

AN ACT TO PROTECT INTELLECTUAL PROPERTY

Act No. 3134, March 06, 1924

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. This Act shall be called the Copyright Law of the Philippine Islands.

SEC. 2. Copyright may be secured by any citizen of the Philippine Islands or of the United States for any work falling within the following classes of work:

- (a) Books, including composite and cyclopedic works, manuscripts, directories, gazetteers, and other compilations;
- (b) Periodicals, including pamphlets;
- (c) Lectures, sermons, addresses, dissertations prepared for oral delivery;
- (d) Dramatic or dramatico-musical compositions;
- (e) Musical compositions with or without words;
- (f) Maps, plans, sketches, charts, drawings, designs;
- (g) Works of art; models or designs for works of art;
- (h) Reproductions of a work of art;
- (i) Drawings or plastic works of a scientific or technical character;
- (j) Photographs, engravings, lithographs, lantern slides, cinematographic pictures;
- (k) Prints and pictorial illustrations;
- (l) Dramatizations, translations, adaptations, collections, compilations, abridgments, arrangements, commentaries, critical studies, abstracts, versifications;
- (m) Other articles and writings.

Provided, nevertheless, That any error in classification shall not invalidate or impair the copyright protection secured under this Act.

SEC. 3. The proprietor of a copyright or his heirs or assigns shall have the exclusive right:

- (a) To print, reprint, publish, copy, distribute, multiply, sell, and make photographs, photo-engravings, and pictorial illustrations of the copyrighted work;
- (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 copyrighted 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 record whatsoever thereof;
- (d) To make any other use or disposition of the copy- righted work consistent with the laws of the land.

SEC. 4. For the purpose of this Act articles and other writings published without the names of the authors or under pseudonyms are considered as the property of the publishers.

SEC. 5. Lines, passages, or paragraphs in a book or other copyrighted works may be quoted or cited or reproduced for comment, dissertation, or criticism.

News items, editorial paragraphs, and articles in periodicals may also be reproduced unless they contain a notice that their publication is reserved or a notice of copyright, but the source of the reproduction or original reproduced shall be cited. In case of musical works parts of little extent may also be reproduced.

SEC. 6. The copyright provided for by this Act shall protect all the copyrightable component parts of the work copyrighted and all matter therein but without extending or diminishing the duration or scope of such copyright. The copyright upon composite works shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this Act, but if the component parts or matters therein have already been copyrighted then the copyright secured for the former is subservient to the latter.

SEC. 7. Collections, compilations, abridgments, adaptations, commentaries, critical studies, abstracts, versifications, arrangements, dramatizations, translations, and other versions of copyrighted works when produced with the consent of the proprietor thereof or of works enumerated in the next section, or works republished or reproduced with new matter and editions with corrections or alterations shall be regarded as new works subject to copyright under the provisions of this Act; but the publication of any of such new works shall not affect the force or validity of any subsisting copyright upon the matter 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. 8. No copyright shall subsist in the original of any work which is in the public domain, or in any publication and official document of the Philippine Government, or any reprint, in whole or in part, thereof, and in speeches, lectures, sermons, addresses, and dissertations pronounced or read in courts of justice, before administrative tribunals, in deliberative assemblies, and in meetings of public character.

SEC. 9. Copyright secured is not subject to levy and attachment.

SEC. 10. The provisions of this Act shall extend to the work of a proprietor, who is not a citizen of the Philippine Islands or of the United States, only:

(a) When an alien proprietor shall be domiciled within the Philippine Islands at the time he makes application for copyright; or

(b) When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention agreement, or law, to citizens of the United States or of the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this Act; or

(c) When such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright and that the United States or the Philippine Islands may become a party thereto.

SEC. 11. Copyright for a work may be secured by the registration of the claim to such copyright in accordance with the provisions of this Act and by publication thereof with the required notice of copyright upon the front part or title-page of each copy thereof published or offered for sale by authority of the copyright proprietor and by depositing with the Director of the Philippine Library and Museum by personal delivery or by registered mail two complete copies of the copyrighted work or one copy of the issue or issues containing the work if it be a contribution to a periodical. No copyright in any work is considered as existing until the provisions of this Act with respect to the deposit of copies and registration of claim to copyright shall have been complied with.

SEC. 12. Copyright may also be secured for a work not having copies reproduced by the deposit, with claim of copyright, of one complete copy of such work or of a photographic print or of a photograph or other identifying reproduction thereof which in the opinion of the Director of the Philippine Library and Museum is best for the protection of the public. But as soon as the work is reproduced copies the provisions of section eleven shall apply.

SEC. 13. No immoral or unchaste work shall be copyrighted. If it shall be discovered, after a work has been w^o copyrighted, that the said work is, in the opinion of the Attorney-General, of the nature indicated, the copyright secured shall become null and void, and the proprietor shall also be subject to criminal prosecution. Copies of the work deposited and instruments of writing in relation thereto filed with the Philippine Library and Museum shall be destroyed by the Director of the Philippine Library and Museum if so ordered by the Department Head.

SEC. 14. For the purposes of this Act in case of works in series or having several volumes or component parts registered at intervals each series or volume or component part shall be considered as a distinct and separate work subject to copyright.

SEC. 15. Copies deposited with the Director of the Philippine Library and Museum in accordance with the provisions of sections eleven and twelve must be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the Philippine Islands, stating where and in what establishments the work was made or performed and the date of the completion of the work or the date of publication and other requisites which the Director of the Philippine Library and Museum will hereafter determine subject to the approval of the Secretary of Justice. Any person making a false statement in his affidavit shall be deemed guilty of a crime punishable by a fine of not more than two thousand pesos, and all of his rights and privileges under said copyright shall thereafter be forfeited.

