

DOCUMENT:

PRESIDENTIAL DECREE NO. 49: DECREE ON THE PROTECTION OF INTELLECTUAL PROPERTY

WHEREAS, tremendous strides in science and technology have made necessary the updating of the Copyright Law to give fuller protection to intellectual property and to encourage arts and letters, as well as stimulate scientific research and invention, at the same time safeguard the public's right to cultural information;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081 dated September 21, 1972, and General Order No. 1 dated September 22, 1972, as amended, do hereby decree, order and make as part of the law of the land the following measure:

CHAPTER I. — PRELIMINARY PROVISIONS

SECTION 1. This Decree shall be known as the "Decree on Intellectual Property."

SEC. 2. The rights granted by this Decree shall, from the moment of creation, subsist with respect to any of the following classes of works:

- (A) Books, including composite and cyclopedic works, manuscripts, directories, and gazetteers;
- (B) Periodicals, including pamphlets and newspapers;
- (C) Lectures, sermons, addresses, dissertations prepared for oral delivery;
- (D) Letters;
- (E) Dramatic or dramatico-musical compositions; choreographic works and entertainments in dumb shows, the acting form of which is fixed in writing or otherwise;
- (F) Musical compositions, with or without words;
- (G) Works of drawing, painting, architecture, sculpture, engraving, lithography, and other works of art; models or designs for works of art;
- (H) Reproductions of a work of art;
- (I) Original ornamental designs or models for articles of manufacture, whether or not patentable, and other works of applied art;
- (J) Maps, plans, sketches, and charts;

- (K) Drawings or plastic works of a scientific or technical character;
- (L) Photographic works and works produced by a process analogous to photography; lantern slides;
- (M) Cinematographic works and works produced by a process analogous to cinematography or any process for making audio-visual recordings;
- (N) Computer programs;
- (O) Prints, pictorial illustrations, advertising copies, labels, tags, and box wraps;
- (P) Dramatizations, translations, adaptations, abridgements, arrangements and other alterations of literary, musical or artistic works or of works of the Philippine Government as herein defined, which shall be protected as provided in Section 8 of this Decree.
- (Q) Collections of literary, scholarly, or artistic works or of works referred to in Section 9 of this Decree which by reason of the selection and arrangement of their contents constitute intellectual creations, the same to be protected as such in accordance with Section 8 of this Decree.
- (R) Other literary, scholarly, scientific and artistic works.

SEC. 3. The rights granted by this Decree shall not be lost except in the manner specifically provided herein. Neither shall they be subject to levy and attachment while in the possession of the creator or his heirs.

SEC. 4. Nothing in this Decree shall be deemed to alter or in any manner impair any other right or remedy of the persons protected by its provisions.

CHAPTER II. — COPYRIGHT

ARTICLE 1. — *Scope and beneficiaries of copyright.*

SEC. 5. Copyright shall consist in the exclusive right;

- (A) To print, reprint, publish, copy, distribute, multiply, sell, and make photographs, photo-engravings, and pictorial illustrations of the works;
- (B) To make any translation or other version or extracts or arrangements or adaptations thereof; to dramatize it if it be a non-dramatic work; to convert it into a non-dramatic work if it be a drama; to complete or execute it if it be a model or design;
- (C) To exhibit, perform, represent, produce, or reproduce the work in any manner or by any method whatever for profit or otherwise; if not reproduced in copies for sale, to sell any manuscripts or any records whatsoever thereof;
- (D) To make any other use or disposition of the work consistent with the laws of the land.

SEC. 6. The creator or his heirs or assigns shall own the copyright in any of the works mentioned in Section 2 of this Decree. If the works is produced by two or more persons, the copyright shall belong to them jointly and their respective rights thereto shall be governed by the Rules of Civil Code on co-ownership.

If the work in which copyright subsists was made during and in the course of the employment of the creator, the copyright shall belong to:

(A) The employee, if the creation of the object of copyright is not a part of his regular duties even if the employee uses the time, facilities and materials of the employer.

(B) The employer, if the work is the result of the performance of his regularly assigned duties, unless there is an agreement, express or implied, to the contrary.

Where the work is commissioned by a person who is not the employer of the creator and who pays or agrees to pay for it and the work is made in pursuance of the commission, the person who so commissioned the work shall have ownership of it but the copyright thereto shall belong in joint ownership to him and the creator, unless there is a stipulation to the contrary.

