

INTELLECTUAL PROPERTY
P H I L I P P I N E S

OFFICE ORDER NO. 93
Series of 2011

Subject: GUIDELINES ON COPYRIGHT REGISTRATION AND DEPOSIT

WHEREAS, Sec. 191 of Republic Act No. 8293, the Intellectual Property Code of the Philippines (IP Code), provides for the registration and deposit of copyrighted works with the National Library and the Supreme Court Library;

WHEREAS, in a Memorandum of Agreement signed on January 25, 2011, the National Library deputized the Intellectual Property Office of the Philippines as a receiving office for the registration and deposit of copyrighted works;

WHEREAS, to implement the said deputization, a Guidelines for Copyright Registration and Deposit was formulated, which includes, among others, a procedure for registration and deposit and amends the IPO Fee Structure (Office Order No. 128, Series of 2003);

WHEREFORE, pursuant to the above premises, the attached Guidelines for Copyright Registration and Deposit are hereby approved and promulgated.

The Copyright Support Services of the Documentation, Information and Technology Transfer Bureau, the Management Information Services (MIS) Bureau, and the Intellectual Property Field Operations Unit are hereby directed to implement the Guidelines. Furthermore, the MIS Bureau is directed to upload the Guidelines in the IPOPHL Website.

June 23, 2011, Taguig City.

RICARDO R. BLANCAFLOR
Director General

GUIDELINES ON COPYRIGHT REGISTRATION AND DEPOSIT

Pursuant to the Memorandum of Agreement entered into by the National Library of the Philippines (NLP) and Intellectual Property Office of the Philippines (IPOPHL), the following guidelines are hereby adopted:

1. **Coverage** – These Guidelines shall apply to registration and deposit of copyrighted works with the Intellectual Property Satellite Offices (IPSOs) of IPOPHL and may be adapted *mutatis mutandis* by the NLP. These Guidelines shall not affect the system of deposit of works in the field of law maintained by the Supreme Court Library.
2. **Definition of Terms** –
 - a. Copyright – right granted by a statute to the proprietor of an intellectual production to its exclusive use and enjoyment to the extent specified in the statute.¹
 - b. Author or Creator – natural person who has created the work.²
 - c. Heir – a person called to the succession either by the provision of a will or by operation of law.³
 - d. Assignee – a person or entity to which the author or copyright holder has assigned the copyright in whole or in part. Within the scope of the assignment, the assignee is entitled to all the rights and remedies which the assignor had with respect to the copyright.⁴
 - e. Intellectual Property Satellite Office (IPSO) – field offices of IPOPHL which are established in selected areas in the country to provide a base for launching public awareness campaigns in key areas and make technical and advisory services readily available to enable IP stakeholders in the regions to ensure the effective use of the IP system for protection and commercialization of their IP assets.
 - f. Intellectual Property Field Operations Unit (IPFOU) – the unit within IPOPHL that supervises the operations of the IPSOs.⁵
 - g. IPSO Field Specialist – IPSO personnel in charge of receiving applications for intellectual property rights.

¹ 18 C.J.S. Copyright and Literary Property § 1, cited in Footnote [9] of C.J. Davide, Jr.'s Dissenting Opinion in *Habana, et al., vs. Robles and Goodwill Trading Co., Inc.* [G.R. No. 131522. July 19, 1999]

² Sec. 171.1, R.A. No. 8293, Intellectual Property Code of the Philippines (IP Code)

³ Art. 782, R.A. No. 386, Civil Code of the Philippines

⁴ Based on Sec. 180.1, IP Code

⁵ Created under IPOPHL Office Order No. 72, Series of 2008.

