



The Republic of the Philippines

IP OFFICE

Intellectual Property (Patent, Trademarks, Industrial Designs, Copyright)	
Competent Authority	Intellectual Property Office of the Philippines
Web site address	http://www.ipophil.gov.ph/
Address	IP Center 28 Upper McKinley Road McKinley Hill Town Center, Fort Bonifacio Taguig City 1634 Philippines
Telephone	(632) 7238-6300
E-mail	mail@ipophil.gov.ph

MAIN IP INTERNATIONAL CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S. No.	Signature	In Force Since
1.	Berne Convention	August 1, 1951
2.	Budapest Treaty	October 21, 1981
3.	Madrid Protocol	July 25, 2012
4.	Marrakesh VIP Treaty	March 18, 2019
5.	Paris Convention	September 27, 1965
6.	Patent Cooperation Treaty	August 17, 2001
7.	Rome Convention	September 25, 1984
8.	WIPO Convention	July 14, 1980
9.	WIPO Copyright Treaty	October 4, 2002
10.	WIPO Performances and Phonograms Treaty	October 4, 2002

For more information, please refer

to:https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=139C

IP Rights	Legal Requirements	Duration	Responsible Authority
Copyright	- Originality	Life of author + 50 years However, different rules regarding specific terms may apply in certain cases.	Intellectual Property Office of the Philippines National Library of the Philippines
Trademarks		10 years Renewable every 10 years subject to submission of 3 rd , 5 th anniversary and Renewal Declaration of Actual Use (DAU)	Intellectual Property Office of the Philippines
Patents	A. Novelty B. Inventive step C. Industrial applicability D. Not covered by list of non-patentable subject matters E. Complies with disclosure and enablement requirement	20 Years Not subject to renewal	Intellectual Property Office of the Philippines
Utility Model	- Novelty - Industrially applicability - Not included in the non-patentable subject matter	7 Years from date of filing with no possibility of renewal	Intellectual Property Office of the Philippines
Industrial Designs	- Novelty or Ornamental character - Industrial Applicability	5 Years Extendable for two (2) consecutive periods of 5 years each, for a total of 15 years	Intellectual Property Office of the Philippines

PATENT SYSTEM	
National Law	The Intellectual Property Code of the Philippines (Republic Act No. 8293, 2015, as amended). Part II deals with Patents https://wipolex.wipo.int/en/legislation/details/18399
Requirement of Agent by receiving office for foreigner	Yes, for foreign applicants (Sect. 33)
Language in which request may be filed	Filipino or English (Sect. 32)

Non-Patentable Subjects	<ul style="list-style-type: none"> - Discoveries, Scientific theories, and mathematical methods. - In case of drugs and medicines, mere discoveries of new forms, or new property of a known substance which does not result in the enhancement of the known efficacy of that substance, or the mere discovery of any new property or new use for a known substance, or the mere use of a known process unless such known process results in a new product that employs at least one new reactant. - Schemes, rules and methods of performing mental acts, playing games or doing business, and programs for computers. - Methods of treatment of human/animal body by surgery or therapy or diagnostic methods practiced on the human or animal body; - Plant Varieties or Animal Breeds, or essentially biological processes for production of plants or animals. - Aesthetic creations. - Anything contrary to public order or morality. <p>(Sect. 22)</p>
Substantive Examination	Yes (Section 48)
PCT international application through the national office of the country as a receiving office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_ph.pdf
PCT international application to the national office of the country as a designated office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/ph.pdf

INDUSTRIAL DESIGN SYSTEM	
National Law	The Intellectual Property Code of the Philippines (Republic Act No. 8293, 2015 as amended). Chapter XIII deals with Industrial Designs https://wipolex.wipo.int/en/legislation/details/18399
Language	Filipino or English
Non-Registrable Industrial Designs	<ul style="list-style-type: none"> - Industrial designs that are dictated essentially by technical or functional considerations to obtain a technical result. - Designs contrary to public order, health or morals. <p>(Sect. 113.2)</p>
Substantive Examination	Yes (Sect.116.4)
Designs for a set of Articles	Yes (Sect.115)
International application through and to the national office of the country under the Hague System: no information. Please refer also the following website.	Philippines is not a party to the Hague system yet.

