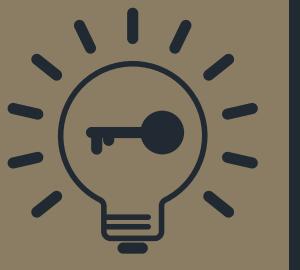


GROUP 4

INTELLECTUAL PROPERTY

BARICUATRO | DUMANGAS | MORALES | ORIAS | TEJANA



OBJECTIVES

Students will understand the concept of ownership of information and intellectual property law.

They will also gain an understanding of the implications of intellectual property on companies and governments at home and abroad.

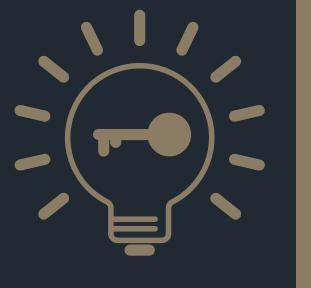


INTELLECTUAL PROPERTY



Watch on YouTube

[https://www.youtube.com/watch?
v=UqZJPuyK9VY](https://www.youtube.com/watch?v=UqZJPuyK9VY)



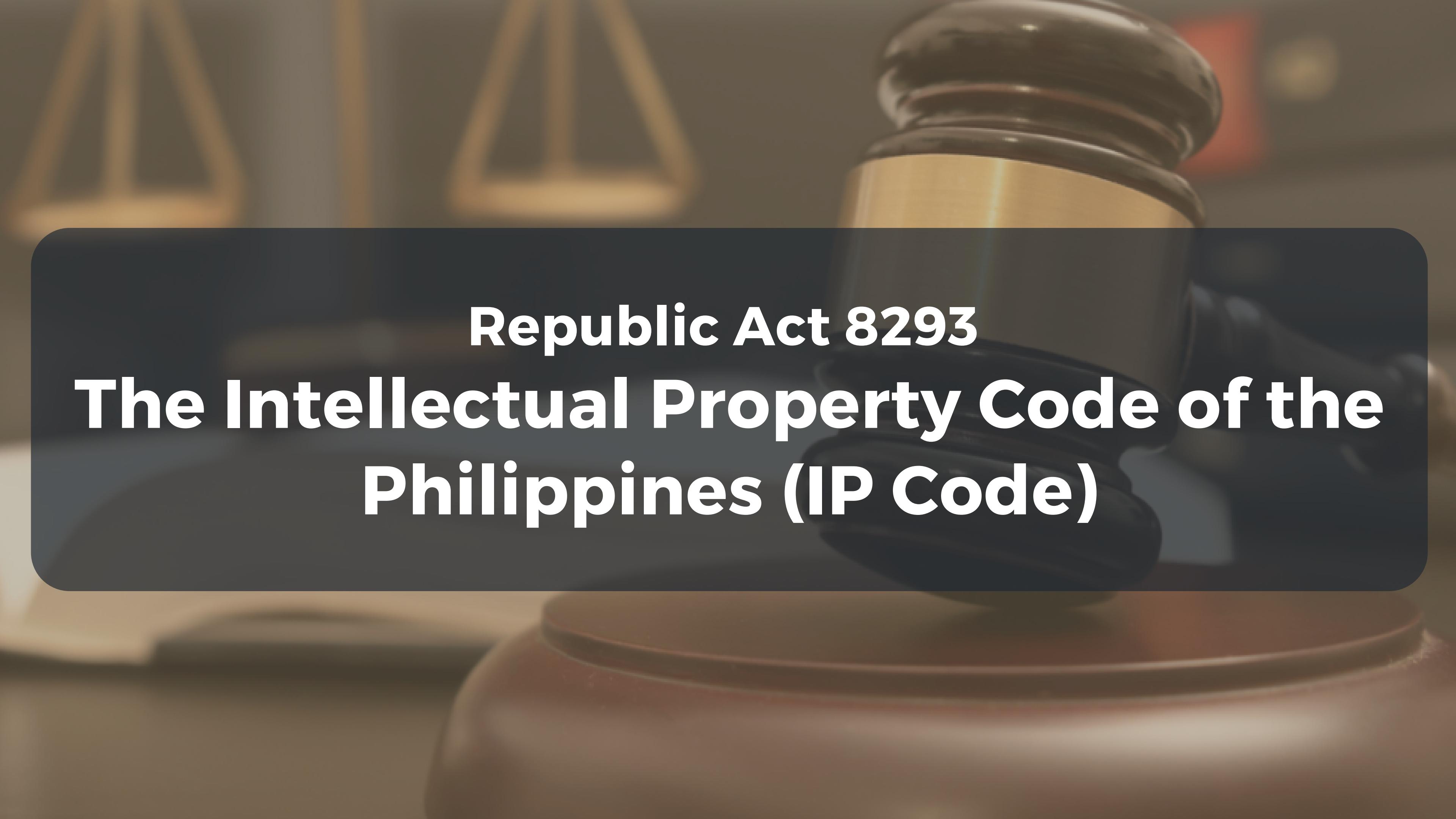
Intellectual Property





Intellectual Property

- is any and all rights associated with intangible assets owned by a person or company and protected against use without consent



Republic Act 8293

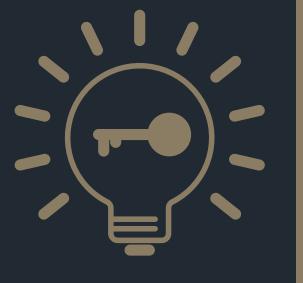
The Intellectual Property Code of the

Philippines (IP Code)

Republic Act 8293

The Intellectual Property Code of the Philippines

- covers intellectual property and its protection
- updated and consolidated the country's laws on patents, trademarks, and copyright in the light of emerging global issues in the field of intellectual property



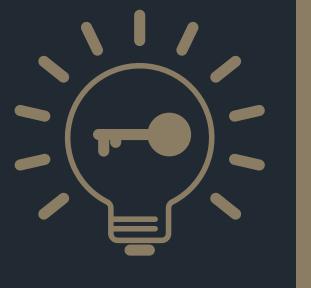
CATEGORIES OF INTELLECTUAL PROPERTY

- **Industrial Property**

- Includes patents, trademarks and other marks, geographic indications, utility models, industrial designs, topographies of integrated circuits and trade secrets.

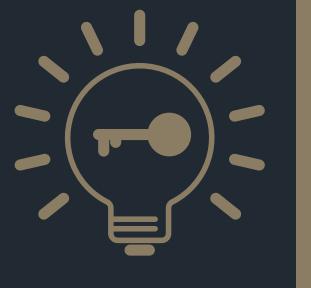
- **Copyright and Neighboring Rights**