- h. Copyright Support Services (CSS) – unit within IPOPHL in charge of copyright matters.
3. **Who may apply** – The author or creator of the work, his heirs, or assignee, may apply for a certificate of copyright registration and deposit. They may apply in person, or through a duly authorized representative. Non-resident applicants may be represented by a duly authorized resident agent.
4. **Documentary requirements** – The duly accomplished registration and deposit form (RDF) must be filed in duplicate for each work, together with the original or certified true copy of the following documents:⁶
- a. Document evidencing ownership of the copyright or the manner of its acquisition:
 - a.1 for authors or creators: affidavit under Sec. 218 of R.A. No. 8293, the Intellectual Property Code of the Philippines (IP Code);
 - a.2 for heirs: affidavit under Sec. 218 of IP Code and –
 - a.2.1 children –
 - i. death certificate of author or creator;
 - ii. birth certificate;
 - a.2.2 spouse –
 - i. death certificate of author or creator;
 - ii. marriage certificate;
 - a.2.3 other heirs –
 - i. death certificate of author or creator;
 - ii. statement in the aforementioned affidavit that:
 - 1. there are no other existing heirs;
 - 2. if relative by consanguinity, statement indicating the relationship with deceased author;
 - iii. will or any document evidencing designation as heir;
 - a.3 for assignees:
 - a.3.1 affidavit under Sec. 218 of IP Code
 - a.3.2 deed of assignment or any instrument transferring or waiving ownership of copyright;

⁶ Based on Sec. 3, Rule 6, Copyright Safeguards and Regulations

- b. Document evidencing identity of the applicant
 - b.1 for natural persons: any competent evidence of identity⁷, which refers to the identification of an individual based on:
 - b.1.1 at least one current identification document issued by an official agency bearing the photograph and signature of the individual; or
 - b.1.2 the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.
 - b.2 for juridical persons: certificate of registration issued by the Securities and Exchange Commission
 - b.2.1 for single proprietorships, the certificate of registration issued by the Department of Trade and Industry shall be submitted only if the author is other than the owner of the single proprietorship.
 - c. Document evidencing authority to represent (i.e., with authority to sign in behalf of) another person/entity:
 - c.1 for representatives of natural persons: special power of attorney
 - c.2 for representatives of juridical persons: board resolution or secretary's certificate;
 - d. Official receipt of the filing fee, or validated deposit slip if payment is made through the depositary bank;
 - e. Work to be deposited in the manner provided in No. 6 below.
5. **Filing Fee** – A fee structure shall be adopted in accordance with the IP Code and relevant laws or regulations. The filing fee shall be comprised of a basic fee, which includes the fund-in-trust for NLP equivalent to fees imposed on copyright registrations⁸ and the administrative expenses incurred by IPOPHL. An additional fee shall be charged to cover the expenses of sending the deposited works to IPOPHL Manila as well as sending the certificates directly to the address of the applicant.

In view thereof, the following schedule of fees shall be adopted:

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⁸ Sec. 229, IP Code

Reference Code	Origin	Basic Fee (PhP)		Courier (PhP)	Total
		Fund-in-trust for NLP	Administrative expenses		
C01	Manila	200	300	125	625
C02	Regions	200	300	250	750
C03	Bulk works (50 and above)	200			200

6. **Manner of deposit** – The works shall be deposited in the following manner:⁹

Class	Works Included	Manner of Deposit
A	Books, e-books, audio books, pamphlets, comics, novels, articles,	Two (2) original copies or an electronic copy submitted online or in a storage medium
B	Periodicals, journals, diaries, newspapers, magazines, e-zines,	Two (2) original copies or an electronic copy submitted online or in a storage medium
C	Lectures, sermons, addresses, speeches, dissertations prepared for oral delivery	Two (2) original copies or an electronic copy submitted online or in a storage medium
D	Letters, circulars, encyclicals, e-mail and other electronic messages	Two (2) original copies or an electronic copy submitted online or in a storage medium
E	Plays, operas, choreographies, pantomimes, magic routines and other novelty acts	Two (2) original copies of the music sheet or an electronic copy submitted online or in a storage medium
F	Musical compositions with or without lyrics	Two (2) original copies of the music sheet or an electronic copy submitted online or in a storage medium
G	Drawings, paintings, architectural works, sculpture, engraving, prints, lithography or other works of art, models or designs for works of art	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
H	Ornamental designs or models for	Two (2) 5R photographs or an

