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BSIT 3-1

**1. What is the name of the virus that is said to have originated in the Philippines that brought the enactment of the R.A. 8792?**

* “I love you **virus**”

**2. What is the short title of the R.A. 8792?**

* Electronic Commerce Act.

**3. What are the other three countries that legislated a law on e-commerce?**

* Brunei Darussalam
* Indonesia
* Lao

**4. The Implementing Rules and Regulations of the e-Commerce Act were adopted on what date?**

* July 14, 2000.

**5. R.A. 8792 was patterned on what law?**

* UNCITRAL Model **Law** on Electronic Commerce

**6. Government offices, including government-owned-and-controlled corporations, should conduct their transactions electronically within how many years from the effectivity of the law?**

* Mandates the government to have the capability to do e-commerce within 2 years or before June 19, 2002.

**7. How much is the maximum penalty for the violation this law?**

* Other violations of the provisions of this Act, shall be penalized with a maximum penalty of one million pesos (~~P~~ 1,000,000.00) or six (6) years imprisonment.

**8. What is Intellectual Property Rights?**

* Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time.

**9. What is the importance of the intellectual property law in the Philippines?**

* More significantly, the Philippine Constitution promulgated in 1987 recognised the importance of intellectual property in Article XIV, Section 13: “The State shall protect and secure the exclusive rights of scientists, inventors, artists, and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people, for such period as may be provided by law.”

**10. What is Patent?**

* A patent is the granting of a property right by a sovereign authority to an inventor. This grant provides the inventor exclusive rights to the patented process, design, or invention for a designated period in exchange for a comprehensive disclosure of the invention. They are a form of [incorporeal right](https://www.investopedia.com/terms/i/incorporeal-rights.asp).

**11. How to apply Patent?**

* The right to a patent belongs to the inventor, his heirs or assigns. When two (2) or more persons have jointly made an invention, the right to a patent belongs to them jointly.
* If two (2) or more persons have made the invention separately, and independently of each other, the right to the patent belongs to the person who filed an application for such invention, or where two or more applications are filed for the same invention, the applicant who has the earliest filing date or the earliest priority date.
* The person who commissions the work has the right to the patent, unless otherwise provided in the contract.
* In case the employee made the invention in the course of his employment, the right to the patent belongs to: (a) the employee, if the inventive activity is not part of his regular duties even if the employee uses the time, facilities and materials of the employer; (b) the employer if the invention is the result of the performance of his regularly assigned duties, unless there is an agreement, express or implied, to the contrary.

Step 01: Invention disclosure. ...

Step 02: Patentability search. ...

Step 03: Decision to **file** an **application** for **patent**. ...

Step 04: **Patent** drafting. ...

Step 05: Filing the **patent application**. ...

Step 06: Request for examination. ...

Step 07: Responding to objections (if any)

Step 08: Grant of patent

Step 09: Renewal of your patent

**12. What is Copyright?**

* A copyright is a collection of rights that *automatically* vest to someone who creates an original work of authorship like a literary work, song, movie or software. These rights include the right to reproduce the work, to prepare derivative works, to distribute copies, and to perform and display the work publicly.

**13. How to apply for a copyright?**

Application should be accomplished in duplicate, typewritten and the affidavit at the back should be duly notarized and affixed with Fifteen Pesos (P15.00) documentary stamp. Another set of Fifteen Pesos (Php 15.00 ) worth of documentary stamps, should be stapled to the [application form](http://nlpdl.nlp.gov.ph/NL01/RD01/NLP-034%20APPLICATION%20FOR%20COPYRIGHT%20REGISTRATION.pdf) to be affixed by the office to the copyright certificate.

1. Application should be accompanied by two (2) copies of the work as deposit, Two Hundred Pesos (P200.00) as registration fee. If through mail, registration fee should be in postal money order addressed to the Director, The National Library.
2. If the work applied for registration is an original ornamental design (classification H), it should be accompanied by a technical description of the design.
3. If the work applied for registration is published work, two (2) printed copies with copyright notice printed in front or at the back of the title page if it is a book and on any clear space thereof if non-book material, shall accompany the application

The copyright notice shall be in the form Philippine Copyright 20\_\_(year of publication) by \_\_\_\_\_\_\_\_\_\_\_\_(name of copyright owner.)

No. 8 of the application should be filled up by stating the specific date when the work is finished and likewise No. 9 be filled up to indicate when the work is published.

