

**National  
Telecommunications  
Commission**



## MEMORANDUM OF AGREEMENT

**WHEREAS**, pursuant to Act No. 3846, Executive Order Nos. 436 and 205, the National Telecommunications Commission (NTC) is the regulatory agency of the government responsible for granting certificates of authority, permits and/or licenses to install, operate and maintain Radio/TV Broadcast and CATV services throughout the Philippines;

**WHEREAS**, the Intellectual Property Office of the Philippines (IP Philippines) is the lead national agency on intellectual property created under Republic Act No. 8293, also known as the Intellectual Property Code of the Philippines, that aims to strengthen protection of rights of inventors, trademark owners, authors and other creators of intellectual property;

**WHEREAS**, the IP Philippines adjudicates disputes and complaints involving violations of intellectual property laws and coordinates with other government agencies to formulate and implement plans and policies to strengthen the protection of IPR in the country;

**WHEREAS**, the PARTIES, in entering into this Memorandum of Agreement, are motivated by their earnest desire to coordinate their respective actions to address the issue of CATV piracy in the Philippines, which has adverse effect on trade and business in the country and ensure maximum efficient regulation/supervision over the Radio/TV Broadcast and CATV industry; avail of the benefits of technological advancement in a maturing society seeking to attain the status of a newly industrialized country;

**WHEREAS**, there is a need for the parties to draw up an administrative mechanism to effectively and expeditiously resolve cases involving cable piracy and copyright infringement;

**NOW, THEREFORE**, by these presents, the National Telecommunications Commission (NTC), and the Intellectual Property Office of the Philippines (IP Philippines) hereby mutually agree to adhere and implement the following:

A handwritten signature in cursive script, likely representing the National Telecommunications Commission.

A handwritten signature in cursive script, likely representing the Intellectual Property Office of the Philippines.

A large, stylized handwritten signature in cursive script, possibly representing a high-ranking official from one of the parties.

A handwritten signature in cursive script, located on the right side of the page.

## Article I General Provisions

**Section 1.** All Radio/TV Broadcast operators including CATV operators duly authorized to operate in the Philippines shall comply with the technical and program standards set/adopted by the NTC;

**Section 2.** No Radio/TV Broadcast operator or CATV operator shall be granted an authority or renewal of authority by the NTC to install, operate, and maintain a TV Broadcast station or CATV system to which the IP Philippines has issued a cease and desist order;

**Section 3.** The NTC shall regularly make available a list of all authorized Radio/TV Broadcast operators and CATV operators in the Philippines including their complete address to the IP Philippines and other concerned organizations;

## Article II Intellectual Property Right

**Section 1.** No person and/or any duly authorized Radio/TV Broadcast operator or CATV operator shall infringe upon or violate any intellectual property right, i.e. copyright and/or piracy of any film/show or material for use in the operation of their Radio/TV Broadcast or CATV service;

**Section 2.** Complaints and disputes involving infringement of intellectual property rights shall be forwarded/endorsed within five (5) working days from receipt by the NTC to the IP Philippines for adjudication;

**Section 3.** The NTC shall likewise forward/endorse within five (5) working days from the effectivity of this Memorandum of Agreement to the IP Philippines pending cases earlier filed before the NTC involving violations of the infringement of intellectual property rights for IP Philippines adjudication;

**Section 4.** The IP Philippines shall take cognizance of NTC's referrals provided that the parties concerned shall file the necessary pleadings to enable the IP Philippines to acquire jurisdiction over the referred cases. Thereafter, IP Philippines shall proceed to determine whether there is an infringement or violation of any copyright/piracy by a Radio/TV Broadcast operator or CATV operator in accordance with its laws, rules and regulations. After such determination is made, IP Philippines shall promptly advice NTC of its determination and recommendation to enable NTC to take the appropriate action thereon;

*[Handwritten signatures]*

*[Handwritten signature]*

*[Handwritten signature]*

### Article III Monitoring and Enforcement

**Section 1.** The two (2) agencies of government, within its sphere of competence and concern, shall monitor and enforce the laws, rules and regulations applicable to Radio/TV Broadcast and CATV operations;

**Section 2.** The NTC may be deputized by IP Philippines to assist them in monitoring violations by Radio/TV Broadcast or CATV operators of intellectual property laws, rules and regulations. The NTC will provide IP Philippines relevant data, statistics, and information and support the activities and projects of the IP Philippines on the protection of intellectual property rights. All violations shall, however, be prosecuted by the respective agencies concerned;

