

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2040

Introduced by HON. IRWIN C. TIENG
and HON. MARIANO MICHAEL M. VELARDE

EXPLANATORY NOTE

Article XIV, Section 1 of the 1987 Constitution provides that "*The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make them accessible to all*". Further, Section 2 of the same Article upholds to establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society.

For people who are visually-impaired, the inability to read print severely limits their access to information of value for education, work and social integration that is readily available to print readers. This puts them at a significant social and economic disadvantage, and hinders their full inclusion in society. In effect, it renders them illiterate, when in fact, they may be very well educated and fully literate.

The major obstacle encountered worldwide by accessible media producers has been in the long delays in securing permission from copyright holders to produce their materials in a format accessible for the visually-impaired. Print material that is available to any sighted person today may take months or even longer before it can be provided in a format that a visually-impaired person can read. By then, it may very well be no longer relevant or useful.

This bill seeks to grant exemption in the translation of printed materials into formats accessible to the visually-impaired and for other purposes, thereby amending Section 185 of Republic Act No. 8293 otherwise known as the "Intellectual Property Code of the Philippines". This would give visually-impaired persons equal and timely access to copyrighted print materials thus, improving their educational and vocational levels. After all, there are a number of countries who have already passed similar measure to correct this unequal access to printed materials.

This proposed legislation if signed into law would permit production and distribution of special format books and magazines for the visually impaired-without first obtaining a copyright clearance from the appropriate bureau thereby expediting the early circulation of the aforesaid materials necessary for the use of visually-impaired persons.

In the light of the foregoing, early approval of this measure is earnestly sought.


IRWIN C. TIENG


MARIANO MICHAEL M. VELARDE

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AN ACT

GRANTING EXEMPTIONS FROM SECURING PERMISSION FROM THE PUBLISHER OR COPYRIGHT OWNER OF PRINTED MATERIALS TO REPRODUCE THE SAME IN A SPECIALIZED FORMAT FOR THE EXCLUSIVE USE OF BLIND OR VISUALLY-IMPAIRED INDIVIDUALS, AMENDING FOR THIS PURPOSE SECTION 185 OF REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE "INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES", AND FOR OTHER PURPOSES

Be enacted by the Senate and the House of Representatives in Congress assembled.

SECTION 1. - AMENDMENTS - Section 185 of Republic Act No. 8293 is hereby amended by adding a new provision to read as follows:

" SECTION 185. *Fair Use of Copyrighted Work.* - 185.1. The fair use of a copyrighted work for criticism, comment, news reporting, teaching including multiple copies for classroom use, scholarship, research, and similar purposes is not an infringement of copyright. IT IS NOT ALSO AN INFRINGEMENT OF THE COPYRIGHTED WORK TO REPRODUCE OR DISTRIBUTE COPIES OF PUBLISHED ARTICLES/MATERIALS IF SUCH COPIES ARE REPRODUCED OR DISTRIBUTED IN A SPECIALIZED FORMAT EXCLUSIVELY FOR THE USE OF THE BLIND OR VISUALLY IMPAIRED PERSONS PROVIDED, THAT SUCH COPIES AND DISTRIBUTION SHALL BE MADE ON A NON-PROFIT BASIS AND SHALL INDICATE THE COPYRIGHT OWNER AND THE DATE OF THE ORIGINAL PUBLICATION. THIS DISTRIBUTION IS ALSO PERMITTED IN CASE THE COPIES HAVE BEEN MADE ABROAD AND THE CONDITIONS MENTIONED ABOVE HAVE BEEN FULFILLED.

Decompilation, which is understood here to be the reproduction of the code

and translation of the forms of the computer program with other program to achieve the inter- operability of an independently created computer program with other programs may also constitute fair use, the factors to be considered shall include:

- a) The purpose and character of the use, including whether such use is of a commercial nature; [or is for non- profit educational purposes]
- b) The nature of the copyrighted work;
- c) The amount and substantially of the portion used in relation to the copyrighted work as a whole;
- d) The effect of the use upon the potential market for or value of the copyrighted work."

SECTION 2. - LIMITATIONS- The provision of section 1 shall not apply to standardized, secure, or norm- referenced tests and related testing materials, or to computer programs, except the portions thereof that are conventional human language (including descriptions of pictorial works) and displayed to users in the ordinary course of using the computer programs.

SECTION 3. - DEFINITION OF TERMS.- For purposes of this Act, these terms shall be defined as follows:

1. *Blind or visually-impaired person* means an individual who cannot read printed materials due to low or lack of vision.
2. *Specialized format* means braille, audio, large print, digital text or other formats which enables the blind or visually-impaired person to read the print material.

SECTION 4. - REPEALING CLAUSE.- All laws, executive orders, presidential decrees, rule and regulations or any parts thereof which are inconsistent of this Act are hereby repealed accordingly.

SECTION 5. - EFFECTIVITY - This Act shall take immediately upon its approval.

Approved,