TRADEMARK SYSTEM	
National Law	The Intellectual Property Code of the Philippines (Republic Act No. 8293, 2015 as amended). Part III deals with Trademarks https://wipolex.wipo.int/en/legislation/details/18399
Subjects of Protection	Visual signs capable of distinguishing goods or services of enterprises from others. These signs may include words, figurative signs, letters, numerals, any other visible elements, or any combination thereof (Sect. 121.1)
Language	Filipino or English (Sect. 146.2)
Term of Trademark Protection	10 years. The registration shall remain in force for ten (10) years provided that the registrant files the required DAU as follows: Third (3 rd) year DAU (Sect. 124.2) Fifth (5 th) year DAU (Sect. 145) Renewal DAU (Rule 204, Trademark Regulations) A trademark registration is renewable every 10 years upon payment of prescribed fees and upon filing of request.
Non-Registrable Subjects	See full list in Section 123.1
Substantive Examination	Yes. (Sect. 133)
Opposition System	Yes. Opposition against a trademark application in the Philippines may be filed within 30 days after publication (Sect. 134). This may be extended three (3) times for periods of 30 days each. The request for extension may be filed before the expiration period.
International application through the national office of the country as an office of origin under the Madrid System	Please see Madrid Member Profile for the Philippines using the link below for details such as requirements and procedure: https://www.wipo.int/madrid/memberprofiles/#/result?countries=9182&datafields=9579,9578,9580,9581,9577,9582,9584,9583,9629,9630,9631,9628,9638,9585,9589,9587,9588,9593,9594,9590,9586,9591,9592,9635,9633,9637,9636,9634,9625,9623,9622,9624,9627,9626,9640,9639,9604,9596,9605,9602,9598,9599,9597,9600,9601,9603,9595,9612,9617,9618,9610,9608,9606,9607,9621,9619,9614,9620,9609,9615,9611,9616,9613
International application to the national office of the country as a designated country under the Madrid System	Please see Madrid Member Profile for the Philippines using the link below for details such as requirements and procedure: https://www.wipo.int/madrid/memberprofiles/#/result?countries=9182&datafields=9579,9578,9580,9581,9577,9582,9584,9583,9629,9630,9631,9628,9638,9585,9589,9587,9588,9593,9594,9590,9586,9591,9592,9635,9633,9637,9636,9634,9625,9623,9622,9624,9627,9626,9640,9639,9604,9596,9605,9602,9598,9599,9597,9600,9601,9603,9595,9612,9617,9618,9610,9608,9606,9607,9621,9619,9614,9620,9609,9615,9611,9616,9613

COPYRIGHT SYSTEM	
National Law	The Intellectual Property Code of the Philippines (Republic Act No. 8293, 2015 as amended). Part IV deals with Copyright https://wipolex.wipo.int/en/legislation/details/18399
Subjects of Protection	<ul style="list-style-type: none"> - Original Literary and Artistic Works. Scope of Original Literary and artistic work is provided under Section 172. - Derivative Works. Scope of Derivative work is provided under Sect 173.
Foreign Copyright Holders	The Philippines is a party to the Berne Convention hence work of foreign copyright holders are automatically protected.
Moral Rights	<p>Moral Rights consists of:</p> <ul style="list-style-type: none"> - Paternity Right. The right to be attributed as author. - To make any alteration to his work prior to the publication, or to withhold it from publication. - Integrity Right. The right to object to a derogatory treatment of work and to object to any distortion, mutilation of work or other modification which would be prejudicial to his honor or reputation. - False Attribution. The right not to have a work falsely attributed. <p>(Sect. 193)</p>
Economic Rights	<p>The Economic Rights consists of:</p> <ul style="list-style-type: none"> - Reproduction of work or substantial part of it; - Dramatization, translation, adaptation, abridgement, arrangement or other transformation of work; - First public distribution; - Rental Rights; - Public Display of Original Works or a copy of the work; - Public Performance of Works; - Other Communication to the public of the Works; <p>(Sect. 177)</p>

TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY
The Philippines has a thriving network of Innovation and Technology Support Offices (ITSOs), the local version of WIPO's Technology Innovation Support Centers. Other bodies provide for the technology transfer facilitation, and many research organizations have established dedicated units or companies to facilitate technology transfer. More information about TISCs is available at: https://www.wipo.int/tisc/en/search/search_result.jsp?country_code=PH

ATTORNEYS IN THE COUNTRY
There are currently 143 professional patent agents in the Philippines. Some of them are members of the Association of PAQE Passers (APP). While some of these 143 agents are lawyers, many others are engineers and scientists. Of these patent agents, some are with law firms, others are with research agencies, and most are with the Philippine ITSOs. For information, please refer to IPOPHL, APP and individual ITSOs.