- include scientific, scholarly, artistic and literary works



EXAMPLES OF INTELLECTUAL PROPERTY RIGHTS

- a) Copyright and Related Rights;**
- b) Trademarks and Service Marks;**
- c) Geographic Indications;**
- d) Industrial Designs;**
- e) Patents;**
- f) Layout-Designs (Topographies) of Integrated Circuits**
- g) Protection of Undisclosed Information (n, TRIPS).**



TYPES OF INTELLECTUAL PROPERTY RIGHTS WE WILL DISCUSS

- Copyrights
- Plagiarism
- Trademarks

Copyright

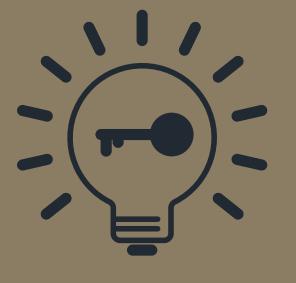


Copyright

- bundle of exclusive rights
- enable the author to control the economic use of his work

Copyright Law

- grants the author a legal protection for their works
- provides "moral rights"
- protects a wide variety of original works and original databases



According to the law, only the person who controls the copyright is allowed to:

- Reproduce the work
- Distribute copies of the work to the public
- Perform or display the work publicly
- Create derivative works

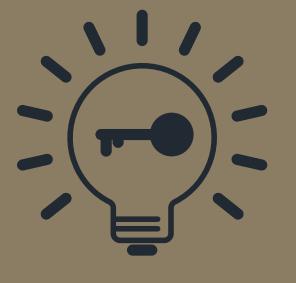


COPYRIGHT AND BUSINESS

some aspects of business are protected by copyright

Examples:

- computer programs or software
- content on websites
- product catalogs
- newsletters
- instruction sheets or operating manuals for machines or consumer products
- user, repair, or maintenance manuals for various types of equipment
- artwork and text on product literature, labels, or packaging
- marketing and advertising materials on paper
- billboards
- websites
- sketches
- drawings
- designs of manufactured products.



