



ATENEO DE MANILA UNIVERSITY
ATENEO INTELLECTUAL PROPERTY OFFICE

19 June 2020

To: The University Community

A handwritten signature in black ink, appearing to read 'Proceso L. Fernandez, Jr.'.

From: Proceso L. Fernandez, Jr., Ph.D.
Director, Ateneo Intellectual Property Office

Subject: INTELLECTUAL PROPERTY RIGHTS OWNERSHIP AND USE OF MATERIALS
DEVELOPED FOR TEACHING

This memo describes the perspective from which the University views ownership and use of material that is developed for teaching purposes. The description is taken from Republic Act 8293 and from provisions of the University Intellectual Property (IP) Policy, anchored in the Republic Act.

Republic Act 8293

Republic Act 8293, also known as the Intellectual Property Code of the Philippines (IP Code), was enacted in 1997. Under this law, the general rule is this: “in the case of original literary and artistic works, copyright shall belong to the author of the work;” [Sec. 178.1].

The IP Code explicitly states some exceptions to this general rule. For example, Sec. 178.3 states:

In the case of work created by an author during and in the course of his employment, the copyright shall belong to:

- (a) The employee, if the creation of the object of copyright is not a part of his regular duties even if the employee uses the time, facilities and materials of the employer.
- (b) The employer, if the work is the result of the performance of his regularly-assigned duties, unless there is an agreement, express or implied, to the contrary.

As an educational institution, the Ateneo de Manila University employs faculty members to teach courses that are offered by the University. Included in the teaching duties are (a) developing teaching materials intended to promote student learning, (b) carrying



ATENEUM DE MANILA UNIVERSITY ATENEUM INTELLECTUAL PROPERTY OFFICE

out the planned learning activities, and (c) evaluating and reporting student performance vis-a-vis the expected University standards. Thus, based on the IP Code, materials developed for teaching are deemed to be owned by the University.

The Ateneo de Manila Intellectual Property Policy

The University has an Intellectual Property Policy, approved by the University Board of Trustees in the second semester of School Year 2018-2019. A full copy of this policy is available at <https://www.aipo.ateneo.edu/ip-policy>.

Section 7.1 of the University IP Policy states, "Copyright and all other economic rights over Copyrightable Works shall be owned by the Creators, EXCEPT in the following cases, where the copyright shall belong to the University." One of the exceptions specified in the policy involves "Works created by an employee in the course of his or her regularly-assigned duties, activities, and employment". The section affirms the IP Code (Republic Act 8293) statement that educational materials developed by faculty members as part of their teaching duties belong to the University.

Far from fixating on such aspects of ownership, however, the University wishes to assure the community that its main interest for such IP rights is to promote collaborative effort and the unhampered sharing of knowledge in the pursuit of its educational mission.

In this spirit, the University is exploring how ownership of IP can meaningfully support its mission, while at the same time recognize individual creators and allow them beneficial use of works created by them. This perspective is amply reflected in the current policy by providing that, notwithstanding its Section 7.1, ownership over any Copyrightable Work may be subject to agreement between the University and the Creator (7.2 Contractual Stipulation on Copyright).

The Ateneo Intellectual Property Office will facilitate this continuing process.

Should anyone need further clarification on this or a related matter, please email aipo@ateneo.edu and/or legal@ateneo.edu, and the respective offices would be glad to assist.

Noted By:

A handwritten signature in blue ink, appearing to read 'Jose Villarin'.

Fr. Jose Ramon T. Villarin, S.J.
President
Ateneo de Manila University