⁹ Based on Rule 5, Copyright Safeguards and Regulations

	articles of manufacture and industrial objects, and other works of applied art	electronic copy submitted online or in a storage medium, with a technical description of the design
I	Illustrations, maps, plans, sketches, charts and three-dimensional works relative to geography, topography, architecture, or science	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
J	Drawings or plastic works of a scientific or technical character	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
K	Photographic works including works produced by a process analogous to photography, lantern slides	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
L	Audiovisual works and cinematographic works and works produced by a process analogous to cinematography or any process for making audio-visual recordings	Two (2) original copies or an electronic copy submitted online or in a storage medium
M	Pictorial illustrations and advertisements	Two (2) 5R photographs or an electronic copy submitted online or in a storage medium
N	Computer programs, software, games	Two (2) original copies or an electronic copy submitted online or in a storage medium
O	Other literary, scholarly, scientific and artistic works, including reports, studies, research, theses, and other academic papers, examinations, online courses, presentations	Two (2) original copies or an electronic copy submitted online or in a storage medium
P	Sound recordings	Two (2) original copies or an electronic copy submitted online or in a storage medium
Q	Broadcast recordings	Two (2) original copies or an electronic copy submitted online or in a storage medium

- a. Storage Medium – device that serves as container of electronic data including, but not limited to, universal serial bus (USB) flash drives, optical discs, magnetic tapes or such other device that may be developed in the future.

- b. Technical Description – a brief description of every view of the design or drawing, i.e., perspective, front, side, top, bottom and/or back, and indicated with corresponding figure numbers.¹⁰

7. Procedure for registration –

- a. Applicant personally submits his accomplished RDF together with all the other required documents to the proper IPSO. The IPSO Field Specialist shall determine the class/es under which his work can be categorized.
- b. The IPSO Field Specialist shall carefully review the correctness of the entries in the RDF and the completeness of the documents submitted.
- c. Upon a finding by the IPSO Field Specialist that all the requirements are complete, the applicant shall be directed to pay the prescribed filing fee. Only one filing fee shall be charged for the application of a work falling under multiple classes. A Statement of Account (SOA) shall be generated and issued to the applicant.
- d. The applicant pays the fee at the designated Land Bank branch.
- e. Upon showing by the applicant of the validated deposit slip, the IPSO Field Specialist receives the RDF with all the attachments, generates the RDF number and the date of filing. An Acknowledgement Receipt (AR) shall be issued in favor of the applicant pending the release of the OR.
- f. The IPSO Field Specialist shall encode the bibliographic entry in the database and scan the required documents, including the AR, the SOA and the validated deposit slip.
- g. The IPSO Field Specialist transmits the scanned documents to IPFOU, which shall verify the completeness of the scanned documents in collaboration with the CSS.
- h. The IPFOU shall transmit the AR, the SOA and the validated deposit slip to the IPOPHL Cashier, for preparation of the OR.
- i. Upon notification by the IPOPHL Cashier of the release of the OR, the CSS shall cause the printing of the Certificate of Registration and Deposit, which shall be released to the applicant after five (5) working days from filing of the RDF.

8. Certificate of Registration and Deposit, contents –

¹⁰ Based on Rule 312.2, Part III (Industrial Design), Rules and Regulations on Utility Models and Industrial Designs

- a. name of the applicant or copyright holder
 - b. title of the work
 - c. name of the author
 - d. class/es where the work belongs
 - e. date of creation
 - f. period of protection
 - g. facsimile signature of the Director General or any IPOPHL official duly authorized by him
 - h. statement that the registration and deposit is made for the purpose of completing the records of the national library
 - i. statement that a certified true copy of the affidavit of ownership is attached at the back and forms an integral part of the certificate
 - j. certified true copy of affidavit of ownership
9. **Transmittal of deposited works to NLP** – The IPSOs shall transmit the deposited works to CSS on a monthly basis. CSS shall have temporary custody of all the deposited works and shall transmit the same to the NLP on a semi-annual basis.
10. **Administration of copyright registration database** – The NLP and IPOPHL shall jointly administer the database.
11. **Construction** – These Guidelines shall be liberally construed to carry out the objectives of the Constitution, the Intellectual Property Code of the Philippines, and the Memorandum of Agreement entered into by the National Library of the Philippines (NLP) and Intellectual Property Office of the Philippines (IPOPHL).
12. **Effectivity** – These Guidelines shall take effect ten (10) days after publication in the IPOPHL website.