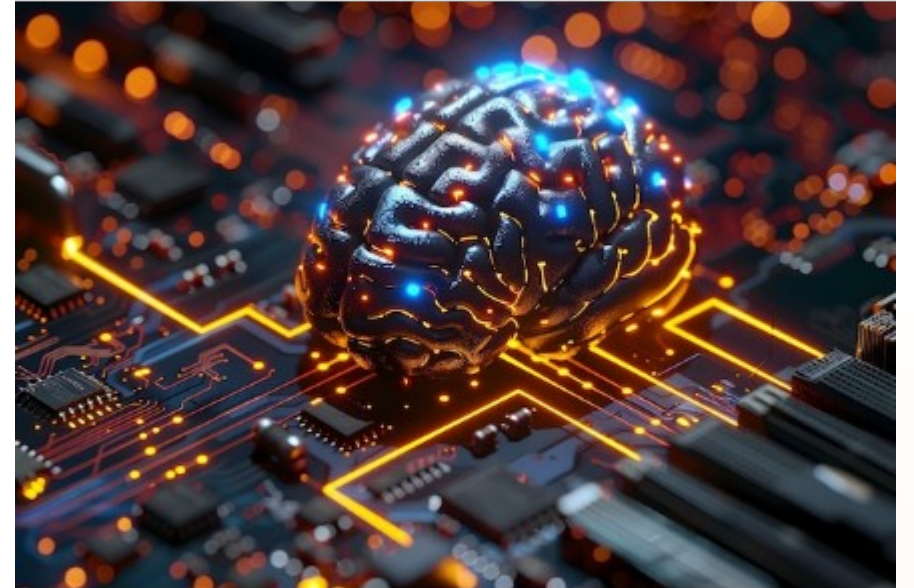


# Intellectual Property Rights

A Comprehensive Guide to Philippine Laws (RA 8293) & Digital Rights for IT Professionals



# What is Intellectual Property (IP)?

---

## Definition

Intellectual Property refers to creations of the mind: inventions; literary and artistic works; and symbols, names, and images used in commerce.

## Why it Matters

IP laws grant creators exclusive rights, encouraging innovation by ensuring they can profit from their work and control how it is used.



### Asset Class

Just like physical property (land, car), IP is an asset that can be bought, sold, licensed, or exchanged.

# The Legal Framework

---

- ✓ **Republic Act No. 8293:** The Intellectual Property Code of the Philippines. This is the primary law governing all IP rights in the country.
- ✓ **Republic Act No. 10175:** The Cybercrime Prevention Act of 2012. This law addresses crimes committed against and through computer systems, intersecting with IP enforcement.
- ✓ **International Treaties:** The Philippines is a signatory to the TRIPS Agreement and the Berne Convention, ensuring international protection standards.



# Why IP Matters for BSIT Students

---



## Protection

As future developers, you need to know how to protect your code, apps, and designs from theft.



## Liability

You must avoid infringing on others' rights to prevent expensive lawsuits and criminal charges.



## Monetization

Understanding licensing allows you to turn your software creations into sustainable income streams.

# 7 Types of IP Rights (RA 8293)

---

- ✓ **Copyright & Related Rights:** Literary/artistic works (includes software).
- ✓ **Trademarks:** Brand names, logos.
- ✓ **Patents:** Inventions.
- ✓ **Utility Models:** "Minor patents".

- ✓ **Industrial Designs:** Aesthetic look of products.
- ✓ **Layout-Designs of Integrated Circuits:** Chip topographies.
- ✓ **Undisclosed Information:** Trade secrets.

*We will focus on the ones most relevant to Digital Technology.*

# 1. Copyright

---

## Literary & Artistic Works

Copyright provides legal protection to the owner of "original works of authorship."

**Key Concept:** Protection is *automatic* from the moment of creation. Registration is not required for protection (though recommended for evidence).

**Duration: Life of the author + 50 years.**

# Copyright in the IT Industry

---

Under Philippine Law, the following IT assets are protected as "Literary and Artistic Works":



## Computer Programs

Source code and object code are protected as literary works.



## Databases

Compilations of data that are original in selection or coordination.



