

54<sup>th</sup> Regular Session

ORDINANCE NO. SP- 1672, S-2006  
(PO2005-218)

AN ORDINANCE TO RESTRAIN THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF PIRATED COUNTERFEIT OR FAKE GOODS, ARTICLES OR SERVICES, AND FOR OTHER PURPOSES.

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Introduced by Councilors RESTITUTO B. MALAÑGEN, ROMMEL R. ABESAMIS, ERIC Z. MEDINA, FRANCISCO A. CALALAY, JR. and JANET M. MALAYA.

Co-Introduced by Councilors Bernadette Herrera-Dy, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Joseph P. Juico, Winston "Winnie" T. Castelo, Ramon P. Medalla, Voltaire Godofredo L. Liban III, Allan Butch T. Francisco, Franz S. Pumaren, Antonio E. Inton, Jr. and Xyrus L. Lanot.

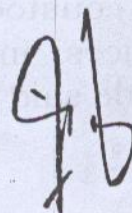
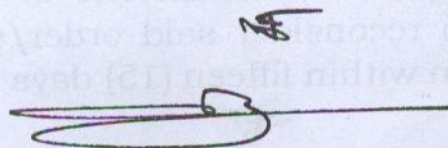
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WHEREAS, the City government adheres to the policy of the national government to curb the proliferation and introduction into commerce of pirated, counterfeit or fake goods, articles or services, and the commission of other acts that violate intellectual property rights as protected by law;

WHEREAS, piracy and counterfeiting of intellectual property rights not only cause economic prejudice and demoralization among legitimate businessmen and establishments which offer products and services dependent on intellectual property protection, but also undermine the City's strategy for growth and development and result in unrealized revenues and taxes;

WHEREAS, the policy of the state to enhance the enforcement of intellectual property rights requires the determined and active support of the local government at its grassroots levels.

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NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. All business licenses and permits issued by the City government shall carry the express condition that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles or services, nor shall permit other persons to commit said acts within the licensee's business establishment or premises.

For this purpose, any stall, table or equivalent contraptions, containing pirated, counterfeit or fake goods and articles, and services within two (2) meters from the door, window or any opening leading to the licensee's establishment shall be deemed included in the term "premises."

SECTION 2. Any breach or violation of the condition as set forth in the preceding section shall be penalized as follows:

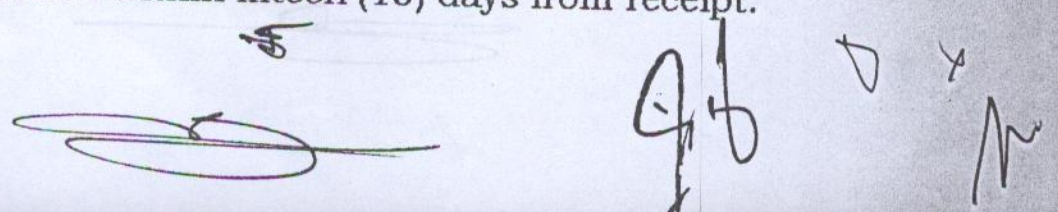
First Offense - Suspension of the business permit or license for a period of not more than ten (10) days.

Second Offense - Suspension of the business permit or license for a period of not more than thirty (30) days.

Third Offense - Cancellation of business permit or license.

SECTION 3. The pirated, counterfeit or fake goods and articles, of any person engaged in any business or trade, with or without any license or permit shall be disposed of in accordance with law.

SECTION 4. In the cases covered under Section 2 and 3, the respondent may, within twenty-four (24) hours from notice of an order to suspend or cancel the business license or permit or to take custody of pirated, counterfeit or fake goods, articles or services, move to reconsider said order/s. The City Mayor shall decide said motion within fifteen (15) days from receipt.



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The notice of suspension or cancellation of the business license or permit shall be issued by the City Mayor after an inspection of the business establishment concerned is conducted. The inspection may be on the occasion of a general inspection regularly conducted by the City, or for such purpose only upon receipt of a complaint or information that the licensee is engaged in the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles or services.

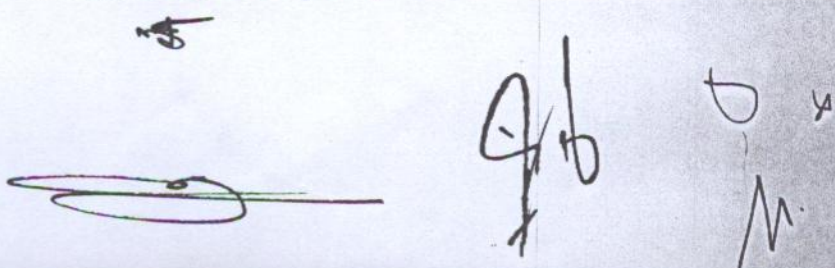
The City government may seek the assistance or coordination with the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Optical Media Board (OMB), and other law enforcement agencies in conducting the inspection.

SECTION 5. The penalty of a fine of Three Thousand Pesos (P3,000.00) or an imprisonment for a period not exceeding six (6) months, or both, in the discretion of the court, shall be imposed upon:

- 5.1. Any person who, having been issued a business license or permit shall commit a breach of the condition thereof imposed by Section 1 of this Ordinance;
- 5.2. Any person who, without any business license or permit, shall engage in the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles or services;
- 5.3. Any person who shall violate the order of the City Mayor suspending or canceling a license or permit or taking the subject good into custody;

SECTION 6. The prosecution of commission of any of the foregoing offenses shall not constitute a bar for the prosecution of offenses under the Intellectual Property Code and other related laws.

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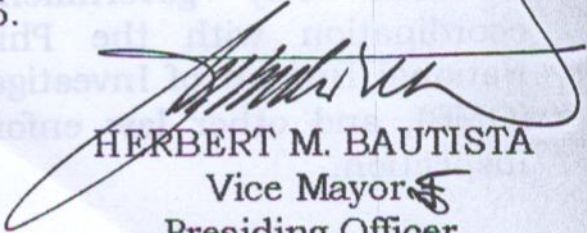
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SECTION 7. Should the offense be committed by a juridical person, the stockholder, chairperson, president, officer, director, trustee, partner or manager who committed or caused the commission of such offense, shall be liable.

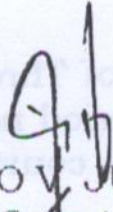
SECTION 8. This Ordinance shall take effect upon approval and after fifteen (15) days from posting in at least three (3) conspicuous places within the City and publication in a newspaper of general circulation.

ENACTED: March 20, 2006.



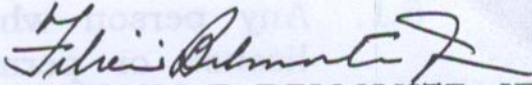
HERBERT M. BAUTISTA  
Vice Mayor &  
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA  
City Secretary

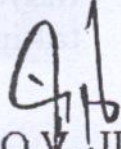
APPROVED: APR 14 2006



FELICIANO R. BELMONTE, JR.  
City Mayor

**CERTIFICATION**

*This is to certify that this Ordinance which was APPROVED on Second Reading on March 20, 2006, was CONFIRMED by the City Council under Suspended Rules on the same date.*



EUGENIO V. JURILLA  
City Secretary