HOW IS COPYRIGHT RELEVANT TO YOUR BUSINESS

Copyright and related rights enable a business to:

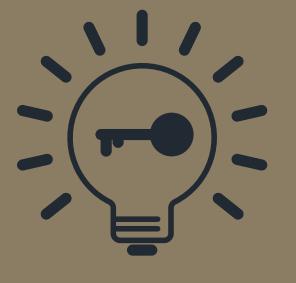
- Control commercial exploitation of original works
- Generate income
- Raise funds
- Take action against infringers
- Use works owned by others



HOW IS COPYRIGHT RELEVANT TO YOUR BUSINESS (CONT'D.)

Control commercial exploitation of original works

- Works protected by copyright and related rights may not be copied or exploited commercially by others without the prior permission of the rights owner.
- helps a business to gain and maintain a sustainable competitive edge in the marketplace.



HOW IS COPYRIGHT RELEVANT TO YOUR BUSINESS (CONT'D.)

Generate income

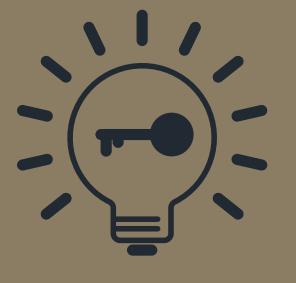
- the owner of copyright or related rights in a work may use it, give it away by way of sale, gift, or inheritance



HOW IS COPYRIGHT RELEVANT TO YOUR BUSINESS (CONT'D.)

Generate income (cont'd.)

- ways to commercialize copyright and related rights:
 - sell multiple copies of a works protected by copyright or related rights
 - sell (assign) your copyright to another person or company
 - license - permit another person or company to use your copyright-protected-work in exchange for payment, on mutually agreed terms and conditions.



HOW IS COPYRIGHT RELEVANT TO YOUR BUSINESS (CONT'D.)

Raise funds

- may be able to borrow money from a financial institution by using such a bundle of rights as collateral by letting investors and lenders take a "security interest" in them.



HOW IS COPYRIGHT RELEVANT TO YOUR BUSINESS (CONT'D.)

Take action against infringers

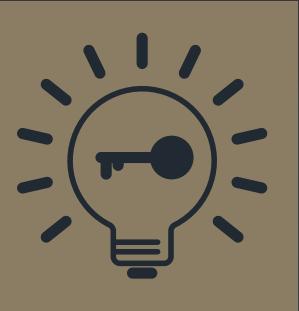
- enables right holders to take legal action against anyone encroaching on the exclusive rights of the copyright holder for obtaining monetary relief, destruction of infringing works and recovery of attorneys' fees.



HOW IS COPYRIGHT RELEVANT TO YOUR BUSINESS (CONT'D.)

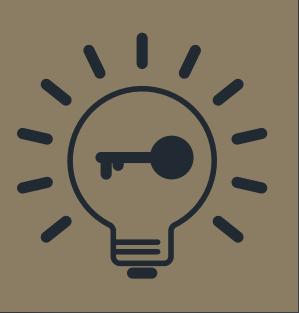
Use works owned by others

- may enhance the value or efficiency of your business (including enhancing its brand value)
- Understanding copyright and related rights laws will enable you to know when authorization is required and how to go about obtaining it
- Obtaining a license from the copyright and/or related rights owners to use a work for a specific purpose is often the best way to avoid disputes that may otherwise result in potentially time consuming, uncertain, and expensive litigation.



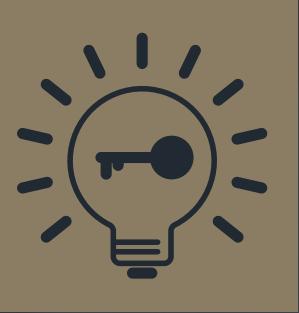
How are copyright and related rights obtained?