## UI/UX Design

Original graphics, text, and audio used in the user interface.

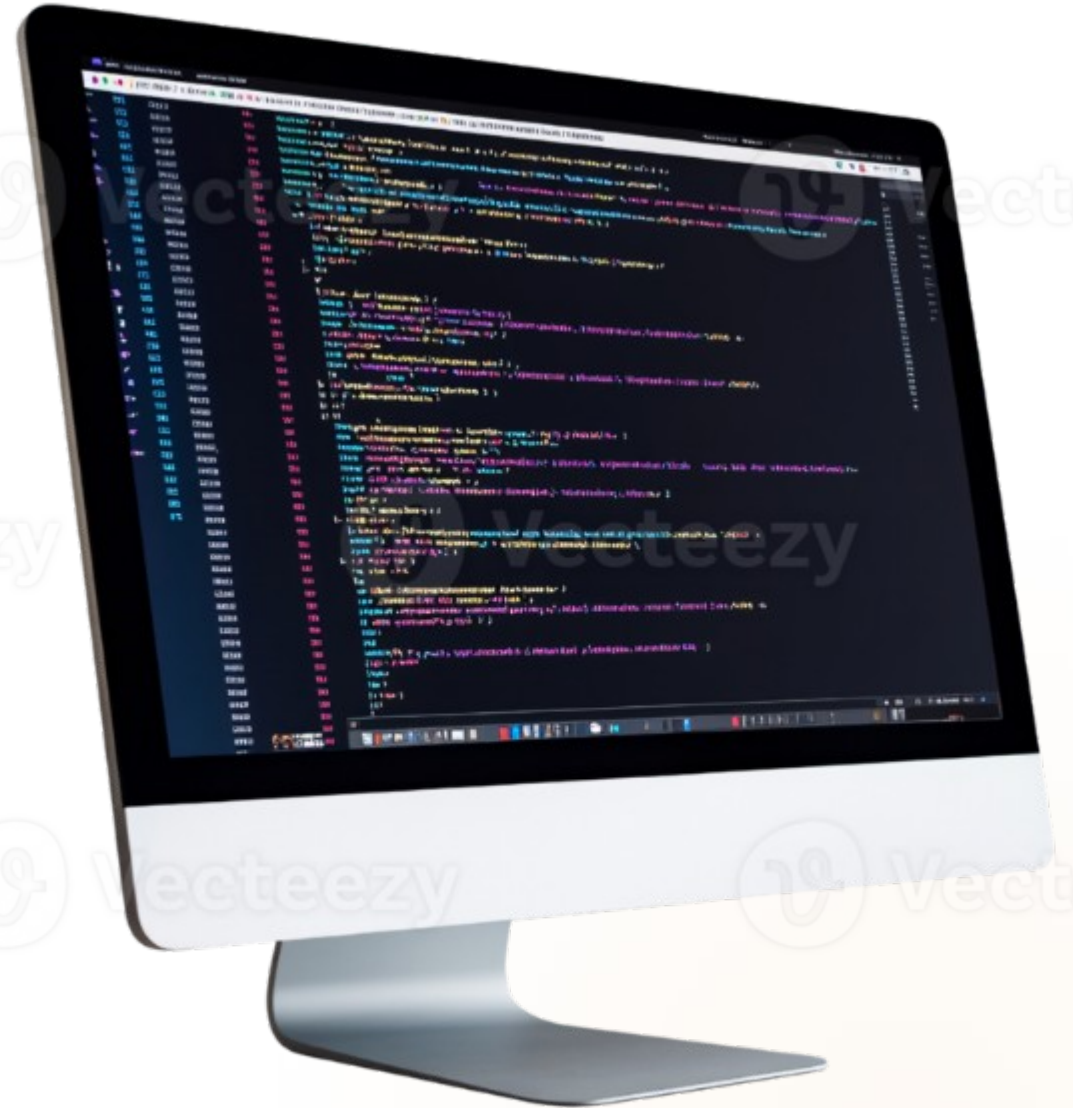
# Software as a "Literary Work"

---

## Why "Literary"?

RA 8293 explicitly categorizes computer programs under "Literary and Artistic Works". This means your code is legally treated like a book or a poem.

