

THE WRITTEN PROPERTY

A Freelance Writer's
Guide to Copyright



EDITED BY
IMELDA MORALES &
ATTY. MARK ROBERT DY



Bureau of
Copyright
and Related Rights



Freelance Writers'
Guild of the Philippines

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THE WRITTEN PROPERTY

A Freelance Writer's
Guide to Copyright

Edited by
Imelda Morales and
Atty. Mark Robert Dy

The Written Property: A Freelance Writer's Guide to Copyright
Edited by Imelda Morales and Atty. Mark Robert Dy

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INTRODUCTION

Protect the Works of Writers

Copyright, even for people involved in word-centric careers, is a confusing topic. Despite the existence of Republic Act 8293 (The Intellectual Property Code), there are many things that we still don't understand about it. Some writers are not even aware of certain provisions or clauses in the law that directly affect their livelihood. Ignorance and confusion, unfortunately, are sometimes followed by mistakes and misfortune.

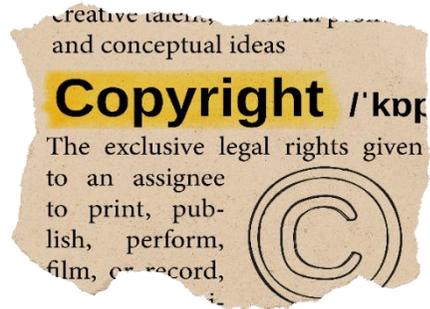


IMAGE 1: FREE PUBLIC DOMAIN CC0 PHOTO FROM RAWPIXEL, LTD.*

For writers and freelancers—freelance writers in particular—this may manifest as failed projects, unfair contracts, loss of intellectual property rights, reduction of expected income, and so on. One of the ways to address this issue is to raise the awareness of freelance creators about their own rights and responsibilities. The community clearly needs all the help it can get so that it can support the creation of a fair business environment, fair policies, and fair practices.

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In May 2021, the Intellectual Property Office of the Philippines - Bureau of Copyright and Related Rights (IPOP HL-BCRR) put out a call for proposals for their flagship project, Copyright Plus. They were looking for projects that can help promote and develop the country's copyright sector. The Freelance Writers' Guild of the Philippines (FWGP) saw this as an opportunity to empower the local freelancing sector in the areas of intellectual property, writers' rights, copyright, and contracts. FWGP submitted a proposal for evaluation, which was eventually selected for funding and implementation.

FWGP's proposed project is titled Protect Writers' Works—a 3-pronged program that includes the publication of an e-book, a social media campaign, and a webinar-book launch. The e-book is a collection of essays on IP, writers' rights, copyright, contracts, and related topics written by different FWGP authors. It is specifically targeted at freelance content creators like writers, editors, translators, and the like. The e-book, this material you are currently reading, is being made available to the freelancing community for a small fee.

The project's objectives, as stated in the proposal submitted by FWGP to its co-funder IPOP HL-BCRR, are the following: (1) to produce a publication that can serve as a reliable reference for the local community of freelance content creators; (2) to offer guidance to freelance content creators as they conduct their work and activities like negotiating with employers, publishers, clients, etc.; (3) to help freelance content creators, specifically the writers, editors, and translators, deepen their understanding of intellectual property, writers' rights, copyright, contracts, etc.; and (4) to empower the local community of Filipino freelance content creators.

Most of the chapters in the e-book are presented using a Q&A format to allow readers to easily check each item to see if the situation

or topic being discussed is relevant to their own interests. The ten chapters cover the following topics: a survey of the local freelancing landscape (Chapter 1); basic information on copyright (Chapter 2); protected and derivative works (Chapter 3); unprotected works (Chapter 4); rules of ownership (Chapter 5); limitations and exceptions (Chapter 6); copyright infringement and plagiarism (Chapter 7); remedies for copyright infringement (Chapter 8); ways to protect our copyright (Chapter 9); and common challenges that freelancers face (Chapter 10).

There are actual case studies (local and foreign examples), information from research as well as interviews that some of the authors did with lawyers and creators, and practical advice from experts and experienced practitioners. The annex section of this e-book presents useful reference documents for the freelancer, like a sample contract, a non-disclosure agreement, a work-for-hire contract, and the Copyright Law itself.

As one of the editors of this publication, the three things I found challenging as I worked on this manuscript include: (1) the differences in the tone employed by the authors; (2) the same topics appearing several times in various chapters; and (3) the individual expressions of the authors and, sometimes, their interpretations of certain situations and facts, as well. Readers can rest assured that Atty. Mark Robert Dy, my co-editor, and I did our very best to hold everything together to be able to present to the public a cohesive, intelligent, and smooth-flowing narrative on the matter.

Finally, allow me to thank the following for their precious help in producing this e-book: the members and officers of the Freelance Writers' Guild of the Philippines, especially Bebang Siy, Jofti Villena, Connie Macatuno, Cecile Baltasar, Leslie Ann Castillo, Kate Placido, Tuni Balisi, Liezl Dunuan, Trish Barba, Hark Sarmiento, Pete Mariano,

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Imelda Morales

Writers' rights advocate

Founder, FWGP

30 July 2022