

ORDINANCE NO. SP-1219-2002

AN ORDINANCE REQUIRING ALL BUSINESS ESTABLISHMENTS, WHICH LEASE THEIR ESTABLISHMENT OR PORTIONS OF THE SAME, TO PROVIDE IN THEIR RESPECTIVE CONTRACTS OF LEASE THAT IN NO CASE SHALL THEIR TENANTS SELL, RENT OUT, OR OTHERWISE DISTRIBUTE PRODUCTS OR GOODS MANUFACTURED, PRODUCED OR OTHERWISE PROCURED IN VIOLATION OF P.D. 8293, OTHERWISE KNOWN AS "THE INTELLECTUAL PROPERTY CODE", AND FURTHER SPECIFY THE SOURCES OF THE MERCHANDISE MENTIONED ABOVE, AND PROVIDING PENALTIES THEREFOR.

Introduced by Councilor FRANZ S. PUMAREN.

Co-Introduced by Councilors Wilma Amoranto-Sarino, Vincent P. Crisologo, Victor V. Ferrer, Jr., Elizabeth A. Delarmente, Bernadette Herrera-Dy, Rommel R. Abesamis, Voltaire Godofredo L. Liban III, Aiko Melendez-Yllana, Ramon P. Medalla, Allan Butch T. Francisco, Eric Z. Medina, Mary Ann L. Susano, Jorge L. Banal, Julian M.L. Coseteng, Wencerom Benedict C. Lagumbay, Diorella Maria Sotto-De Leon, Dante M. De Guzman, Jesus Manuel C. Suntay, Alma F. Montilla, Antonio E. Inton, Jr., Janet M. Malaya, Ricardo R. Del Rosario, Restituto B. Malañgen, Xyrus L. Lanot and Junie Marie L. Castelo.

WHEREAS, infringement of intellectual property rights, trade names, marks and the like is prohibited by Republic Act No. 8293 entitled "An Act Prescribing the Intellectual Property Code and Establishing the Intellectual Property Office, Providing for Its Powers and Functions and for Other Purposes";

WHEREAS, such infringement and piracy of intellectual property is a great bane on industries and economies not only here, but all over the world, since it deprives the aforementioned industries and the State of its rightful income;

WHEREAS, the State, along with the rest of the world, adheres to the sound policy of furthering the protection of intellectual property rights, as evidenced by the Philippines' entry to several treaties espousing such cause;

WHEREAS, the wide-spread distribution and patronage of the products of the prohibited acts mentioned above, encourages and breeds more of the same and as such should be treated as much a crime as the infringement of intellectual property rights;

[Handwritten signatures and initials]

WHEREAS, the best way to stop the production of these products mentioned above is to block the channels by which these merchandise and goods are distributed and propagated and kill the market for the same;

WHEREAS, in order to effectively enforce and achieve the purpose of PD 8293, the Local Government Units must adopt stringent measures to combat these acts of infringement and piracy.

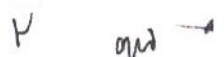
NOW, THEREFORE,

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

SECTION 1. Definition of terms. - For purposes of this ordinance, the following terms shall be understood to mean as follows:

1. Intellectual Property, as defined in R.A. 8293, shall include :
 - a. copyrights and related rights;
 - b. trademarks and service marks;
 - c. geographic indications;
 - d. industrial designs;
 - e. patents;
 - f. lay-out designs (topographies) of integrated circuits; and
 - g. protection of undisclosed information;
2. Pirated Items - any product or merchandise manufactured, produced or procured in violation of intellectual property and copyright laws of the Philippines;
3. Business Establishments - any business undertaking which has for its purpose, the leasing of spaces to tenants, the purpose of the latter being to engage in business, whether for sale of products or services;
4. Lessor - the person, whether juridical or natural, who leases out to tenants;
5. Lessee - the person who rents or leases spaces from the lessor for the purpose of engaging in a business or enterprise.

SECTION 2. It is hereby required that all business establishments as defined herein, in leasing out their respective establishments, or portions of the same, shall insert a provision in their respective contracts of lease which prohibits the lessee to sell, rent out or otherwise distribute any product, goods, items, or merchandise manufactured, produced, distributed or otherwise procured in violation of Republic Act 8293, otherwise known as the Intellectual Property Code of the Philippines, and other related laws.



Special Session

The contract mentioned above must also include a specified listing or enumeration of all the sources of the goods or merchandise being sold, rented out, or otherwise distributed by the lessee.

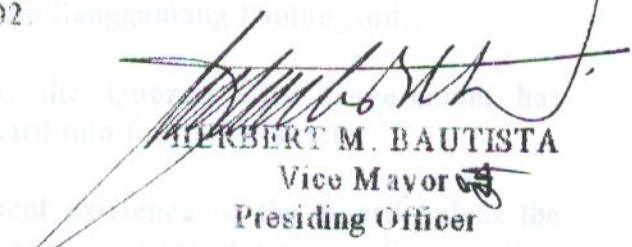
SECTION 3. It is further required that in the event that the lease contract, with respect to the part herein required, shall show that the lessee is selling, renting out, or otherwise distributing the items enumerated in Section 1(1 and 2) of this Ordinance, the lessor shall immediately notify the local police or other proper authorities.

SECTION 4. Any person found violating Sections 2 and 3 hereof shall be punished by a fine of not less than One Thousand Pesos, (P1,000.00), but not more than Five Thousand Pesos (P5,000.00) or suspension of the lessor's business permit for not less than six (6) months, but not more than one (1) year or both, at the discretion of the Court. Provided, however, that the lessee shall be proceeded against under the salient provisions of PD 8293


SECTION 5. Separability Clause. - In the event that any portion of this measure shall be declared unconstitutional, all other provisions not otherwise affected and capable of standing independently of the same, shall remain valid and in force.

SECTION 6. Effectivity Clause. - This ordinance shall take effect immediately upon its approval.

ENACTED: December 12, 2002.


HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Council Secretary
⇒ om

APPROVED: Jan. 30, 2003


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on December 12, 2002, was finally PASSED on Third Reading by the City Council on December 17, 2002.


EUGENIO V. JURILLA
City Council Secretary
⇒ om