**Scope:** It protects the expression of the idea (the code itself), not the functionality or the algorithm behind it.



# Digital Copyright Infringement

---

## Software Piracy

The unauthorized use, reproduction, or distribution of software.

- ✓ **End-User Piracy:** Using a single license for multiple users.
- ✓ **Internet Piracy:** Downloading "cracked" versions from unauthorized sites.
- ✓ **Pre-installed Software:** Selling computers with unlicensed software installed.



# Limitations to Copy Rights (Philippines)

---

- **Criticism, comment, news reporting, teaching, scholarship, and research:** Using parts of a work for these purposes is permissible, including making multiple copies for classroom use.
- **Decompilation:** Reproducing and translating computer program code to achieve interoperability with other programs is considered fair use.
- **Private performance:** Reciting or performing a work privately and without charge is allowed.
- **Public performance for non-profit:** Performing a work in a place where no admission fee is charged and the purpose is not profit-making, such as for a charity or educational institution, is not an infringement.
- **Quotation:** Quotations from published works are allowed if they are compatible with fair use and justified by the purpose.
- **Mass media:** Articles on current topics can be reproduced by mass media for

# Limitations to Copy Rights (Philippines)

---

- **Reporting current events:** Reproduction and communication of literary, scientific, or artistic works for the purpose of reporting current events is permissible.
- **Teaching aids:** A work can be included in a publication, broadcast, or other communication if it is used as an aid in teaching and is compatible with fair use.
- **Educational institution recordings:** Educational institutions can record broadcasts for their own use, with the recording being deleted within a reasonable period.
- **Broadcasting organization recordings:** A broadcasting organization can make ephemeral recordings of works for its own broadcasts.
- **Government and public interest:** The government or other institutions can use works for the purpose of informing the public.
- **Judicial proceedings:** Using a work for judicial proceedings or professional legal advice is permitted.
- **For the blind and visually impaired:** Reproducing and distributing published works in specialized formats for the visually impaired is allowed on a non-profit basis, with proper

# 2. Trademarks

---

A **Trademark** is any visible sign capable of distinguishing the goods or services of an enterprise.

- ✓ **Purpose:** To identify the source and quality of goods/services.
- ✓ **Examples:** Brand names (Google), Logos (Apple logo), Slogans ("Just Do It").
- ✓ **Duration:** 10 years, renewable indefinitely.