- copyright protection is automatic
- Works are protected by the sole fact of creation, irrespective of their mode or form of expression as well as their content, quality, and purpose.
- You do not have to file any application or undergo any formal procedure in order to acquire copyright protection.



When is your copyright infringed?

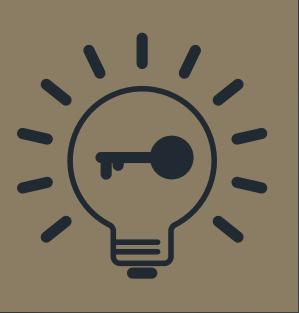
- Anyone who engages without the prior permission of the copyright owner in an activity which the copyright owner alone is authorized to do or prohibit is said to have violated the owner's copyright and is said to have "infringed" copyright. The



When is your copyright infringed? (cont'd.)

The economic rights may be infringed if someone, without authorization:

- Does an act that you alone have the exclusive right to do;
- Aids or abets such infringement; or
- Possesses an infringing copy for commercial purposes



When is your copyright infringed? (cont'd.)

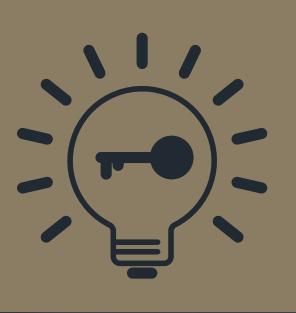
There may be copyright infringement even if only a part of a work is used. An infringement will generally occur where a "substantial part" - that is important, essential, or distinct part - is used in one of the ways exclusively reserved to the copyright owner.



Limits on Copyright

"Fair Use"

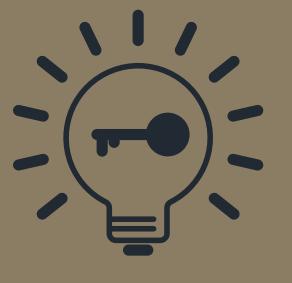
- most important limits on copyright protection
- ensures that copyrighted works are still available to reuse for socially valuable purposes
- These fair uses of copyrighted materials can be made without permission from the copyright owner



Limits on Copyright

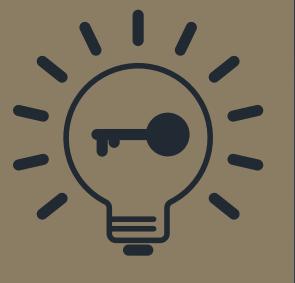
"Fair Use" (con'td.)

- use of copyrighted material done for a limited and "transformative" purpose such as to comment upon, criticize, or parody a copyrighted work



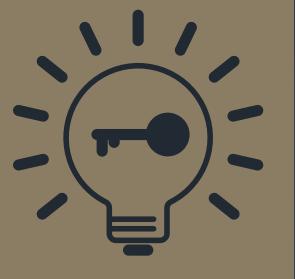
Protection of Computer Programs and Software

Copyright protects an author's original expression in a computer program as a 'literary work.' Source code can thus be viewed as a human-readable literary work which expresses the ideas of the software engineers who authored it.



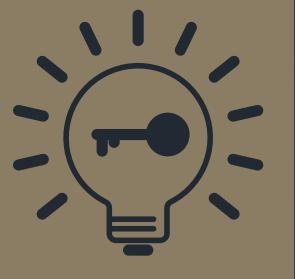
Protection of Computer Programs and Software

- However, the economic value of copyrighted object code is completely derived from the functional ends facilitated by the software.
- Copyright law extends natural lead-time effects during the legal term of protection by giving authors exclusive rights to produce derivative works.



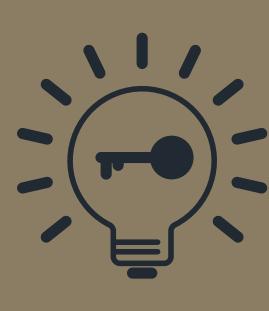
Protecting expressive elements of computer software through copyright:

- Does not require registration.
- inexpensive to obtain.
- Lasts a long time.
- Grants limited protection
- Does not protect an idea, system, or process itself.