The creators of a cinematographic or analogous work are the producer, the author of the scenario, the composer of the music, the film director, the photographic director, and the author of the work adapted. However subject to contrary or other stipulation among the creators, the producer shall exercise the copyright to an extent required for the exhibition of the work in any manner, except for the right to collect performing fees for the musical compositions, with or without words, which may be incorporated into the work.

The copyright in letters shall belong to the writer, subject to the provisions of Article 723 of the Civil Code.

SEC. 7. For purposes of this Decree, articles and other writings published without the names of the authors or under pseudonyms are considered as the property of the publishers, unless the contrary appears.

SEC. 8. The works referred to in subsections (P) and (O) of Section 2 of this Decree shall, when produced with the consent of the creator or proprietor of the original works on which they are based, be protected as new works; however, such new works shall not affect the force of any subsisting copyright upon the original works employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

SEC. 9. No copy shall subsist in any work of the Government of the Philippines. However, prior approval of the government agency or office

wherein the work is created shall be necessary for exploitation of such work for profit. Such agency or office may, among other things, impose as a condition the payment of royalties. No prior approval or condition shall be required for the use for any purpose of statutes, rules and regulations, and speeches, lectures, sermons, addresses, and dissertations pronounced, read or rendered in courts of justice before administrative agencies, in deliberative assemblies, and in meetings of character.

A "Work of the Government of the Philippines" is a work created by an officer or employee of the Philippine Government or any of its subdivisions and instrumentalities, including government-owned or controlled corporations as a part of his regularly prescribed official duties.

Notwithstanding the foregoing provisions, the Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest or otherwise; nor shall publication or republication by the Government in a public document of any work in which copyright is subsisting be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such work without the consent of the copyright proprietor.

ARTICLE II. — *Limitations on copyright*

SEC. 10. When a work has been lawfully made accessible to the public, the author shall not be entitled to prohibit:

1. Its recitation or performance (A) if done privately and free of charge; or (B) if made for strictly charitable or religious institution or society.
2. Reproductions, translations and adaptations thereof destined exclusively for personal and private use.

SEC. 11. To an extent compatible with fair practice and justified by the scientific, critical, informatory or educational purpose, it shall be permissible to make quotations or excerpts from a work already lawfully made accessible to the public. Such quotations may be utilized in their original form or translation.

News items, editorials, and articles on current political, social, economic, scientific or religious topic may be reproduced by the press or broadcast, unless they contain or are accompanied by a notice that their reproduction or publication is reserved. In case of musical works, parts of little extent may also be reproduced.

Quotations and excerpts as well as reproductions shall always be accompanied by an acknowledgment of the source and name of the author, if his name appears thereon.

SEC. 12. In reports of a current event by means of photography, cinematography or broadcasting, literary, scientific or artistic works

which can be seen or heard in the course of said event may be reproduced and communicated to the public to the extent necessary for the purpose.

SEC. 13. Libraries, public archives and museums have the right, subject to the conditions specified in the succeeding paragraphs, to produce for purposes of their activities, by photographic means, and without the consent of the creator or proprietor, copies of a literary or artistic work.

Material forming part of the collections mentioned in the preceding paragraph which, by reason of their fragile character or rarity, cannot be lent to users in its original form, may be reproduced by photography for the purpose of loans. Nevertheless, except in cases where special reasons justify it, not more than two copies may be made.

It is equally permissible to make, by means of photography, reproductions of isolated articles contained in composite works, as well as brief portions of other published works, in order to supply them, when this is considered expedient, to persons requesting their loan for purposes of research or study, instead of lending the volumes or booklets which contain them. Each person seeking loan may only receive one copy of each article or each portion of a work.

When a copy of a work is found to be incomplete, the missing portions may be reproduced by means of photography, provided they only constitute a minor portion of the total work. Nevertheless, it shall not be permitted to produce a volume of a work published in several volumes or to produce missing tomes or parts of magazines or similar works, unless the volume, tome or part is out of stock with booksellers, the printing house and the publisher.

Every library which, by law, is entitled to receive one or two copies of a printed work shall be entitled, when special reasons so require, to reproduce, by means of photography or process analogous to photography, a copy of a published work, the acquisition of which is considered necessary for the collections of the library, but which is out of stock with booksellers, the printing house and the publisher.