## Brand Identity

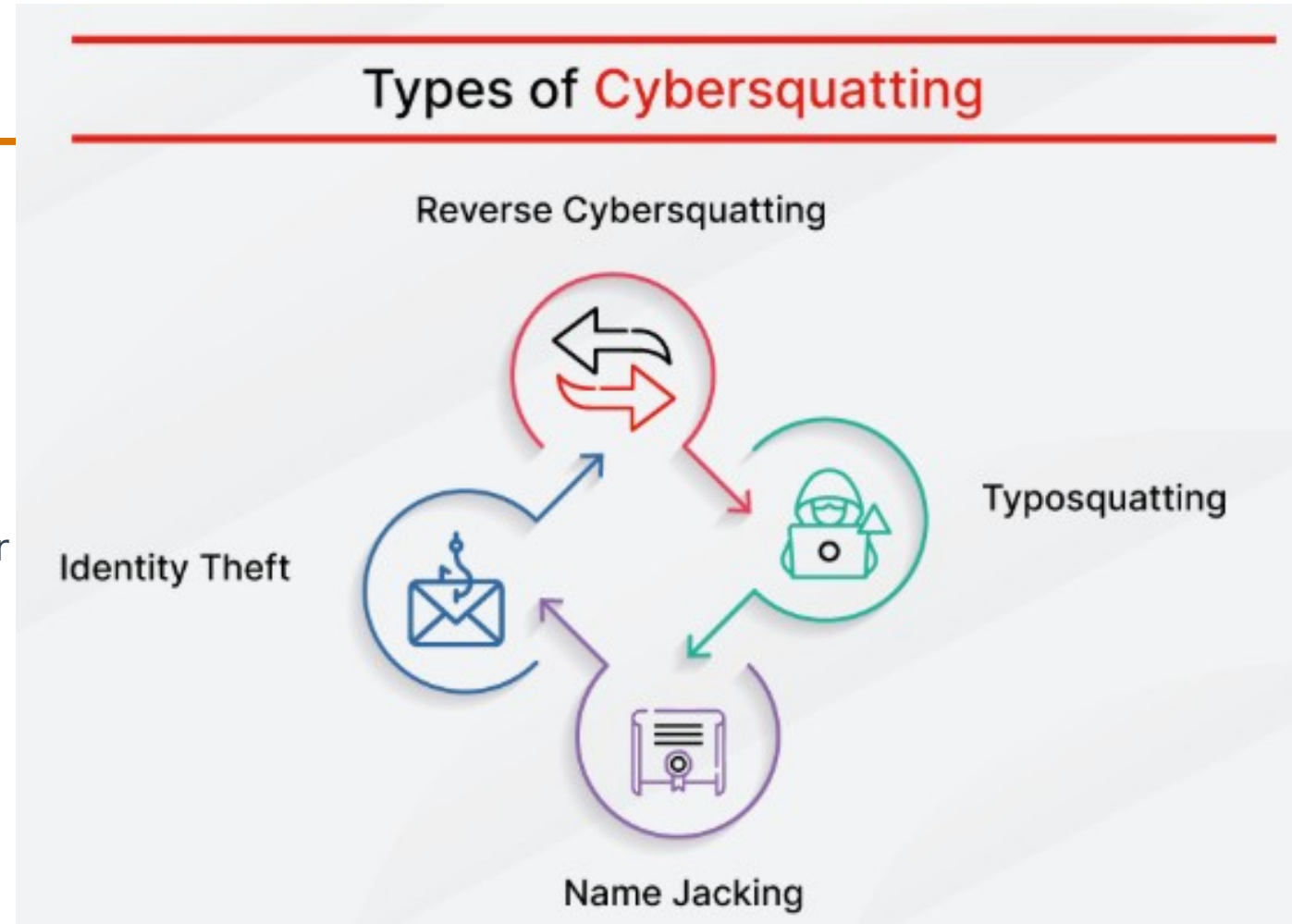
In IT, your app icon and product name are your most valuable trademarks.

# Cybersquatting

## Domain Name Theft

**Definition:** The acquisition of a domain name over the internet in bad faith to profit, mislead, or destroy reputation.

**RA 10175:** The Cybercrime Prevention Act explicitly punishes cybersquatting. You cannot register "*facebook-ph.com*" just to sell it back to Facebook.



# Limitations of Trademarks (Philippines\_)

---

## Grounds for non-registrability

- **Similarity to existing marks:** A mark cannot be registered if it is identical or nearly resembles another registered mark in a way that is likely to cause confusion.
- **Offensive or deceptive content:** Marks containing immoral, deceptive, or scandalous matter are not allowed. This also includes matter that falsely indicates a relationship with living or deceased individuals, institutions, or beliefs.
- **National symbols:** Marks that consist of the Philippine flag, coat of arms, or other official insignia of the Philippines or any political subdivision are prohibited.
- **Non-registrable mark types:** According to the Intellectual Property Code, sound and scent marks are not yet registrable.

# Limitations of Trademarks (Philippines\_)

---

## Grounds for cancellation

- **Abandonment:** A trademark can be canceled if it has been abandoned.
- **Failure to use:** If the owner fails to use the mark in the Philippines for an uninterrupted period of three years or more, a cancellation action may be filed. There are exceptions, such as if the non-use is due to government requirements or court injunctions.
- **Generic or deceptive use:** A mark can be canceled if it has become the generic name for the goods or services, or if it is used by the owner in a way that misrepresents the source of the goods or services.
- **Fraudulent registration:** If a mark was obtained fraudulently or contrary to the provisions of the Intellectual Property Code, it is subject to cancellation.

# 3. Patents

---



## What is it?

An exclusive right granted for an invention (product or process) that offers a new technical solution to a problem.



## Requirements

1. Novelty (New)
2. Inventive Step (Not obvious)
3. Industrial Applicability

## Duration

20 years from the filing date.  
It cannot be renewed.