Protecting expressive elements of computer software through copyright:

- However, the economic value of copyrighted object code is completely derived from the functional ends facilitated by the software.
- Copyright law extends natural lead-time effects during the legal term of protection by giving authors exclusive rights to produce derivative works.



PLAGIARISM



presenting someone else's work
or ideas as your own, with or
without their consent, by
incorporating it into your work
without full acknowledgement



- In the Philippines, plagiarism is the same as copyright and could be consider under the cybercrime law of the Republic Act 10175

FORMS OF PLAGIARISM

- **Verbatim (word for word) quotation without clear acknowledgement**
- **Cutting and pasting from the Internet without clear acknowledgement**
- **Paraphrasing**
- **Collusion**
- **Inaccurate citation**
- **Use of material written by professional agencies or other persons**

FORMS OF PLAGIARISM

**Verbatim (word for word) quotation
without clear acknowledgement**

- Quotations must always be identified as such by the use of either quotation marks or indentation, and with full referencing of the sources cited.

FORMS OF PLAGIARISM

**Cutting and pasting from the Internet
without clear acknowledgement**

- Information derived from the Internet must be adequately referenced and included in the bibliography.

FORMS OF PLAGIARISM

Paraphrasing

- Paraphrasing the work of others by altering a few words and changing their order, or by closely following the structure of their argument, is plagiarism if you do not give due acknowledgement to the author whose work you are using.

FORMS OF PLAGIARISM

Collusion

- This can involve unauthorized collaboration between students, failure to attribute assistance received, or failure to precisely follow regulations on group work projects

FORMS OF PLAGIARISM

Inaccurate citation

- It is important to cite correctly, according to the conventions of your discipline.
- Additionally, you should not include anything in your references or bibliography that you have not actually consulted. If you cannot gain access to a primary source, you must make it clear in your citation that your knowledge of the work has been derived from a secondary text

FORMS OF PLAGIARISM

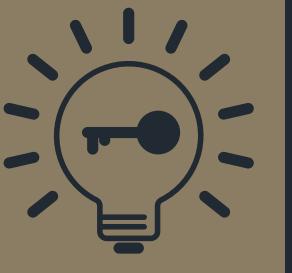
Failure to acknowledge assistance

- You must clearly acknowledge all assistance which has contributed to the production of your work, such as advice from fellow students, laboratory technicians, and other external sources.

FORMS OF PLAGIARISM

Use of material written by professional agencies or other persons

- You should neither make use of professional agencies in the production of your work nor submit material which has been written for you even with the consent of the person who has written it. It is vital to your intellectual training and development that you should undertake the research process unaided.



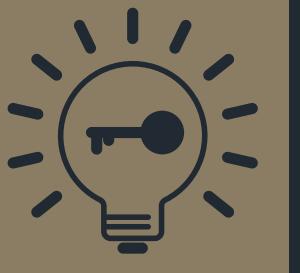
PLAGIARISM VS. COPYRIGHT

PLAGIARISM

the act of misrepresenting
the origin of an idea

COPYRIGHT

relates to a particular
expression of an idea not
the idea itself



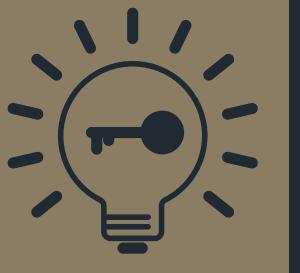
PLAGIARISM VS. COPYRIGHT

PLAGIARISM

can be avoided by
properly citing sources

COPYRIGHT INFRINGEMENT

cannot be avoided simply
by citing sources



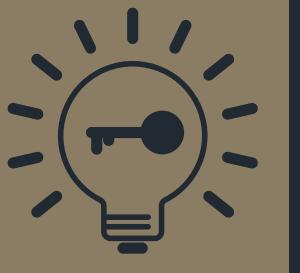
PLAGIARISM VS. COPYRIGHT

PLAGIARISM

cannot be avoided by
simply changing how
someone else's ideas is
stated

COPYRIGHT INFRINGEMENT

can be avoided by
restating an idea in one's
own word



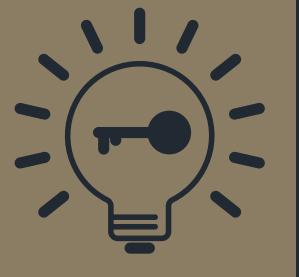
PLAGIARISM VS. COPYRIGHT

PLAGIARISM

It is an ethical issue or an act of academic dishonesty. It involves injury to a person's reputation through an exclusion

