



Republic of the Philippines
OFFICE OF THE PRESIDENT
OPTICAL MEDIA BOARD

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**OFFICE OF THE CHAIRMAN AND CEO
MEMORANDUM CIRCULAR No. 2016-001**

TO : ALL CONCERNED

RE : REGULATION OF HARD DISK DRIVES and OPTICAL MEDIA WRITERS/DRIVES

WHEREAS, there have been various complaints from the film and music industries regarding the proliferation of unauthorized products in the market, many of which involve downloaded materials from the internet into Hard Disk Drives and eventually transferred to optical discs through optical disc writers/drives;

WHEREAS, Hard Disks Drives are nonvolatile storage devices attached to computers made up of metallic discs with magnetic coating;

WHEREAS, as part of its regulatory functions, the Optical Media Board (OMB) considers these Hard Disk Drives to be magnetic media, which is covered by the provisions of Republic Act No. 9239, otherwise known as "the Optical Media Act of 2003";

WHEREAS, Internal and External Optical Disc Writers/Drives are devices capable of transferring data from Hard Disk Drives to various Optical Media;

WHEREAS, as part of its regulatory functions, the Optical Media Board (OMB) considers these Optical Disc Writers/Drives to be manufacturing equipment, which are covered by the provisions of Republic Act No. 9239, otherwise known as "the Optical Media Act of 2003"

NOW, therefore, pursuant to Board Resolution No. 16-04-07 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 HARD DISK DRIVES and OPTICAL DISK WRITERS/DRIVES

1. All entities with transactions involving importation, exportation, acquisition, sale or distribution of optical and magnetic media, as well as manufacturing equipment, are hereby required to comply with all requirements of registration and licensing under the Optical Media Act of 2003;
2. Entities using Internal and External Hard Disk Drives and Optical Disc Writers/Drives for commercial purposes are hereby required to register and acquire the necessary permits and licenses with the Registration and Licensing Division (RLD) of the OMB;

3. For purposes of this Circular, "commercial purposes" shall refer to all activities involving importation, exportation, acquisition, sale or distribution of optical and magnetic media as well as manufacturing equipment, with intent to profit in reference to Sec. 3(f) of RA 9239;
4. The RLD shall charge a registration fee of ONE THOUSAND FIVE HUNDRED PESOS ONLY (Php1,500.00) per Internal and External Optical Disc Writer/Drive and ONE THOUSAND FIVE HUNDRED PESOS ONLY (Php1,500.00) for Internal and External Hard Disk Drive;
5. Penalty – Failure to comply with this Memorandum Circular shall be considered as a violation of Title IV Sec. 1(c) of the Implementing Rules and Regulations of RA 9239, punishable by a penalty of not less than THREE HUNDRED THOUSAND PESOS ONLY (Php 300,000) but not more than ONE MILLION AND FIVE HUNDRED THOUSAND PESOS ONLY (Php 1,500,000).
6. Transitory Provisions –This Memorandum Circular shall apply prospectively without prejudice to pending applications in the RLD from the date of effectivity of this Memorandum Circular.
7. Effectivity - This circular shall take effect within FIFTEEN (15) days from publication hereof.



Atty. ANSELMO B. ADRIANO
Chair & Chief Executive Officer