

OFFICE COPY

INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

15 May 2006

Mr. Tarun Sawney
Director for Anti-Piracy, Asia
Business Software Alliance
Singapore

Dear Mr. Sawney:


Thank you for your support and participation in the **IP PROTECT Training Seminar** held in Dusit Hotel Nikko, Makati, last 26 April 2006.

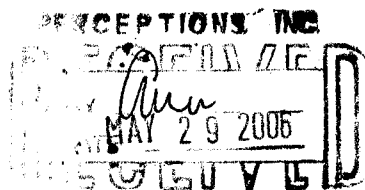
With this letter is your copy of the duly notarized Memorandum of Understanding (MOU) between our two organizations. With the increasing recognition of the importance of intellectual property among private and public sectors, we can truly foster a creative and competitive Philippines that values, nurtures and uses intellectual property for national development.

We look forward to discussing these issues further on how to effectively implement our cooperation agreement.

Best regards.

Sincerely yours,


ATTY. ADRIAN S. CRISTOBAL, JR.
Director General



MEMORANDUM OF UNDERSTANDING

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Understanding (the "MOU") is entered into this 26th day of April 2006 between:

The **INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES**, hereinafter referred to as **IP PHILIPPINES**, a government agency mandated to implement the provisions of Republic Act No. 8293 or the Intellectual Property Code of the Philippines, with principal office address at IPO Building, 351 Sen. Gil Puyat Avenue, Makati City, represented herein by the Director General, Adrian S. Cristobal Jr.;

-- and --

The **BUSINESS SOFTWARE ALLIANCE**, hereinafter referred to as **BSA**, is a non-profit organization mandated to promote future innovation for the commercial software industry and its hardware partners through education and policy initiatives on copyright, patents, cyber security, trade, e-commerce and other Internet-related issues, with principal office address at 1150 18th Street N.W., Suite 700, Washington D.C. 20036, U.S.A., represented herein by the Director for Anti-Piracy, Asia, Tarun Sawney;

WITNESSETH That --

WHEREAS, Article XIV, section 13 of the 1987 Constitution of the Republic of the Philippines provides that "the State shall protect and secure the exclusive rights of scientists, inventors, artists, and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people, for such period as may be provided by law."

WHEREAS, Section 2 of Republic Act No. 8293 otherwise known as the Intellectual Property Code of the Philippines (IP Code) states that "the State recognizes that an effective intellectual and industrial property system is vital to the development of domestic and creative activity, facilitates transfer of technology, attracts foreign investments and ensures market access for our products." This section further provides that "the use of intellectual property bears a social function. To this end, the State shall promote the diffusion of knowledge and information for the promotion of national development and progress and the common good."

WHEREAS, Section 5 (g) of the IP Code mandates IP Philippines to "coordinate with other government agencies and the private sector efforts to formulate and implement plans and policies to strengthen the protection of intellectual property rights in the country."

WHEREAS, IP Philippines aims to foster a creative and innovative Philippines that values, nurtures and uses intellectual property for national development;

WHEREAS, BSA is a non-profit organization representing the world's leading software developers before government and consumers in the international marketplace since 1988;

A black rectangular redaction box is located on the right side of the page, partially overlapping the text of the 'WHEREAS' clauses. Below the redaction box, there are two handwritten signatures in black ink. The first signature is a stylized 'T' or 'L' shape, and the second is a more complex, cursive signature.

WHEREAS, BSA promotes global policies that fosters innovation, growth, a competitive marketplace and a legal digital world for commercial software and related technologies, and educates computer users on software copyrights;

WHEREAS, one of the essential elements for a competitive and innovative technology industry is strong protection for intellectual property;

WHEREAS, the study prepared by International Data Corporation (IDC) shows that if software piracy is lowered by 10 points within four years, it will bring significant economic gains to the Philippines such as double-digit growth for the IT industry, creation of new jobs and generation of more revenues for the government;

WHEREAS, IP Philippines and BSA recognize the need for intensive and sustained educational efforts by concerned government agencies and private organizations to generate awareness about the importance of the software industry on social and economic development;

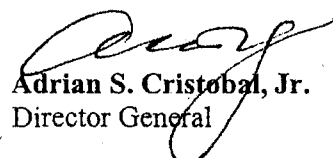
For and in consideration of the foregoing, IP Philippines and BSA have agreed to set forth their respective undertaking in this Memorandum of Understanding defining the terms and conditions of their cooperation as follow:

1. IP Philippines shall organize training sessions on IPR in the software industry for members of the IP Community, and the BSA shall provide speaker/resource persons, technical assistance and other form of support as may be agreed upon by both parties;
2. BSA shall provide training on software copyright for the hearing officers of IP Philippines and for selected members of the IP Community;
3. BSA shall support the information and educational campaigns and training programs of the IP Philippines and/or the IP Academy;
4. IP Philippines and BSA shall embark on a joint educational campaign to promote greater awareness on IPR particularly in relation to software;
5. IP Philippines or the IP Academy shall prepare or cause the preparation of a study on the extent and impact of piracy, including software piracy, on the Philippine economy, which BSA shall support through professional and technical assistance or advice or other means agreed upon by both parties;
6. IP Philippines and BSA expressly warrant and acknowledge that they have duly considered all existing laws, rules and regulations and ethical codes in entering into this MOU; and

This Memorandum of Understanding shall take effect upon signing hereof:

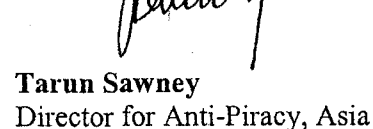
**INTELLECTUAL PROPERTY
PHILIPPINES**

By:


Adrian S. Cristobal, Jr.
Director General

BUSINESS SOFTWARE ALLIANCE

By:


Tarun Sawney
Director for Anti-Piracy, Asia