**Section 3.** The assistance of the local government unit and private sector may be sought in the monitoring and enforcement of intellectual property laws, rules and regulations and to provide feedback to these agencies;

**Section 4.** The IP Philippines and NTC shall continue and strengthen their cooperation by conducting workshops and trainings among their officials and personnel to enhance their capability in resolving issues involving telecommunications, broadcasting, cable piracy and intellectual property;

**Section 5.** The IP Philippines shall furnish the NTC, copies of its decisions for appropriate action;

### Article IV Sanctions

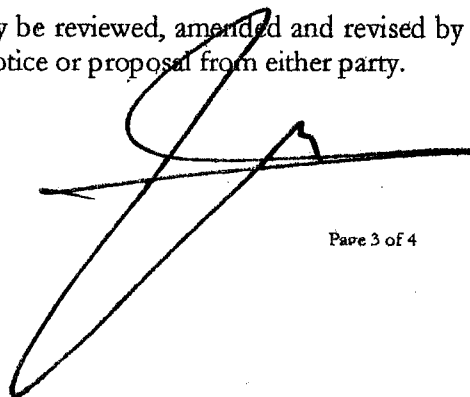
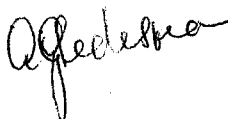
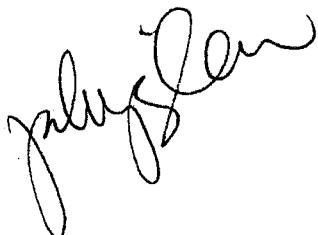
**Section 1.** Each Agency shall enforce the sanctions provided for in their respective Charters;

### Article V Implementing Guidelines

**Section 1.** Within a reasonable time from the date of effectivity of this Memorandum of Agreement, parties hereto shall promulgate guidelines for the smooth implementation of this Agreement. Said guidelines shall be published in a newspaper of general circulation and shall take effect fifteen (15) days from the date of publication;

### Article VI Review, Amendment and Revision

**Section 1.** This Memorandum of Agreement may be reviewed, amended and revised by mutual consent of the parties through a written notice or proposal from either party.



Makati City, Philippines, June 16, 2006.

**NATIONAL TELECOMMUNICATIONS  
COMMISSION**

By:

  
**RONALD OLIVAR SOLIS**  
Commissioner

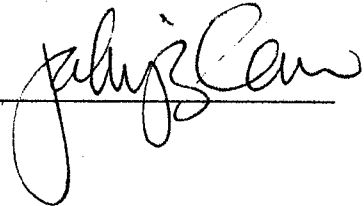
**INTELLECTUAL  
PROPERTY OFFICE OF  
THE PHILIPPINES**

By:

  
**ADRIAN S. CRISTOBAL, JR.**  
Director General

**Witnesses:**

  
\_\_\_\_\_

  
\_\_\_\_\_

# ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)  
CITY OF MAKATI ) S.S.

JUN 19 2006

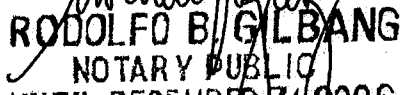
BEFORE ME, this \_\_\_\_\_ day of \_\_\_\_\_ 2006, in the City of Makati, Philippines, personally appeared:

NAME	CTC NO.	DATE/PLACE OF ISSUE
Atty. Adrian S. Cristobal, Jr.	24816128	16 January 2006/Makati
Comm. Ronald O. Solis	12481436	05 January 2006/Q.C.

known to me to be the same persons who executed the foregoing instrument, and they acknowledged to me that the same are their free act and deed.

This instrument, consisting of five (5) pages, including the page on which this Acknowledgement is written, has been signed on the left margin of each and every page thereof by the parties and their witnesses, and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereunto set my hand, the day, year and place above written.

  
RODOLFO B. GILBANG  
NOTARY PUBLIC  
UNITED STATES OF AMERICA  
PTR NO. 4182023-E  
ISSUED ON 1-03-06 MAKATI  
19'S ROLL: 26704

Doc. No. 286 ;  
Page No. 59 ;  
Book No. XXXII ;  
Series of 2006.