

October 21, 1948

**EXCHANGE OF NOTES BETWEEN THE REPUBLIC OF THE
PHILIPPINES AND THE UNITED STATES OF AMERICA FOR THE
ESTABLISHMENT OF RECIPROCAL COPYRIGHT RELATIONS**

Note: The Agreement entered into force, October 21, 1948.

Reference: This Agreement Is also published in 77 UNTS, p. 197 and
TIAS 1840.

I

THE PHILIPPINE AMBASSADOR TO THE ACTING SECRETARY OF STATE

EMBASSY OF THE PHILIPPINES
WASHINGTON

October 21, 1948

Excellency:

In accordance with instructions from my Government, I have the honor to invite your attention to section 10(b) of the Philippine Copyright Law (Act No. 3134 of the Philippine Legislature) under which, as amended by Republic Act No. 76, the benefits of the aforementioned Act No. 3134 may be extended to the work of a proprietor who is not a citizen of the Philippines only when the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the Philippines the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under that Act.

Since section 10(b) of the Philippine Copyright Law is similar to paragraph (b), section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress, approved July 30, 1947 (61 Stat. 652), it is the desire of my Government to enter into reciprocal copyright relations with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

With a view to assuring the Government of the United States of America of reciprocal benefits for authors and proprietors of the United States, the President of the Republic of the Philippines had issued a proclamation, a copy of which is enclosed herewith, proclaiming that citizens of the United States are entitled on and after this date to obtain copyright for their works in the Republic of the Philippines, including rights similar to those provided by section 1(e) of the above-mentioned Title 17 of the United States Code. This proclamation comes into effect today, the date on which it is understood that the President of the United States of America shall proclaim that citizens of the Republic of the Philippines are entitled to all the benefits of the aforementioned Title 17 of the United States Code, including the provisions of section 1 (e) thereof, but excepting the provisions embodied in the second paragraph of section 9 (b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities.

The Government of the Republic of the Philippines is prepared, if this proposal is acceptable to the Government of the United States of America, to regard the present note and Your Excellency's reply to the same effect as establishing reciprocal copyright relations between the two Governments on this day.

Accept, Excellency, the renewed assurances of my distinguished consideration.

J. M. ELIZALDE

Enclosure:

Copy of Proclamation

His Excellency **ROBERT A. LOVETT**
Acting Secretary of State

BY THE PRESIDENT OF THE PHILIPPINES
PROCLAMATION No. 99
EXTENDING COPYRIGHT PRIVILEGES AND PROTECTION TO
CITIZENS OF THE UNITED STATES

WHEREAS, it is provided by an Act of the Philippine Legislature, Act No. 3134, entitled "An Act to Protect Intellectual Property", otherwise known as the Copyright Law of the Philippines, approved March 6, 1924, as amended by Republic Act No. 76, approved October 21, 1946, that the copyright secured by the Act shall extend to the work of a proprietor, who is not a citizen of the Philippines, only upon certain conditions set forth in Section 10 of the Act, to wit:

"(a) When an alien proprietor shall be domiciled within the Philippine Islands at the time he makes application for copyright; or

"(b) When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of (the United States or of) the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this Act; or

"(c) When such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright and that (the United States or) the Philippine Islands may become a party thereto."

WHEREAS, the Act of Congress, approved July 30, 1947, (61 Stat. 652) titled "An Act to Codify and Enact into Positive Law Title 17 of the United States Code, entitled "Copyright", provides that the copyright secured by the said Act and the benefits under Section 1 (e) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in Section 9 of the Act, to wit:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or

law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto."

WHEREAS, satisfactory official assurances have been received that, on and after October 21, 1948, pursuant to the aforementioned Act of Congress, approved July 30, 1947, (61 Stat. 652), citizens of the Philippines are entitled to obtain copyright protection for their works in the United States which is substantially equal to the protection afforded by the copyright laws of the Philippines and which is afforded on substantially the same basis as to the citizens of the United States;

NOW, THEREFORE, I, Elpidio Quirino, President of the Philippines, do hereby declare and proclaim:

That on and after October 21, 1948, the conditions specified in section 10(b) of the aforementioned Act No. 3134 of the Philippine Legislature of March 6, 1947, do exist and are fulfilled in respect of the citizens of the United States and that on and after October 21, 1948, citizens of the United States shall be entitled to all the benefits of the said Act;

Provided, That the enjoyment by any work of the rights and benefits conferred by the said Act shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the Philippines.

In witness whereof, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of October, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the third.

[SEAL]

ELPIDIO QUIRINO
President of the
Philippines

By the
President:

EMILIO ABELLO
Executive Secretary

II

THE ACTING SECRETARY OF STATE TO THE PHILIPPINE AMBASSADOR

DEPARTMENT OF STATE
WASHINGTON

October 21, 1948

Excellency: