

[MEMORANDUM CIRCULAR NO. 2018-002, April 05, 2018]

REGULATION OF THE MANUFACTURING, IMPORTATION, EXPORTATION, DISTRIBUTION, SALE, RENTAL, AND OTHER COMMERCIAL ACTIVITIES INVOLVING ALL TECHNICAL VARIATIONS OF OPTICAL AND MAGNETIC MEDIA

Date Filed: 05 April 2018

WHEREAS, RA 9239 defines Optical Media as "a storage medium or device in which information, including sounds and/or images, or software code, has been stored, either by mastering and/or replication, which may be accessed and read using a lens scanning mechanism employing a high intensity light source such as a laser or any such other means as may be developed in the future. The term shall include, but not be limited to, devices which shall be listed in the IRR of this Act, or as prescribed by the OMB."

WHEREAS, the IRR of RA 9239 defines Magnetic Media as "a storage medium or device characterized by a base, usually plastic, coated with ferric oxide powder, in which visual and/or aural information, or software code, may be recorded or stored, including, but not limited to, magnetic tape, cassettes, video tape, diskettes and floppy discs or any technical variation thereof as may be determined by the Board".

WHEREAS, USB Flash Drives or Thumb Drives, Secure Digital (SD) Cards, Network Attached Storage (NAS), External/Internal Hard Disk Drives (HDD), Solid State Drives (SSD), Cellular Phones, Tablet Computers, Portable Music Players, and Internet-Based File Storage and Synchronization Service fall within the purview of the above definitions, hereinafter collectively referred to as "STORAGE DEVICES".

WHEREAS, the mentioned storage devices are being utilized nowadays by unscrupulous individuals for purposes of piracy.

NOW, THEREFORE, the regulation of the manufacturing, importation, exportation, distribution, sale, rental, and other commercial activities involving the above mentioned storage devices is essential in the nationwide campaign against piracy.

HENCEFORTH, pursuant to Board Resolution No. 18-03-04 and the powers and functions of the OMB under Section 10, subsections (a) and (c) of R.A. 9239 relative to the formulation of policies and granting and/or renewal of licenses, the following are hereby promulgated:

REGULATION OF THE MANUFACTURING, IMPORTATION, EXPORTATION, DISTRIBUTION, SALE, RENTAL, AND OTHER COMMERCIAL ACTIVITIES INVOLVING TECHNICAL VARIATIONS OF OPTICAL AND MAGNETIC MEDIA