A work belonging to the collections mentioned in the first paragraph of this section which has not been disseminated may not be reproduced or published without the consent of the creator or proprietor. However, such work may be reproduced for purposes of preservation.

SEC. 14. If, after the expiration of five years from the date of the first publication of a writing, a translation of such writing has not been published in the national or other local language, as the case may be, by the owner of the right of translation or with his authorization, any citizen may obtain a non-exclusive license from the Director of the National Library, to translate the work and publish the work so trans-

lated in the national or other local language in which it has not been published: *provided*, that such citizen establishes either that he has requested, and been denied, authorization by the proprietor of the right to make and publish translation, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of a translation in such language are out of print. In both cases the terms and conditions of the license, including the royalties of the author or proprietor of the original work, shall be stated therein.

If the owner of the right of translation cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the state of which such owner is a national, or to the organization which may have been designated by the government of that state. The license shall not be granted before the expiration of two months from the date of the dispatch of the copies of the application. Neither shall it be granted when the author has withdrawn from circulation all copies of the work.

The original title and the name of the author of the work shall be printed on all copies of the published translation.

ARTICLE III. — *Transfer of work and copyright*

SEC. 15. The copyright may, by gift, inheritance or otherwise, be transferred or assigned in whole or in part. Such transfer or assignment shall entitle the transferee or assignee to all the rights and remedies which the transferer or assignor had with respect to the copyright.

The copyright is not deemed transferred or assigned *inter vivos* in whole or in part, unless there is a written indication that such is the intention.

The submission of a literary, photographic or artistic work to a newspaper, magazine or periodical for publication shall constitute only a license to make a single publication unless a greater right is expressly granted.

SEC. 16. The copyright is distinct from the property in the material object subject to it. Consequently, the transfer or assignment of the copyright shall not itself constitute a transfer of the material object. Nor shall a transfer or assignment of the sole copy or of one or several copies of the work imply transfer or assignment of the copyright.

SEC. 17. An assignment or transfer *inter vivos*, or a license, must be in writing, acknowledged before a notary public or other officer au-

thorized to administer oaths or perform notarial acts and certified under the hand and seal of the notary or other officer.

This section and section 19 shall not apply to cases covered by the last paragraph of section 15 of this Decree.

SEC. 18. If two or more persons jointly own a copyright or any part thereof, neither of the owners shall be entitled to grant licenses without the consent of the other owner or owners.

SEC. 19. Every assignment, license or other instrument relating to any right, title or interest in a copyright and to the work subject to it shall be filed in duplicate with the National Library upon payment of the prescribed fee for registration in books and records kept for the purpose. Upon recording a copy of the instrument shall be returned to the sender with a notation of the fact of record. Notice of the record shall be published in the *Official Gazette*.

Such instruments shall be void as against any subsequent purchaser or mortgagee for a valuable consideration and without notice unless it is recorded in the library prior to the subsequent purchase or mortgage.

SEC. 20. When the creator of a work in which copyright is subsisting dies, it shall be the duty of his heirs or assigns to file with the National Library for registration a written notice under oath of the date of the creator's death. Until this is complied with, the limitation of remedies established in Section 26 of this Decree shall be enforced.

ARTICLE IV. — *Duration of copyright*

SEC. 21. The copyright conferred by this Decree shall endure during the lifetime of the creator and for fifty years after his death. In case of works of joint creation, the period of fifty years shall be counted from the death of the last surviving co-creator.

SEC. 22. In case of anonymous and pseudonymous works, the copyright shall last until the end of fifty years following the date of their first publication. However, when the pseudonym adopted by the author leaves no doubt as to his identity, or if the author of an anonymous or pseudonymous work discloses his identity during the period mentioned in this section, the term of the protection shall be that fixed in the next preceding section.

SEC. 23. In the case of posthumous works which do not fall within the categories of the works referred to in the next two preceding sections, the term of protection afforded to the heirs or assignees of the creator shall end at the expiration of fifty years after his death.

SEC. 24. Irrespective of the provisions of the foregoing sections of this article, the term shall be thirty years in the case of: (A) periodicals

and newspapers, provided that material contained therein in which an independent copyright may be deemed to subsist shall be accorded the length of protection appropriate to it; (B) works of applied art; (C) cinematographic or photographic works as well as those produced by a process analogous to cinematography or photography or any process for making audio-visual recordings.