# Patents in Hardware

## Hardware vs. Software

Patents are common in IT hardware: new processor architectures, innovative cooling systems, or novel peripheral devices.

**Note:** Pure software/algorithms are often hard to patent in the Philippines unless they are part of a technical process or hardware system.



# 4. Trade Secrets

---

## Undisclosed Information

Confidential information that gives a business a competitive edge.

- ✓ **IT Examples:** Search algorithms (Google), customer lists, source code (before release).
- ✓ **Protection:** No registration needed. Protected via Non-Disclosure Agreements (NDAs) and security measures.



# RA 10175: Cybercrime Act

---

This law reinforces IP protection by criminalizing specific digital acts:



## Illegal Access

Hacking into a system to steal data or proprietary code.



## Data Interference

Deleting or altering someone else's digital work or database.



## Cybersquatting

Acquiring domain names in bad faith to damage a trademark holder.

# The Doctrine of Fair Use

---

You can use copyrighted material *without* permission for specific purposes:

- ✓ **Criticism & Comment:** Reviews of software or games
- ✓ **News Reporting:** Discussing a tech launch.
- ✓ **Teaching & Education:** Using code snippets in a lecture
- ✓ **Decompilation:** For interoperability purposes (strictly limited).

## Caution !

Fair use is a defense, not a right. It depends on the purpose, nature, amount used, and effect on the market.

