

# Seizing Black and Gray Copies: A Proposal to Increase the Court's Power in Civil Copyright Infringement

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*SUBJECT(S): INTELLECTUAL PROPERTY RIGHT*

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The Article reviews two of the anti-copyright piracy provisional remedies in the Philippines, delivery for impoundment and seizure for impoundment. It also measures the adequacy these remedies to comply with the international obligations assumed by the Philippines by being a signatory in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

After providing and explaining the related provisions of Republic Act No. 8293, entitled, "An Act Prescribing the Intellectual Property Code and Establishing the Intellectual Property Office, Providing for its Powers and Functions, and for Other Purposes," the Article gives an overview of the provisional remedies under TRIPS. The Article focuses particularly in the deficiency of the courts' power in seizing infringing goods and parallel imports. The deficiency of the courts' power to provide these two provisional remedies is explained by providing the related Philippine law, the requirement under TRIPS and how the Philippine law fails to meet the said requirement.

The Article also examines two measures that the Philippine government may take to secure adherence to TRIPS. On the one hand, the government may develop a new remedy of search and seizure order available prior to the institution of a main action for infringement. In the alternative, the government may also amend the seizure order provided in Republic Act No. 8293 by including the power to search and its ex parte issuance.

After analyzing the two, the Author recommends a new ex parte search and seizure remedy by amending Section 216.2 of Republic Act 8293. She also recommends a new definition for impoundable copy and the removal of the Bureau of Customs' seizure power over parallel imports.