SEC. 25. The term of protection subsequent to the death of the creator provided in Sections 21 and 23 and the terms provided in Sections 22 and 24 shall run from the date of his death or of publication, but such terms shall always be deemed to begin on the first day of January of the year following the event which gives rise to them.

ARTICLE V. — *Deposit and notice*

SEC. 26. After the first public dissemination or performance by authority of the copyright owner of a work falling under subsections (A), (B), (C) and (D) of Section 2 of this Decree, there shall, within three weeks, be registered and deposited with the National Library, by personal delivery or by registered mail, two complete copies or reproductions of the work in such form as the Director of said library may prescribe. A certificate of registration and deposit for which the prescribed fee shall be collected. If, within three weeks after receipt by the copyright owner of a written demand from the director for such deposit, the required copies or reproductions are not delivered and the fee is not paid, the copyright owner shall be liable to pay a fine equivalent to the required fee per month of delay and to pay to the National Library the amount of the retail price of the best edition of the work.

With or without a demand from the director, a copyright owner who has not made such deposit shall not be entitled to recover damages in an infringement suit and shall be limited to the other remedies specified in Section 28 of this Decree.

SEC. 27. Each copy of a work published or offered for sale shall contain a notice bearing the name of the copyright owner, the year of its first publication, and, in copies produced after the creator's death, the year of such death.

SEC. 28. Each copy of a work published or offered for sale shall contain a notice bearing the name of the copyright owner, the year of its first publication, and in copies produced after the creator's death, the year of such death.

Failure to comply with the requirements of this section shall result in the limitation of remedies established in the next preceding section.

ARTICLE VI. — *Infringement*

SEC. 28. Any person infringing a copyright shall be liable:

(A) To an injunction restraining such infringement.

(B) To pay to the copyright proprietor or his assigns or heirs such actual damages as he may have due to the infringement as well as the profits the infringer may have made due to such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or, in lieu of actual damages and profits; such damages which to the court shall appear to be just and which shall not be less than the sum of One Thousand Pesos, and shall not be regarded as penalty.

(C) To deliver under oath, for impounding during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright.

(D) To deliver under oath for destruction all infringing copies or devices, as well as all plates, molds, or other means for making such infringing copies as the court may order.

(E) To such other terms and conditions, including the payment of moral and exemplary damages, which the court may deem proper, wise and equitable.

SEC. 29. Any person infringing any copyright secured by this Decree or aiding or abetting such infringement shall be deemed guilty of a crime punishable by imprisonment not exceeding one year or by fine not less than Two Hundred Pesos nor more than Two Thousand Pesos or both, in the discretion of the court.

SEC. 30. Unless authorized by the copyright proprietor concerned, importation into the Philippines of any piratical copies or likeness of any work in which Philippine copyright subsists is prohibited, except when imported under the following circumstances:

First. When copies of the work are not available in the Philippines and:

(A) Not more than one copy at one time is imported for strictly individual use only; or

(B) The importation is by authority of and for the use of the Philippine Government; or

(C) The importation, consisting of not more than three such copies or likenesses in any one invoice, is not for sale but for the use only of any religious, charitable, or educational society or institution duly incorporated or registered, or is for the encouragement of the fine arts, or for any state school, college, university, or free public library in the Philippines.

Second. When such copies form parts of libraries and personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale provided such copies do not exceed three.

Copies imported as allowed by this Section may not lawfully be used in any way to violate the rights of the proprietor of Philippine copyright or annul or limit the protection secured by this Decree, and such unlawful use shall be deemed an infringement and shall be punishable as such without prejudice to the proprietor's right of action.

The Commissioner of Customs, subject to the approval of the Secretary of Finance, is hereby empowered to make rules and regulations for preventing the importation of articles the importation of which is prohibited under this Section and for seizing and condemning and disposing of the same in case they are discovered after they have been imported.

CHAPTER III. RIGHT TO PROCEEDS IN SUBSEQUENT TRANSFERS

SEC. 31. In every sale or lease of an original work of painting or sculpture or of the original manuscript of a writer or composer, subsequent to the first disposal thereof by the creator, the creator or his heirs shall have an inalienable right to participate in the gross proceeds of the sale or lease to the extent of five per centum (5%).

