

INTELLECTUAL PROPERTY RIGHTS (R.A. 8293)

Comprehensive Summary and Violations Guide

DEFINITION OF INTELLECTUAL PROPERTY

Intellectual Property (IP) refers to creations of the mind — inventions, literary and artistic works, designs, and symbols, names, and images used in commerce — protected by law to give creators exclusive rights over their works.

Legal Basis: Republic Act No. 8293 (Intellectual Property Code of the Philippines)

COPYRIGHTS

Meaning

Protection for original literary and artistic works such as books, music, films, paintings, computer programs, and architecture. It grants creators economic and moral rights to control use and distribution of their works. (Secs. 171–173)

What, When, and How to Protect

- Protection starts **automatically upon creation** (Sec. 172.2)
- Optional **registration and deposit** at the National Library or Supreme Court Library (Sec. 191)

Protected Works: Books, music, films, computer programs, artworks, etc.

Not Protected: Ideas, systems, data, government works (Sec. 175–176)

Ownership (Sec. 178)

- **Author** is first owner.
- **Joint authorship** → co-ownership.
- **Employer–employee:** employer owns if work done as part of regular duties.
- **Commissioned work:** physical object belongs to commissioner; copyright remains with creator unless agreed otherwise.
- **Audiovisual works:** shared between producer, composer, director, and author.

Remedies for Infringement (Secs. 216–217)

Civil Remedies: - Injunction, damages, destruction of infringing materials, moral/exemplary damages.

Criminal Penalties: - 1st offense: 1–3 years + ₱50,000–₱150,000 fine

- 2nd offense: 3–6 years + ₱150,000–₱500,000 fine

- 3rd offense: 6–9 years + ₱500,000–₱1.5M fine

TRADEMARKS

How Acquired and Protected (Secs. 122–126, 145–146)

- Acquired through **registration with IPOPhil**.
- Valid for **10 years**, renewable every 10 years.
- Requires **Declaration of Actual Use (DAU)** within 1 year from 5th anniversary.

Registrability (Secs. 122–123)

Registrable: Distinctive marks identifying goods/services.

Not Registrable: Generic or descriptive marks, immoral or deceptive marks, or those confusingly similar to existing marks.

Rights of Owner (Sec. 147)

- Exclusive right to use and prevent others from using similar marks.
- Right to assign, transfer, or license the mark.
- Right to sue for infringement.

Remedies for Infringement (Secs. 155–158, 170)

- **Trademark Infringement:** Unauthorized use causing confusion.
- **Unfair Competition:** Deceptive imitation of goods/services.
- **False Designation:** Misleading use of origin or sponsorship.

Penalties: - 2–5 years imprisonment + ₱50,000–₱200,000 fine. - Civil action for injunction, damages, and destruction of counterfeit goods.

PATENTS

When Protected (Secs. 21–55)

- Granted to **new and useful inventions** after registration with IPOPhil.
- Valid for **20 years from filing date** (Sec. 54).

Conditions for Patentability (Secs. 21–24)

1. **Novelty** – Not disclosed or used before filing.
2. **Inventive Step** – Not obvious to skilled persons.
3. **Industrial Applicability** – Can be made or used in industry.

Ownership (Secs. 28–31)

- **Inventor** is first owner.
- **Employee inventions:** employer owns if made as part of regular duties.

- **Joint inventors:** co-ownership.

Patentable vs. Non-Patentable (Sec. 22)

Patentable: New products, machines, or processes offering technical solutions.

Non-Patentable: Discoveries, theories, math methods, business methods, medical/surgical methods, artistic creations, computer programs *as such*, and inventions contrary to morality or public order.

Remedies for Infringement (Secs. 76–78)

- Injunction and damages.
- Destruction of infringing goods.
- Administrative penalties under IPOPhil.

COMMON VIOLATIONS

COPYRIGHT VIOLATIONS

- Unauthorized reproduction, distribution, or display of works.
- Piracy (selling or distributing pirated books, movies, or software).
- Plagiarism (using another's work without attribution).
- False or fraudulent copyright registration (Sec. 162).
- Unauthorized use of performances or recordings (Secs. 203–212).

TRADEMARK VIOLATIONS

- Using counterfeit or colorable imitation marks (Sec. 155).
- Importing fake or deceptive goods (Sec. 166).
- Passing off one's goods/services as those of another (Sec. 168).
- Misrepresentation of origin or sponsorship (Sec. 169).

PATENT VIOLATIONS

- Making, using, selling, or importing patented inventions without authorization (Sec. 71).
- Inducing or aiding infringement.
- Disclosing confidential invention information before publication.

SUMMARY TABLE

Aspect	COPYRIGHT	TRADEMARK	PATENT
What it protects	Literary, artistic, musical, audiovisual, and computer works	Names, logos, words identifying goods/services	New inventions, processes, machines

Aspect	COPYRIGHT	TRADEMARK	PATENT
How acquired	Automatic upon creation	Registration with IPOPhil	Registration with IPOPhil
Duration	Life + 50 years	10 years, renewable	20 years from filing
Owner	Author/creator	Registrant	Inventor/employer
Main violations	Piracy, plagiarism, illegal copying	Counterfeiting, unfair competition	Unauthorized use/ manufacture
Penalty	1-9 yrs + ₱50k-₱1.5M	2-5 yrs + ₱50k-₱200k	Civil damages + injunction

Prepared Summary based on Republic Act No. 8293 - Intellectual Property Code of the Philippines (1997)