COPYRIGHT INFRINGEMENT

involves legal issue



PLAGIARISM VS. COPYRIGHT

PLAGIARISM

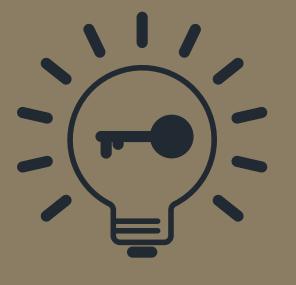
May or may not give rise to a criminal or civil action under the copyright law. It is mostly an administrative matter or disciplinary action.

COPYRIGHT INFRINGEMENT

Always give rise to criminal or civil action.



TRADEMARK



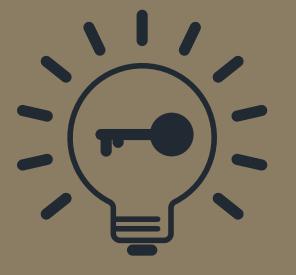
TRADEMARK

a word, a group of words, sign, symbol, logo, or a combination thereof that identifies and differentiates the source of the goods or services of one entity from those of others.



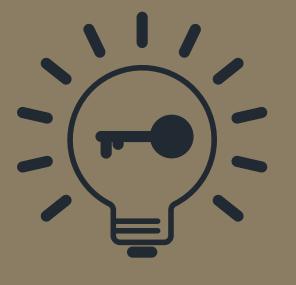
Why trademark registration is important

- protects a business' brand identity in the marketplace
- gives the owner the exclusive rights to prevent others from using or exploiting the mark in any way



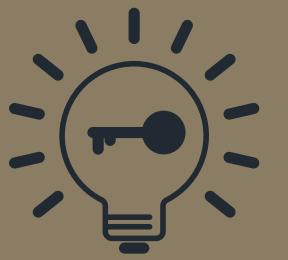
Why you should register trademark immediately

The Philippine trademark system follows a **first-to-file rule**, meaning the rights to the trademark is given to the party who first filed for registration of the mark.

