancellation of Franchise.- Continued violations of this Act as may be determined by the Commission shall result to the cancellation of the franchise to operate a television station.

SECTION 8. Repealing Clause.- All laws inconsistent herewith are deemed repealed or modified accordingly.

SECTION 9. Effectivity.— This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.