# Software Licensing

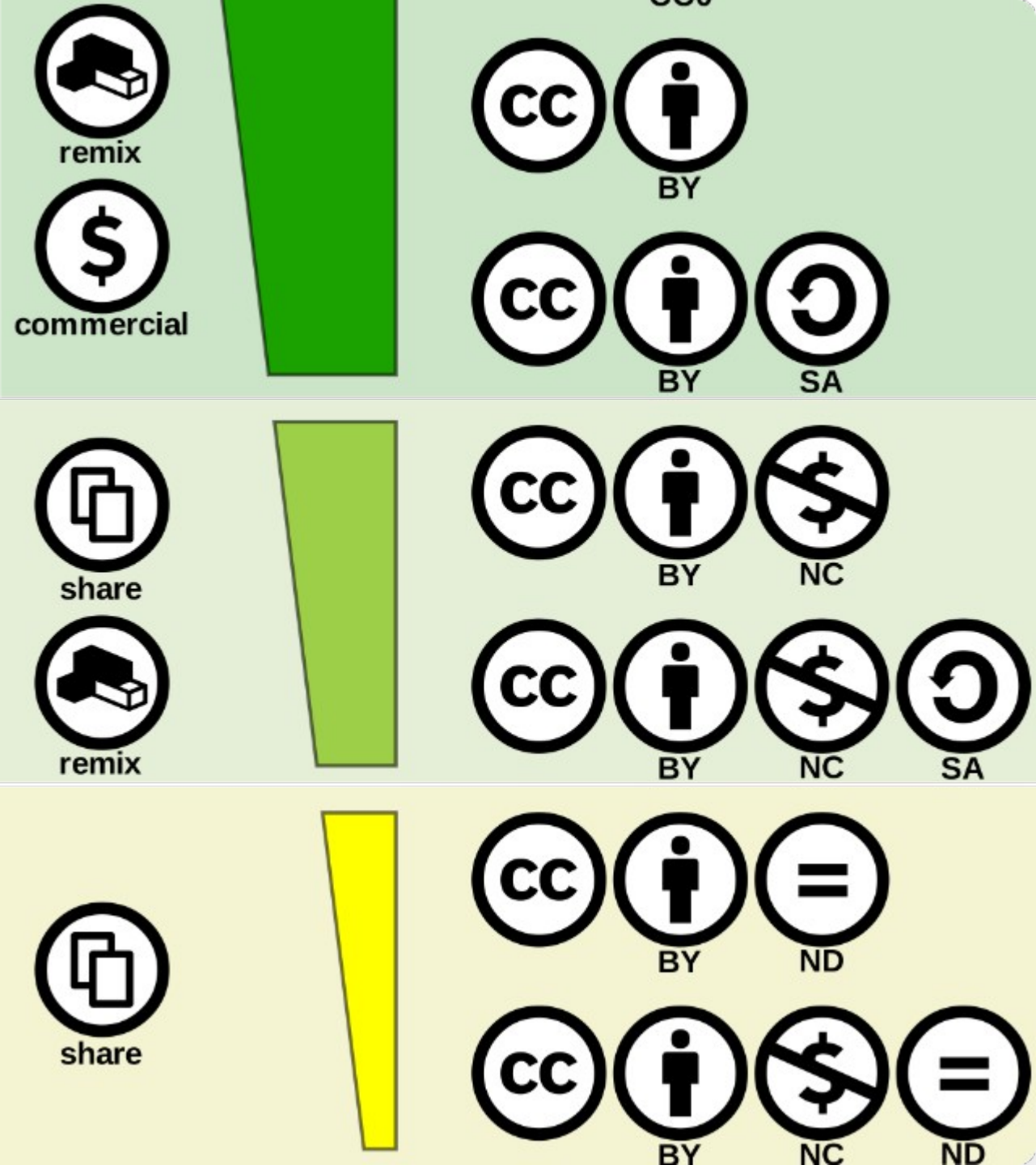
---

**Proprietary:** Commercial, closed source (e.g., Windows, Adobe). You buy a license to *use*, not own.

**Open Source (OSS):** Source code is available.

- *Permissive (MIT/Apache):* Do almost anything.
- *Copyleft (GPL):* Must share modifications.

**Creative Commons:** Flexible licenses for content (images, documentation).



# Infringement

---

the act of breaking a law, rule, or agreement, or of interfering with someone's rights or privileges. It is essentially an unauthorized action that encroaches upon the legal or agreed-upon boundaries of another party.

- **Intellectual Property Infringement:** This is a key legal area where infringement is used to describe the unauthorized use of protected works.
  - **Copyright infringement** involves using, reproducing, distributing, or displaying copyrighted material without the creator's permission.
  - **Patent infringement** occurs when someone makes, uses, or sells a patented invention without the patent holder's authorization.
  - **Trademark infringement** involves using a mark that is the same as or very similar to a registered trademark, which is likely to cause confusion for consumers.

# Infringement

---

the act of breaking a law, rule, or agreement, or of interfering with someone's rights or privileges. It is essentially an unauthorized action that encroaches upon the legal or agreed-upon boundaries of another party.

- **Violation of Rights/Rules:** The term also applies more generally to any situation where a right or a set of rules is disregarded.
  - An **infringement of privacy** is an action that interferes with an individual's right to personal space and freedom.
  - In sports, an infringement of the rules (a foul) leads to penalties.

# Penalties for Infringement

---

Offense	Imprisonment	Fine (PHP)
First Offense	1 to 3 years	₱50,000 - ₱150,000
Second Offense	3 years + 1 day to 6 years	₱150,000 - ₱500,000
Third Offense	6 years + 1 day to 9 years	₱500,000 - ₱1,500,000
Cybercrime (RA 10175)	Prision Mayor (6-12 years)	At least ₱200,000

\*Note: Cybercrime law often imposes penalties one degree higher than the Revised Penal Code.

# Best Practices for IT Pros

---

- ✓ **Respect Licenses:** Never use "cracked" tools in production.
- ✓ **Read the EULA:** Understand what you can/cannot do.
- ✓ **Audit Assets:** Ensure all fonts, images, and libraries in your project are properly licensed.
- ✓ **Use Open Source Wisely:** Check compatibility of licenses (e.g., don't mix GPL with proprietary code).



# Questions

Intellectual Property  Rights in the Digital Age

Thank you!