This right shall exist during the lifetime of the creator and for fifty years after his death.

SEC. 32. As a condition precedent to making a claim to the right established in the preceding section for any work mentioned therein, the work must be registered in the National Library where a separate register shall be kept for this purpose.

The creator or his heirs may designate a society of artists, writers or composers as agent to claim the right in his or their behalf. In such case, the society shall forward the proceeds to the creator or his heirs upon their demand or at the end of every quarter of each calendar year.

SEC. 33. The provisions of this Chapter shall not apply to prints, etchings, engravings, works of applied art, or works of similar kind wherein the creator primarily derives gain from the proceeds of reproductions.

CHAPTER IV. MORAL RIGHTS

SEC. 34. Independently of the rights conferred by Chapters II and III of this Decree or the grant of an assignment or license with respect to any of such rights, a creator shall have the right:

(A) To make alterations of his work prior to, or to withhold it from, publication;

(B) To require that the authorship of the works be attributed to him;

(C) To object to any alteration of his work which is prejudicial to his reputation;

(D) To restrain the use of his name with respect to any work not of his own creation or in a distorted version of his work.

SEC. 35. A creator cannot be compelled to perform his contract to create a work or for the publication of his work already in existence. However, he may be held liable for damages for breach of such contract.

SEC. 36. A creator may assign or waive his rights mentioned in Section 34 of this Decree by a written instrument expressly so stating, but no such assignment shall be valid where its effect is to permit another:

(A) To use the name of the creator, or the title of his work, or otherwise to make use of his reputation with respect to any version or adaptation of his work which, because of alterations therein, would substantially tend to injure the literary or artistic reputation of the author; or

(B) To use the name of the creator with respect to a work he did not create.

SEC. 37. When a creator contributes to a collective work, like a newspaper or an encyclopedia, his right to have his contribution attributed to him is deemed waived unless he expressly reserves it.

SEC. 38. In the absence of a special contract at the time a creator licenses or permits another to use his work, the necessary editing, arranging or adaptation of such work, for publication, broadcast, use in a motion picture, dramatization, or mechanical or electrical reproduction in accordance with the reasonable and customary standards or requirements of the medium in which the work is to be used, shall not be deemed to contravene the creator's rights secured by this chapter. Nor shall complete destruction of a work unconditionally transferred by the creator be deemed to violate such rights.

SEC. 39. The rights of a creator under this chapter shall be perpetual and imprescriptible. The person or persons to be charged with the posthumous enforcement of these rights shall be named in a writing to be filed with the National Library. In default of such person or persons, such enforcement shall devolve upon either the creator's heirs or the Director of the National Library acting in behalf of the heirs.

The persons named by the creator in accordance with the foregoing paragraph or, in their absence, the creator's heirs shall have the power

to make any assignment or license of the rights provided in this chapter which would be within the power of the creator had he lived. If there are no heirs, the Director of the National Library shall exercise this power.

For purposes of this Section, "Person" shall mean any individual, partnership, corporation, association, or society. The Director of the National Library may prescribe reasonable fees to be charged for his services in the application of provisions of this Section.

SEC. 40. Violation of any of the rights conferred by this chapter shall entitle those charged with their enforcement to the same rights and remedies available to a copyright owner. In addition, damages which may be availed of under the Civil Code may also be recovered. Any damage recovered after the creator's death shall be held in trust for and remitted to the heirs.

CHAPTER V. RIGHTS OF PERFORMERS, PRODUCERS OF SOUNDS, RECORDINGS AND BROADCASTING ORGANIZATIONS.

ARTICLE I. — *Definition of terms*

SEC. 41. As used in this chapter:

(A) "Performers" mean actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, or otherwise perform literary or artistic work.

(B) "Sound Recording" means any exclusively aural fixation of sounds of a performance or of other sound.

(C) "Producer of sound records" means the person who, or the legal entity which, first fixes a performance or other sounds.

(D) "Publication" means the issue or offering to the public of copies of a sound recording in reasonable quantity.

(E) "Reproduction" means the making of a copy or copies of a recording.

(F) "Broadcasting" means the transmission by wireless means for public reception of sounds or of images and sound.

(G) "Broadcasting organization" shall include a sole proprietorship duly authorized to engage in broadcasting.

