

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



First Regular Session

House Resolution No. 377

Introduced by Congressman Ferdinand R. Marcos II

RESOLUTION

DIRECTING THE COMMITTEE ON TRADE AND INDUSTRY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED INCLUSION OF THE PHILIPPINES IN THE U.S. "301 LIST" BECAUSE OF ALLEGED CONTINUED INFRINGEMENT OF U.S. INTELLECTUAL PROPERTY RIGHTS (IPR), IN ORDER FOR THE COUNTRY TO GET STRICKEN OUT FROM SAID LIST

WHEREAS, a report of the International Intellectual Property Alliance (IIPA) estimates US loss due to infringement of IPR in the Philippines at \$115.2 Million in 1991 and that said report has ranked the country second to Taiwan in terms of piracy in Asia;

WHEREAS, as a result of the said losses suffered by the US the country has been included in the so-called "301 list", a list of countries who, among others, are violators of IPR and are hostile to US products;

WHEREAS, being included in the said list, the United States as provided for in Section 301 of the US Trade Act, can take action against the Philippines in the form of trade sanctions such as removal of the country's exports from the Generalized System of Preference (GSP) and reduction of our export quotas;

WHEREAS, in order for the country to be stricken out from the said list, the US demands, among others, the following:

- amend existing IPR laws to increase penalties in criminal infringement cases,
- revise the Patent Compulsory Licensing regime for government to authorize compulsory licensing only in state of national emergency or in the case of a court ordered remedy against anti-competitive practices,
- provide protection to internationally well-known trademarks regardless of whether such marks are registered or in use in the country,

- eliminate the compulsory licensing regime for reprinting of books,
- increase funding for IPR enforcement agencies, and
- that Custom authorities should inspect 30 to 40 percent of all imports and exports of trademarked and copyrighted goods;

WHEREAS, per Department of Trade and Industry (DTI) opinion the country, at present, has all the necessary legal infrastructure for IPR protection and that the high level of awareness and the resources devoted by the government in order to curb if not abate counterfeiting and piracy has been substantial;


WHEREAS, the country would be adjusting its laws on IPR protection just the same, pending approval of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) which is part of the Uruguay Round package in the ongoing General Agreement on Trade and Tariffs negotiations (GATT), of which the Philippines is a member;

WHEREAS, the demands of the US are more restrictive and imposing than the provisions in the Agreement on TRIPS, of which the country has expressed its support;

WHEREAS, considering all these, the country can not completely ignore the US demands, taking into mind that the United States of America is the biggest market for Philippine exports;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House of Representatives in Congress assembled, To direct the Committee on Trade and Industry to conduct an inquiry, in aid of legislation, into the reported inclusion of the Philippines in the US "301 list", with the end view of formulating and enacting temporary remedial legislative measures that would immediately get the country stricken out from the said list pending the adjustment of the country's laws on IPR in compliance with the Agreement on TRIPS, which is a part of the Uruguay Round package upon the conclusion of the ongoing GATT negotiations.

Adopted,


Honorable Ferdinand R. Marcos I