

****Title:**** ABS-CBN Corporation vs. Felipe Gozon, et al.: A Case on Copyright Infringement and Fair Use in the Context of News Broadcasting

****Facts:****

The case revolves around the broadcast of the homecoming of Filipino overseas worker Angelo dela Cruz, who was released by his captors in Iraq in 2004. This event was covered by ABS-CBN, which had a special embargo agreement with Reuters. Under this agreement, no other Philippine subscriber of Reuters could use the ABS-CBN footage without consent. GMA-7, however, also covered the event and used the live feed from Reuters, which included ABS-CBN's footage, without noticing any embargo. ABS-CBN then filed a copyright infringement complaint against various GMA-7 personnel.

The case went through several stages:

1. ABS-CBN's complaint led to an initial finding of probable cause against GMA-7 personnel Dela Peña-Reyes and Manalastas.
2. A petition for review filed by GMA-7 respondents resulted in the Department of Justice (DOJ) Secretary Gonzalez dismissing the case, accepting good faith as a defense.
3. ABS-CBN filed a motion for reconsideration, which was later reversed by DOJ Secretary Agra, finding probable cause to indict the GMA-7 officers and employees involved.
4. The respondents challenged the Agra Resolution through a petition for certiorari at the Court of Appeals, which granted their petition, reinstating the Gonzalez Resolution.
5. ABS-CBN then brought the matter to the Supreme Court, raising several issues for resolution.

****Issues:****

The Supreme Court was tasked to decide on several questions, including:

1. The appropriateness of certiorari as the remedy to challenge the DOJ resolutions.
2. The copyrightability of news footage.
3. The application of fair use doctrine to the broadcasted material.
4. The relevance of knowledge and good faith as defenses in copyright infringement cases, especially in a preliminary investigation setting.

****Court's Decision:****

The Supreme Court partially granted ABS-CBN's petition, directing the continuation of proceedings against Dela Peña-Reyes and Manalastas. The Court held that:

1. News footage is copyrightable due to the creative process involved in its production.
2. The fair use doctrine cannot automatically negate probable cause for copyright

infringement in a preliminary investigation.

3. Good faith and lack of knowledge do not serve as defenses against copyright infringement under the Intellectual Property Code since it is malum prohibitum.

****Doctrine:****

1. Material produced through a creative process, such as news footage, is copyrightable.
2. Good faith and lack of knowledge are not applicable defenses in copyright infringement cases under the Intellectual Property Code, emphasizing the law's malum prohibitum nature.

****Class Notes:****

- Copyright infringement is a violation under the Intellectual Property Code (Republic Act No. 8293).
- The fair use doctrine includes considerations such as the purpose of use, nature of the copyrighted work, amount used, and effect on the market value of the work.
- Crimes under special laws, like copyright infringement, are generally considered malum prohibitum, where intent does not negate criminal liability.

****Historical Background:****

The case reflects the evolving legal landscape in the Philippines regarding intellectual property rights, particularly copyright law, in the context of modern communications technology. It underscores the tension between protecting copyright and promoting access to information, especially in critical events of public interest.