ARTICLE II. — *Performers.*

SEC. 42. Performers shall have the exclusive right:

(A) To record or authorize the recording of their performance on any recording apparatus for image and/or sound.

(B) To authorize the broadcasting and the communication to the public of their performance.

(C) To prohibit the reproduction of a recording of their performance: (i) If the original recording itself was made without their consent; (ii) If the reproduction is made for purposes different from those for which the performers gave their consent; or (iii) If the original recording was made for any of the purposes mentioned in Section 44 and the reproduction is made for a different purpose.

SEC. 43. Performers shall have the right to decide whether their names will be mentioned when their performance is recorded or broadcast. The provisions of chapter IV shall apply to them.

SEC. 44. Notwithstanding the provisions of section 43 of this Decree, performers may not object to the recording: (A) of parts of their performance to be used in connection with the reporting of current events, or (B) of the entirety thereof which shall be used solely for the purpose of teaching or scientific research. The provisions of section 12 of this Decree shall also apply to performances. However, the provisions of this section shall be without prejudice to those of the next preceding section.

SEC. 45. For infringement of any of their rights, performers shall be entitled to:

(A) An injunction restraining such infringement;

(B) To recover such damages as may be recoverable under the Civil Code or, in lieu thereof, such damages which to the court shall appear just and which shall not be less than Three Hundred Pesos.

(C) To the remedies provided in subsections (C) and (D) of Section 28 of this Decree but with respect only to recordings of their performances and devices for making such recordings.

ARTICLE III. — *Producers of Sound Recordings.*

SEC. 46. Producers of sound recordings shall have the exclusive right to authorize or prohibit the direct or indirect reproduction of their recordings and the placing of these reproductions in the market.

SEC. 47. When a sound recording is used with the intention of making or enhancing profit, the producer of the recording has the right to a fair remuneration from the user.

SEC. 48. The producer of a sound recording may also forbid any use of this recording which would cause serious and unwarranted damage to his industrial interests.

SEC. 49. There shall be indicated in each copy of a sound recording the title of the work recorded, the name of the author and, subject

to section 43 of this Decree of the principal performers and the date of manufacture.

SEC. 50. Within one month after its manufacture, two copies of a sound recording shall be deposited, by personal delivery or by mail, with the National Library. Upon such deposit, the Director shall issue to the producer a certificate under the seal of the library indicating the fact and date of such deposit. This certificate shall constitute a *prima facie* evidence of the facts stated therein.

SEC. 51. No suit for violation of the rights of the producer of a sound recording may be instituted until he has complied with the requirements of the next two preceding sections.

ARTICLE IV. — *Broadcasting organizations.*

SEC. 52. Broadcasting organizations shall enjoy the exclusive right:

- (A) To relay by wire or rebroadcast their broadcasts.
- (B) To record in any manner, including the making of cinematographic films or the use of video tape, their broadcasts for the purpose of making profit.
- (C) To use such records for fresh transmissions or for fresh recording.

SEC. 53. The provisions of immediately preceding section shall not include the right to prohibit recording of broadcasts for strictly private use or solely for the purpose of teaching or scientific research.

SEC. 54. A broadcasting organization, when any of its rights secured herein is infringed, shall be entitled:

- (A) To have such infringement enjoined.
- (B) To recover such damages as may be awarded under the Civil Code.
- (C) The remedies provided in subsections (C) and (D) of section 28 of this Decree but with respect only to unauthorized recordings of its broadcasts and devices for making such recordings.

ARTICLE V. — *Term of Protection.*

SEC. 55. The rights granted under this Chapter shall expire after twenty years from the end of the year in which:

- (A) The performance took place — for performances not incorporated in recordings;
- (B) The recording was made — for sound or image and sound recordings and for performances incorporated therein;
- (C) The broadcast took place — in the case of broadcasts.

SEC. 56. The prohibitions and penalties provided in section 29 shall apply to infringement of any of the rights granted in this chapter.

ARTICLE VII. — *Penalty.*

CHAPTER VII. INSTITUTION OF ACTIONS AND PROCEEDINGS

SEC. 57. All actions, suits and proceedings shall, regardless of the amount involved, be originally cognizable by Courts of First Instance.

SEC. 58. No damages may be recovered under this Decree after four years from the time the cause of action arose.

SEC. 59. Appeals shall be governed by the Rules of Court.

