



OFFICE COPY

INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

8 May 2006

Mr. Fermin "Tarcs" Taruc
President
Philippine Software Industry Association (PSIA)
c/o Asian Business Solutions, Inc.
2/F Gloria Building, 109 Aguirre St., Legaspi Village
Makati City 1200, Philippines

Dear Mr. Taruc:

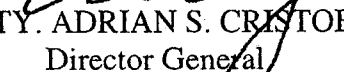
Thank you for your support and participation in the **IP PROTECT Training Seminar** held in Dusit Hotel Nikko, Makati, last 26 April 2006.

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

*Received by:
Mr. Taruc
5/29/06*

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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 **PHILIPPINE SOFTWARE INDUSTRY ASSOCIATION**, hereinafter referred to as **PSIA**, was organized as the Philippine Software Association in 1988 for the purpose of organizing the Philippine software industry and help member organizations achieve their business objectives, with principal office address at 2nd Floor Gloria Building, 109 Aguirre Street, Legaspi Village, Makati City, represented herein by the President, Fermin Taruc;

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, since its organization, PSIA has been involved in several missions to sell the Philippines as the preferred choice for software development services. PSIA has worked with the government in developing policies to make the Philippines competitive in the software development services market worldwide;



WHEREAS, PSIA, which is recognized by government and other external parties as the representative of the software industry in the country, provides a forum for software industry players to exchange information, to address common industry issues, and to promote the global competitiveness of the Philippine Software Industry.

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

WHEREAS, IP Philippines and PSIA 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;

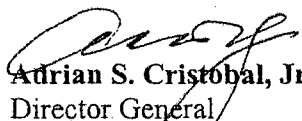
For and in consideration of the foregoing, IP Philippines and PSIA have agreed to set forth their respective undertaking in this Memorandum of Understanding defining the terms and conditions of their cooperation as follow:

1. IP Philippines shall organize training sessions on IPR in the software industry for members of the IP Community, and the PSIA shall provide speaker/resource persons, technical assistance and other form of support as may be agreed upon by both parties;
2. PSIA shall provide training on software copyright for the hearing officers of IP Philippines and for selected members of the IP Community;
3. PSIA shall support the information and educational campaigns and training programs of the IP Philippines and/or the IP Academy;
4. IP Philippines and PSIA 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 PSIA shall support through professional and technical assistance or advice or other means agreed upon by both parties;
6. IP Philippines and PSIA 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

**PHILIPPINE SOFTWARE INDUSTRY
ASSOCIATION**

By:


Fermin Taruc
President

ACKNOWLEDGEMENT

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

BEFORE ME, this day appeared:

| | | |
|-------------------------|---------------------|---|
| ADRIAN S. CRITOBAL, JR. | CTC No. 24816128 | Place / Date of Issue Makati City / Jan 16, 2006 |
|-------------------------|---------------------|---|

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|--------------|----------|------------------------------|
| FERMIN TARUC | 21422704 | Quezon City / April 21, 2006 |
|--------------|----------|------------------------------|

Known to me to be the same persons who executed and signed the foregoing instrument, consisting of three (3) pages including this page on which acknowledgement is written, and they acknowledged to me that the same is their free act and deed.

WITNESS MY HAND AND SEAL, this ___ day of MAY 04 2006 2006.

Maribel D. Porciuncula
MARIBEL D. PORCIUNCULA
NOTARY PUBLIC
UNTIL DECEMBER 31, 2007
PTR NO. 4179657 E 1-2-06 MAKATI
IBP NO. 639242 12-2-05 MANILA
ROLL NO. 40120

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