

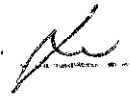
FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

OFFICE OF THE SECRETARY

10 JUL -6 8:15

SENATE

S. No 301

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**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 Senator

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

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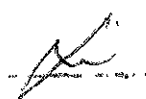
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10 JUL 15 11:15

SENATE

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

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

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

11

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

16

17 **SEC. 3. *Definition of Term.*** – For purposes of this Act, these terms shall be defined as  
18 follows:

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

23

24 **SEC. 5. *Separability Clause.*** - If any provision of this Act shall at any time be found to  
25 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall  
26 remain in full force and effect.

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

Approved,