CHAPTER VIII. MISCELLANEOUS PROVISIONS

SEC. 60. All copies deposited and instruments in writing filed with the National Library in accordance with the provisions of this Decree shall become the property of the Government.

SEC. 61. The section or division of the National Library charged with receiving copies and instruments deposited and with keeping records required under this Decree and everything in it shall be opened to public inspection subject to such safeguards and regulations as may be prescribed by director of the library.

SEC. 62. The National Library shall collect the following fees:

(A) For the issuance of a certificate of deposit of copies of a work, five pesos;

(B) For each assignment, license, notice or other written instrument filed, ten pesos;

(C) For other services, in such amount as he may fix by regulation, *provided*, that single fee shall exceed ten pesos.

CHAPTER IX. FINAL PROVISIONS

SEC. 63. The provisions of this Decree shall apply to works in which copyright protection obtained prior to the effectivity of this Decree is subsisting, *provided*, that the application of this Decree shall not result in the diminution of such protection.

SEC. 64. Act No. 3134, otherwise known as the "Copyright Law of the Philippine Islands," and all laws or provisions of law, orders or regulations inconsistent herewith are hereby repealed.

This Decree shall take effect 15 days after publication in the *Official Gazette*.

Done in the City of Manila, this 14th day of November, in the year of Our Lord, nineteen hundred and seventy-two.

(Sgd.) FERDINAND E. MARCOS
President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR
Executive Secretary

BOOK REVIEW:

THE GREAT POWER AT THE BENCH AND BAR

Edited by JUAN F. RIVERA

(Mandaluyong, Rizal, Philippines, Premium Printing Press 1972)

xlii, 1273 pp. ₱65 \$10

Inspired by the famous statement of Daniel Webster that "the power of clear statement is a great power at the bar", Juan F. Rivera, editor of this big volume, has made an exhaustive study of the best selected legal writings to pursue his objective that there is no substitute for accurate and clear expression, either orally or in writing, by a law student, law professor, judge, or legal writer.

Anyone who pursues a law course and intends to make use of his knowledge in law will eventually either become a law practitioner, a judge, legal counselor in a private or government office, or an author of law books. To succeed as a lawyer, one must acquire skill in the art of clear and accurate expression. There is a need to make clear and accurate use of legal language either orally or in writing. The practitioner in trial courts, and the trial judge, have to acquire the skill of oral argument. In appellate courts, the brief writer must express clearly and logically the facts and the law in his brief or memoranda. On the other hand, the house counsel either in the government or in a private firm must have the ability to express himself clearly and concisely for the benefit of the people he serves. It is the law book writer, however, who has the most delicate task of making a clear statement of the law in his treatise. He has a tremendous responsibility to his readers whom he might mislead with his haphazard ideas, statements of half truths, or passages taken out of context from the law or the jurisprudence.

The author, a retired professor of law and legal researcher in the University of the Philippines Law Center, was also a ranking official in the Law Division of the executive department. He is thus qualified to undertake this painstaking task of putting together the legal gems. He saw the need for training law students in the art of legal writing

when he was an instructor in a course of legal writing. He was given the task of training future lawyers to be accurate in their expression and to acquire skill in analysis and synthesis. The training must start at law school.

There is no denying the fact that the major cause of failures in the bar examinations in the Philippines (the ratio of mortality is rising every year), is the poor language and lack of ability to express oneself coherently in the legal style. In the past few years, more than three-fourths of bar candidates have flunked the bar examination in spite of four years of pre-legal education and another four years of formal legal education in recognized law schools in the Philippines. Failures are not usually due to lack of knowledge of the essentials of the law. After all, a law student was supposed to have read all basic law books throughout his four year law course. Their failure is mainly due to the lack of clear expression in legal language.

The book under review is a valuable desk book for members of the bar and the bench. The book reproduces the pertinent portions of famous jurists showing the importance of legal writing, the essential requisites of legal language. Nine chapters dwell on writings of authors emphasizing clear statement in court trials, in brief writing or oral arguments in appellate courts. Chapter X stresses the power of clear statement that must be possessed by a judge or a justice in writing decisions.

The author is to be commended for his diligence in going through most of the leading legal literature and compiling them. The heavy footnotes should serve as guide to the readers who wish to refer further to the documents cited.

JORGE R. COQUIA