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ORGANIZATION AND ACCREDITATION OF VIDEOGRAM ASSOCIATIONS

VRB MEMORANDUM CIRCULAR NO. 95-0004, March 10, 1995

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Pursuant to the powers of the Board under Section 3, subsections 9 and 11, Presidential Decree No. 1987, relative to the persistence of videogram piracy and the commercialization of unauthorized videograms that stall the development of the videogram industry, and in accordance with Board Resolution No. 95-02-73 dated February 27, 1995, all videogram retailers, dealers and wholesalers are advised to adopt the following measures:

I
Organization of Videogram Associations

1. All retailers, dealers, and wholesalers of videotapes, laser discs, and any technical improvement or variation thereof are encouraged to organize themselves into associations in their provinces, cities or municipalities for their mutual protection and benefit.

2. Each duly organized association with at least fifteen (15) members may apply for accreditation with the VRB.

3. A videogram association of less than fifteen members or individual, dealers, and wholesalers may associate themselves with other association or individual retailers, dealers, and wholesalers in neighboring localities to comply with the accreditation requirement.

4. Duly organized and qualified associations may in turn organize into a regional or umbrella association for larger representation. These associations shall have the same privileges under Title III hereunder provided they comply with the requirements under Title II hereof.

II
VRB Accreditation of Associations

Each duly organized association may apply with the VRB for its accreditation provided it qualifies under Title I paragraph 2 above, and undertakes to do the following acts and things:

1. Monitor the compliance of its members with the provisions of P.D. No. 1987 and its implementing rules and regulations;

2. Promote fair competition among its members in the legitimate videogram market;

3. Report to the VRB any violation of P.D. No. 1987 and its implementing rules and regulations committed by any person, natural or juridical, in their respective localities;

4. Keep records of compliance by its members with the contracts submitted in support to their applications for registration and license or renewal of such licenses;

5. Be responsible and answerable to the VRB for the consequences of its endorsements and recommendations.

6. Perform such other functions as may be directed by the VRB from time to time relative to the objectives of the

VRB under its regulatory functions:

III
Capacity of Accredited Associations

Duly accredited associations shall have the capacity, in addition to their usual functions, to do the following acts and things before the VRB:

1. Represent its members in any transaction with the VRB;

2. Endorse the application for registration and license or renewal of license of a videogram establishment in their locality, hence, all applications for videogram registration and license shall be coordinated with any of the duly accredited association in each locality;

3. Recommend the denial of a particular application for registration and license or renewal of license of a videogram establishment in their respective locality, stating distinctly therein the facts under oath or affirmation which led them to provide the recommendation;

4. Recommend enforcement actions against erring videogram establishments;

5. Report to the VRB for appropriate action any violation committed by any person, natural or juridical, on P.D. No. 1987 and its implementing rules and regulations;

6. Recommend the suspension or closure of a particular videogram establishment operating within their respective locality;

7. Recommend the lifting of the order of suspension or closure of a particular videogram establishment operating within their respective localities;

8. Recommend impositions on apprehended videogram establishments or persons operating in their respective localities for violation of P.D. 1987 or its implementing rules and regulations;

IV
General Provisions

1. The accredited associations shall assist the VRB relative to the regulations of the videogram industry in their respective localities. To this end, the President of each association may be called upon by the VRB from time to time for consultative meetings pursuant to the aforesaid objective;

2. The recommendations of a duly accredited association shall be given weight in the processes of the Board but shall not be binding or conclusive to the agency.

3. In case of conflict of recommendations provided to the Board, the Board may conduct an investigation on the matter and/or require the submission of additional proof in support to the contrary positions.

4. Any duly accredited association may lose its accreditation for patent violations of its undertakings.

V
Transitory Provision

1. The Videogram Regulatory Board, in coordination with existing organizations of videogram distributors, such as the PHILVIDEO, shall assist the videogram retailers, dealers and wholesalers in the provinces, cities and municipalities in the organization of associations, relative to their organizational structure, S.E.C. registration, membership guidelines, by laws- etc.

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2. In the absence of a duly accredited videogram association in a particular locality, the videogram establishments therein applying for registration and license or renewal of licenses before the VRB shall observe the existing requirement of submission of contracts from active videogram distributors. The same rules shall apply to videogram establishments who opt to operate without being members of any association.

3. The listing of licensed and active distributors shall be determined from the transactions of registered distributors with the VRB relative to the distribution and/or commercial exploitation of pre-recorded videograms in any format, of acquired video or laser rights.

VI
Effectivity

This shall take effect immediately.

Adopted: 10 Mar. 1995

(SGD.) BGEN. JAVIER D. CARBONELL, AFP (RET).
Chairman and Chief Executive Officer

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