A “published work” for purposes of registration means that the work has been disseminated to the public prior to its registration with the Copyright Office.

1. If the work applied for registration is unpublished work, two (2) manuscript and/or xerox copies of the work without the copyright notice shall accompany the application.

“Unpublished work” for purposes of registration means that the work has not been disseminated to the public at the time of registration.

1. If the applicant is non-resident foreigner, he/she should appoint a local authorized agent by a special power of attorney to complete the copyright application for and in his/her behalf .
2. If the claimant is not the author, a document supporting the claim such as a deed of assignment or a waiver of copyright ownership;
3. If the applicant is a proprietor or a corporation, a photocopy of the certificate of business name or SEC certificate (whichever is applicable) should be attached to the application.

**14. What is Madrid Protocol?**

* The Madrid Protocol is an international system for obtaining trade mark protection for a number of countries and/or regions using a single application. Protection (an "International Registration") can only be obtained for countries and regions which have joined the system (member countries), and these are listed below.
* International Registrations give a bundle of rights administered centrally via the World Intellectual Property Organisation (WIPO) in Switzerland.

**15. What is the Role of Intellectual Property in Ecommerce?**

* Intellectual property law protects against disclosure of trade secrets and, as a result, against unfair competition. That makes the intellectual property an asset that is perhaps worth more than any tangible asset. This can be seen most clearly in relation to technology and the digital economy.

Without intellectual property practices and laws, hard work is stolen and spread around the globe without paying the creator for their labor. Who, then, wants to create new works? Technical security is necessary to deter the less proficient thief and intellectual property laws are required to deal with the more serious crimes.

The e-commerce is defined as the process by which two or more people conduct business through a computer and an access network. Worldwide, the figures reflect an enormous potential to do business through the Internet.

**References :**

[**https://www.lawphil.net/statutes/repacts/ra2000/ra\_8792\_2000.html**](https://www.lawphil.net/statutes/repacts/ra2000/ra_8792_2000.html)

[**https://www.ipophil.gov.ph/news/the-intellectual-property-system-a-brief-history/#:~:text=More%20significantly%2C%20the%20Philippine%20Constitution,their%20intellectual%20property%20and%20creations%2C**](https://www.ipophil.gov.ph/news/the-intellectual-property-system-a-brief-history/#:~:text=More%20significantly%2C%20the%20Philippine%20Constitution,their%20intellectual%20property%20and%20creations%2C)

[**https://www.wto.org/english/tratop\_e/trips\_e/intel1\_e.htm#:~:text=Intellectual%20property%20rights%20are%20the,a%20certain%20period%20of%20time**](https://www.wto.org/english/tratop_e/trips_e/intel1_e.htm#:~:text=Intellectual%20property%20rights%20are%20the,a%20certain%20period%20of%20time)**.**

[**https://www.investopedia.com/terms/p/patent.asp**](https://www.investopedia.com/terms/p/patent.asp)

[**http://www.federislaw.com.ph/faqs-resources/patent-application/**](http://www.federislaw.com.ph/faqs-resources/patent-application/)

[**https://razorpay.com/learn/apply-for-patent-in-india/#Steps-for-application-of-patent**](https://razorpay.com/learn/apply-for-patent-in-india/#Steps-for-application-of-patent)

[**https://copyrightalliance.org/faqs/what-is-copyright/**](https://copyrightalliance.org/faqs/what-is-copyright/)

[**http://web.nlp.gov.ph/nlp/?q=node/646**](http://web.nlp.gov.ph/nlp/?q=node/646)

[**https://www.mewburn.com/law-practice-library/madrid-protocol-the-basics**](https://www.mewburn.com/law-practice-library/madrid-protocol-the-basics)

[**https://www.thebalancesmb.com/intellectual-property-in-ecommerce-your-greatest-asset-1141708#:~:text=How%20Is%20Intellectual%20Property%20Important,a%20result%2C%20against%20unfair%20competition.&text=Technical%20security%20is%20necessary%20to,with%20the%20more%20serious%20crimes**](https://www.thebalancesmb.com/intellectual-property-in-ecommerce-your-greatest-asset-1141708#:~:text=How%20Is%20Intellectual%20Property%20Important,a%20result%2C%20against%20unfair%20competition.&text=Technical%20security%20is%20necessary%20to,with%20the%20more%20serious%20crimes)**.**