# Image Sources

---



[https://img.freepik.com/premium-photo/ glowing-artificial-intelligence-brain-illuminated-circuit-board-futuristic-digital-technology-concept\\_1335075-18202.jpg](https://img.freepik.com/premium-photo/ glowing-artificial-intelligence-brain-illuminated-circuit-board-futuristic-digital-technology-concept_1335075-18202.jpg)

Source: [www.freepik.com](http://www.freepik.com)

---



[https://img.freepik.com/premium-photo/ philippines-law-justice-concept-wooden-gavel-with-flag-philippines-3d-rendering\\_823159-14944.jpg](https://img.freepik.com/premium-photo/ philippines-law-justice-concept-wooden-gavel-with-flag-philippines-3d-rendering_823159-14944.jpg)

Source: [www.freepik.com](http://www.freepik.com)

---



[https://images.stockcake.com/public/a/1/b/a1bc884c-2c9f-446a-8239-07d4d8859e06\\_large/digital-security-glows-stockcake.jpg](https://images.stockcake.com/public/a/1/b/a1bc884c-2c9f-446a-8239-07d4d8859e06_large/digital-security-glows-stockcake.jpg)

Source: [stockcake.com](http://stockcake.com)

---



[https://static.vecteezy.com/system/resources/previews/063/200/034/non\\_2x/modern-desktop-computer-displaying-source-code-on-a-dark-screen-showcasing-software-development-programming-and-coding-on-a-transparent-background-png.png](https://static.vecteezy.com/system/resources/previews/063/200/034/non_2x/modern-desktop-computer-displaying-source-code-on-a-dark-screen-showcasing-software-development-programming-and-coding-on-a-transparent-background-png.png)

Source: [www.vecteezy.com](http://www.vecteezy.com)

---



<https://www.stuartmillersolicitors.co.uk/wp-content/uploads/2024/09/DALL%C2%B7E-2024-10-11-15.31.32-A-realistic-image-representing-digital-piracy-and-copyright.-The-image-features-a-computer-screen-displaying-a-file-download-with-a-red-warning-messag.webp>

Source: [www.stuartmillersolicitors.co.uk](http://www.stuartmillersolicitors.co.uk)

---

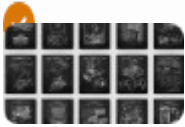


<https://marvel-b1-cdn.bc0a.com/f00000000310757/www.fortinet.com/content/dam/fortinet/images/cyberglossary/types-of-cybersquatting.png>

Source: [www.fortinet.com](http://www.fortinet.com)

# Image Sources

---



[https://i.etsystatic.com/20397105/r/il/5e8187/4368337254/il\\_fullxfull.4368337254\\_bi24.jpg](https://i.etsystatic.com/20397105/r/il/5e8187/4368337254/il_fullxfull.4368337254_bi24.jpg)

Source: [www.etsy.com](http://www.etsy.com)

---



[https://lh7-rt.googleusercontent.com/docsz/AD\\_4nXdSAhftk6CCJ9rMDobXVZDvoS7RD2FU3-DydV3-qXdhtjCAoeOrG08yRSehCw\\_myqTTyOpxo\\_t\\_of9ZIMbbTbIhcLdMRDYEpkzHCimPbFMBkDqWNNCdJZYFkS\\_AUzbbFIWDPbQ?key=uvDqkYgHNBEAHk45oXOeaBvr](https://lh7-rt.googleusercontent.com/docsz/AD_4nXdSAhftk6CCJ9rMDobXVZDvoS7RD2FU3-DydV3-qXdhtjCAoeOrG08yRSehCw_myqTTyOpxo_t_of9ZIMbbTbIhcLdMRDYEpkzHCimPbFMBkDqWNNCdJZYFkS_AUzbbFIWDPbQ?key=uvDqkYgHNBEAHk45oXOeaBvr)

Source: [lawsikho.com](http://lawsikho.com)

---



[https://creativecommons.org/wp-content/uploads/2019/11/cc\\_license\\_spectrum.png](https://creativecommons.org/wp-content/uploads/2019/11/cc_license_spectrum.png)

Source: [creativecommons.org](http://creativecommons.org)

---



[https://onlinedegrees.sandiego.edu/wp-content/uploads/2022/01/USD-Cyber-How-to-Become-a-Cybersecurity-Specialist-Career-Salary-Guide\\_cover.jpg](https://onlinedegrees.sandiego.edu/wp-content/uploads/2022/01/USD-Cyber-How-to-Become-a-Cybersecurity-Specialist-Career-Salary-Guide_cover.jpg)

Source: [onlinedegrees.sandiego.edu](http://onlinedegrees.sandiego.edu)