

Philippines made strides versus copyright piracy – IIPA

The International Intellectual Property Alliance (IIPA), a coalition of seven trade associations representing US copyright-based industries, recognized the “good work” by the Philippine government in the fight against piracy in its comment submitted to the United States Trade Representative (USTR) Special 301 Review. “Several optical disc plants were shut down (under the leadership of Optical Media Board Chairman Eduardo Manzano). In addition, the Philippine National Police, under the leadership of PNP Senior Superintendent Noel delos Reyes has turned a corner for the better, taking actions on right holder requests and informing right holders of specific piracy issues,” the IIPA stated.

The Special 301 process, which forms part of the US trade law, requires the USTR to identify countries that deny adequate and effective protection for intellectual property rights. Solid accomplishments of the Philippine government over the last two years have improved the country’s standing, which is currently in the ordinary watch list.

“This progress accounted by IIPA is through the combined effort of member agencies in the National Committee for Intellectual Property Rights (NCIPR). Since its inception in 2005, the NCIPR has strengthened institutional linkages and inter-agency coordination, which resulted to more than P2 billion worth of seized pirated items to-date,” Atty. Adrian S. Cristobal Jr., director general of the Intellectual Property Office of the Philippines (IP Philippines), said. “We have also been vigilant in pursuing trademark pirates. In 2006 alone, DoJ prosecutors filed 576 cases against trademark pirates from the P152 million worth of confiscated items that include apparel, footwear, and cigarettes with American brands,” Cristobal added.

The PNP and the NBI have a 7,500-square meter main warehouse in Makati City for storing seized pirated items. OMB has two warehouse facilities in Manila and Quezon City which can accommodate approximately five million compact discs and one million compact discs respectively. BoC, on the other hand, has three storage areas in the city of Manila measuring approximately one hectare per area. In some instances, court-designated warehouses are used to store the fake goods.

BoC pulled in the highest value of pirated items in 2006 among NCIPR enforcement agencies, contributing 55 percent or P723 million to the total equivalent value of seized goods estimated at P1.3 billion. BoC’s institutional reforms include establishment of a permanent IP Unit, creation of the ASEAN Single Window System, development of data warehousing and data mining, among others. In January, the bureau intercepted US\$2 million worth of disc-replicating equipment capable of producing 400,000 pirated copies per day.

The NCIPR through the Department of Justice (DoJ) focused on developing specialized skills for the prosecution and judiciary to improve prosecution and adjudication. The committee hosted the first advanced course on intellectual property law for commercial court judges in November last year where close to 30 judges participated. The DoJ meted out 64 convictions, 42 of which were handed down in 2005 and 2006.

Nestor Yao, managing director of GAINS Computer and Telecommunications, was convicted last year in the Regional Trial Court, Branch 24 of Manila for engaging in illegal copying, sale and distribution of unlicensed software of Adobe Systems, Inc. and Microsoft Corporation, member

organizations of the Business Software Alliance (BSA). BSA is a member of the International Intellectual Property Alliance.

“We applaud the court for its decision to convict Mr. Yao guilty of IPR violation. This conviction is indeed a victory for the IP community and underscores the government’s efforts in promoting respect for IP rights,” Tarun Sawney, BSA Director for Anti-Piracy in Asia, said.

Simon Twiston Davies, chief executive officer of the Cable and Satellite Broadcasting Association of Asia (CASBAA), likewise lauded the DoJ following the latter’s recommendation in filing of 94 criminal cases under the “information for copyright infringement” law against cable operator Maguindanao Skycable CATV and its directors and officers last month. Davies said that with this decision, the DoJ strongly demonstrated the Philippine government’s strong political will. “We are pleased with this development and eager to see the prosecution of the complaints,” Davies added.

This month, the National Telecommunications Commission (NTC) and IP Philippines are scheduled to sign an agreement on the implementing rules and regulations (IRR) to expedite cases involving cable piracy. A public hearing on the IRR was held on February 21, 2007 where the views of stakeholders in the cable industry were heard. Some of the salient features of the agreement are as follows: a complainant has the option to directly file with IP Philippines for violation of laws involving IPR or with NTC for violation of NTC laws, rules and regulations as advised by NTC’s Legal Department; NTC shall monitor compliance by cable operators of all applicable laws pertaining to IPR and shall assist IP Philippines in the enforcement of its orders, decisions or resolutions.

The agreement forms part of a larger effort of IP Philippines and NTC in monitoring and enforcing IP laws. The two government agencies have a calendar of workshops and trainings for their officials to enhance their skills in resolving cases related to cable piracy.

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