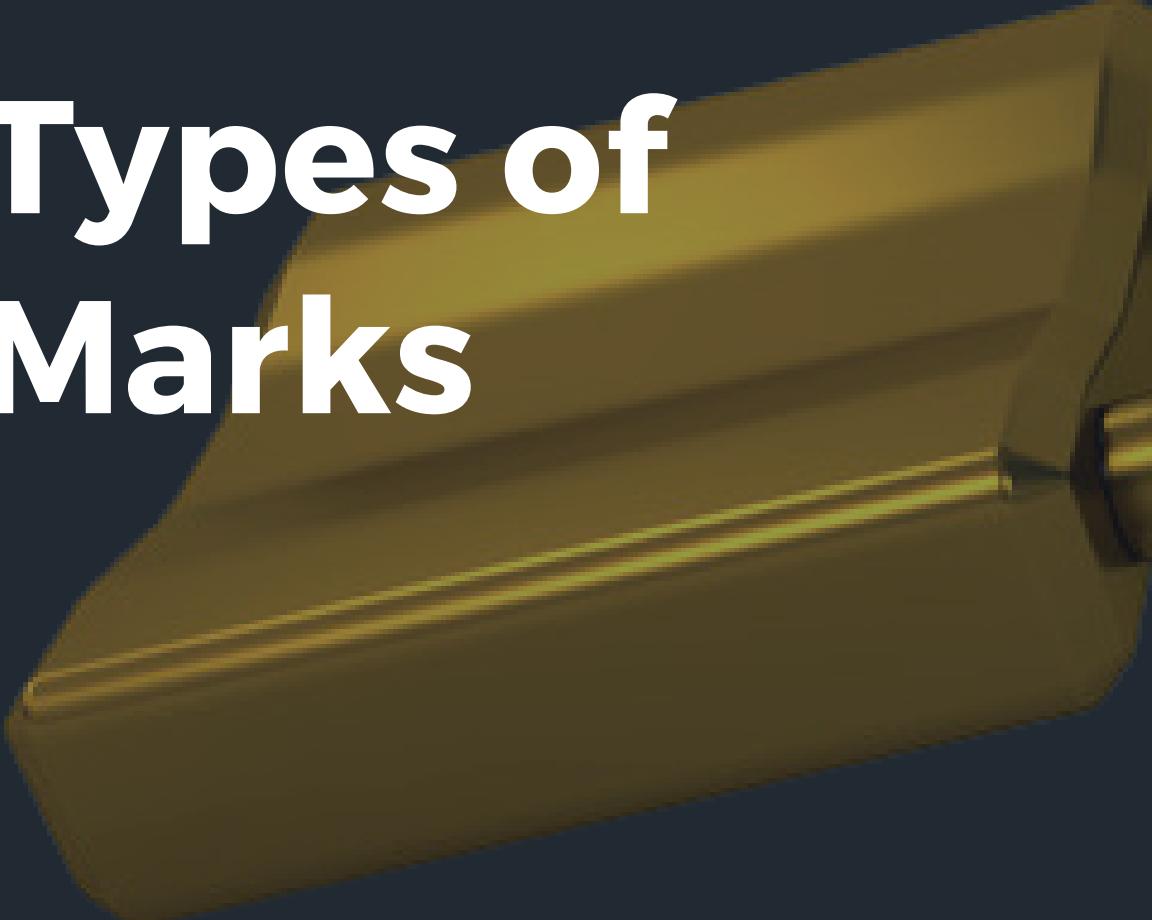


FIRST-TO-FILE Rule

means that whoever was first to file for registration of the mark, the rights to the trademark is given to that party.



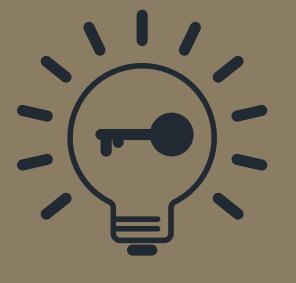
Types of Marks



- Word mark
- Figurative mark
- Figurative mark with words
- 3D mark
- Stamped or marked container of goods

Special Considerations

Trademarks can be bought and
sold



References

- Creative Expression. (n.d.). Retrieved from [www.wipo.in:](http://www.wipo.int/export/sites/www/sme/en/documents/guides/customization/creative_expression_phil.pdf)
https://www.wipo.int/export/sites/www/sme/en/documents/guides/customization/creative_expression_phil.pdf
- Estrada, & Aquino. (2020, July 13). FAQ on Plagiarism and Copyright Infringement (by Estrada and Aquino Law). Retrieved from [booksphilippines.gov.p:](https://booksphilippines.gov.ph/faq-on-plagiarism-and-copyright-infringement-by-estrada-and-aquino-law/)
<https://booksphilippines.gov.ph/faq-on-plagiarism-and-copyright-infringement-by-estrada-and-aquino-law/>
- Lesson 2: Legally Recognized Types of Intellectual Property. (n.d.). Retrieved from
<https://lo.library.wisc.edu/>: https://lo.library.wisc.edu/intellectual_property/lesson_2.html
- Plagiarism. (n.d.). Retrieved from [www.ox.ac.uk:](https://www.ox.ac.uk/)
<https://www.ox.ac.uk/students/academic/guidance/skills/plagiarism>
- Trademark. (n.d.). Retrieved from [www.wipo.int:](http://www.wipo.int)
https://www.wipo.int/export/sites/www/sme/en/documents/guides/customization/creative_expression_phil.pdf
- Trademark FAQs. (n.d.). Retrieved from [www.ipophil.gov.ph:](http://www.ipophil.gov.ph)
<https://www.ipophil.gov.ph/help-and-support/trademark/>