SEC. 16. The notice of copyright required by section eleven of this Act shall consist of the word "Copyright" accompanied by the name of the copyright proprietor and the year in which the copyright was registered.

SEC. 17. The omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement thereof, against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

SEC. 18. The copyright secured by this Act shall endure for thirty years from the date it is registered. The proprietor of such copyright or his assigns or heirs shall be entitled to a renewal of the copyright for the further term of thirty years when application for such renewal shall have been made to the Philippine Library and Museum and duly filed therein within one year prior to the expiration of the original term of copyright. In default of the filing of such application for renewal the copyright in any work shall expire at the end of thirty years from the date it is registered. But in case of works in series or having several volumes or component parts registered at intervals the copyright shall endure for forty years from the time the copyright for the first series or volume or component part has been registered and may be renewed for the same period.

SEC. 19. Any person infringing the copyright in any work protected under the provisions of this Act shall be liable:

(a) To an injunction restraining such infringement;

(b) To pay to the copyright proprietor or his assigns or heirs such damages as he may have suffered due to the infringement, as well as all the profits the infringer may have made from 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 exceed the sum of ten thousand pesos nor be less than the sum of two hundred pesos, and shall not be regarded as a penalty;

(c) To such other terms and conditions which the court may deem wise and equitable.

SEC. 20. Any person infringing any copyright secured by this Act 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: Provided, however, That nothing in this Act shall be so construed as to prevent the performance of any work for strictly religious, charitable, or educational purposes and not for profit by any educational, charitable or religious institution or society.

SEC. 21. Any person inserting or impressing any notice of copyright required by this Act, or words of the same purport in or upon any uncopyrighted work, or removing or altering the copyright notice upon any work duly copyrighted, or issuing or selling any work bearing a notice of Philippine Islands copyright which has not been copyrighted in these Islands or importing any work bearing such notice or words of the same purport, which has not been copyrighted in these Islands, shall be guilty of a crime punishable by a fine not less than two hundred and not more than two thousand pesos.

SEC. 22. The importation into the Philippine Islands of any article bearing notice of Philippine copyright which in reality does not exist in the Philippine Islands, or of any piratical copies or likeness of any work copyrighted in the Philippine Islands unless imported with the authority of the copyright proprietor concerned, is prohibited except when imported under the following circumstances:

First. When imported, not more than one copy at one time, for strictly individual use only.

Second. When imported by the authority or for the use of the Philippine Government or of the United States Government.

Third. When imported, for use only and not for sale, not more than three copies of such work in any one invoice, in good faith for any religious, charitable, or educational society or institution duly incorporated or registered or for the encouragement of the fine arts, or for any State, school, college, university, or free public library in the Philippine Islands;

Fourth. When such works form parts of libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: Provided, however, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of Philippine copyright or annul or limit the copyright protection secured by this Act, and such unlawful use shall be deemed an infringement of copyright.

SEC. 23. The Secretary of Justice and the Secretary of Commerce and Communications are hereby empowered to make rules and regulations for preventing the importation into the Philippine Islands of articles prohibited importation by this Act and for seizing and condemning and disposing of the same in case they are discovered after they have been imported.

SEC. 24. All actions, suits, or proceeding arising under this Act shall be originally cognizable by the Courts of First Instance of the Philippine Islands and shall prescribe after two years from the time the cause of action arose.

SEC. 25. The copyright is distinct from the property in the material object copyrighted, and the conveyance or assignment, by gift or otherwise, of the copyright shall not of itself constitute a transfer of the material object.

SEC. 26. A copy of every assignment or conveyance of copyright or permission or license to use it or inherited

right to it shall be filed with the Philippine Library and Museum upon payment of the prescribed fee within three calendar months after its execution in the Philippine Islands or within six months after its execution without the limits of the Philippine Islands, in default of which it shall be void as against any subsequent purchaser or mortgagee or assignee for a valuable consideration, without notice, whose assignment has been duly filed.

SEC. 27. A copy of the assignment, conveyance, license, permission, or statement of the inherited right to a copyright filed shall be returned to the sender with a certificate of assignment attached under the seal of the copyright office.

SEC. 28. When an assignment of the copyright secured for a specified work has been registered the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this Act.

SEC. 29. Subject to the approval of the Secretary of Justice, the Director of the Philippine Library and Museum shall make such rules and regulations as he may deem best for the management, supervision, and disposition of the copyright office, and everything in it, and for the registration of claims to copyright as provided by this Act, and for the filing of any instrument in writing relating thereto, and shall provide and keep such record books and other office equipment in the Philippine Library and Museum as are required to carry out the provisions of this Act.

SEC. 30. A person registered as the claimant of the copyright shall be given a certificate of registration under the seal of the Philippine Library and Museum whose contents, form and design shall be determined by the Director of the Philippine Library and Museum and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein.

SEC. 31. All copies deposited and instruments in writing filed with the Philippine Library and Museum in accordance with the provisions of this Act shall become the property of the Government of the Philippine Islands.

SEC. 32. The copyright office and everything in it shall be opened to public inspection subject to such safeguards and regulations as shall be prescribed by the Director of the Philippine Library and Museum and approved by the Secretary of Justice.

SEC. 33. The Director of the Philippine Library and Museum shall receive the following fees:

- (a) For the registration of any work subject to copyright, three pesos;
- (b) For each assignment, license /w notice, or other instrument of writing filed, two pesos
- (c) For every certified copy issued, one peso.

SEC. 34. Works on which upon the approval of this Act copyrights exist may be copyrighted under the provisions of this Act free from any fees.

SEC. 35. This Act shall take effect on its approval.

Approved, March 6, 1924.

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