FILING PROCEDURES

Patents

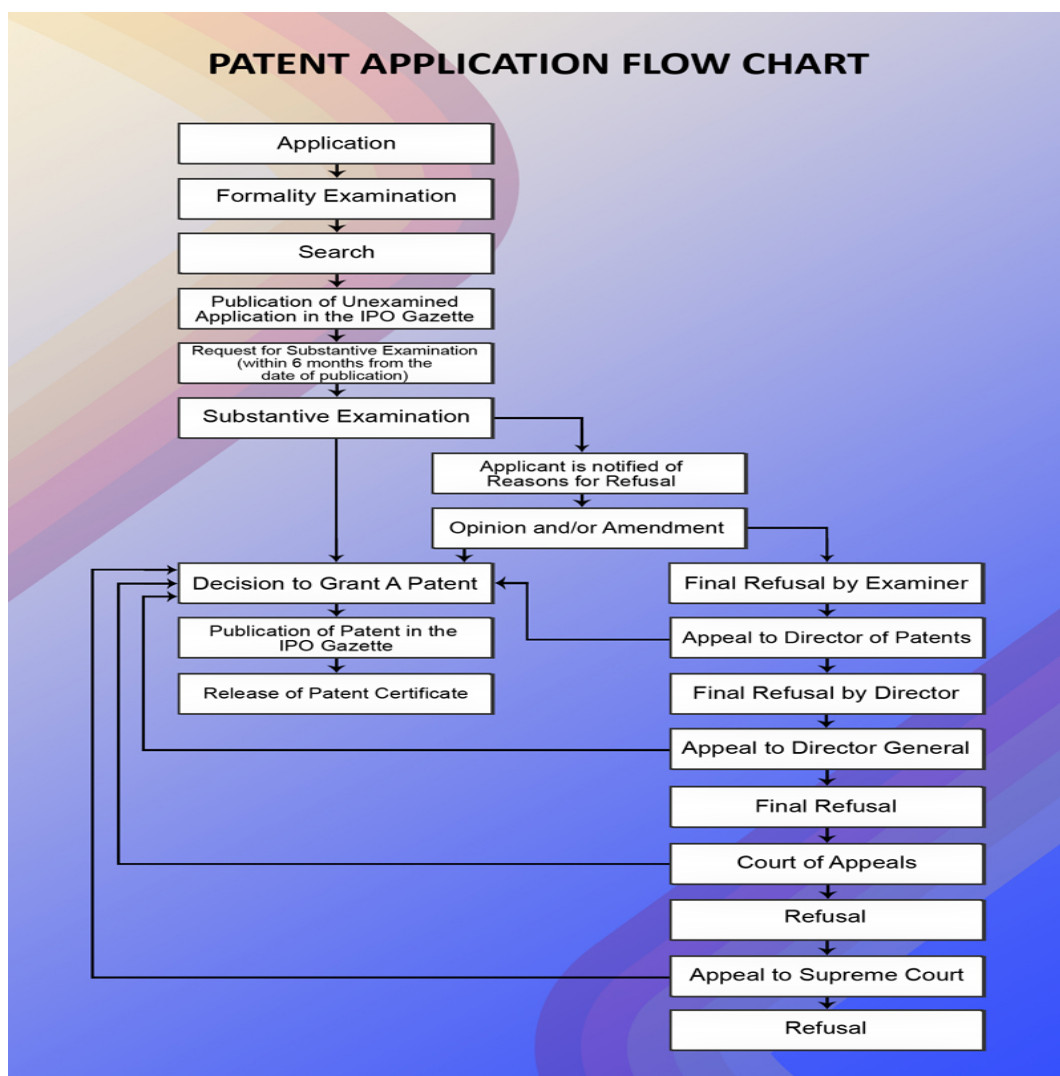
Procedures for obtaining a Patent in the Philippines under the National Law

1. Every application for the grant of a patent has to be filed with the registry in the manner prescribed under Section 32. The application must contain:
 - a. A request for grant of Patent;
 - b. A description of the invention;
 - c. Drawing necessary for understanding the invention;
 - d. One or more claims; and
 - e. Abstract.
2. Once a complete application is filed, a filing date is issued and the application is processed for preliminary examination (Sect.41).
3. If the date of filing cannot be accorded, the applicant shall be given an opportunity to correct the deficiencies in accordance with the implementing Regulations. If the application does not contain all the elements indicated in Section 40, the filing date should be that date when all the elements are received. If the deficiencies are not remedied within the prescribed time limit, the application shall be considered withdrawn. (Sec. 41)
4. After a filing date is accorded, a detailed formal examination of the application is carried out. The applicant is required to comply with the conditions prescribed under Section 32 above. If this is not the case, the application shall be considered as withdrawn (Sect. 42).
5. An application that has passed the formality examination, shall be classified and become part of the prior art (Sect. 43).
6. After completion of 18 months from the filing date, the application is published in the IPO Gazette (Sect. 44).
7. After the publication, any person may submit observations in writing in this regard. Such observations shall be communicated to the patentee, who can respond accordingly (Sect. 47).
8. The patentee shall, within 6 months from the publication of the application, request for a substantive examination. If such request is not made, application shall be deemed to be withdrawn (Sect. 48).
9. An applicant may amend the patent application during the examination. However, such amendment should not introduce any new matter which is outside the scope of present application (Sect. 49).
10. If the application passes the substantive examination, it is accepted. The office grants a patent to patentee and the invention is published in the official gazette (Sect. 50 & 52 respectively).
11. In case the patent application is refused, an appeal may be lodged with the Director of Bureau of Patents (Sect. 51).

Additional information relating to the Procedures for obtaining a Patent in the Philippines through the PCT

- The time limit for entering the National Phase of a PCT application is 30 months from the priority date.
- Special Requirements for entry into National Phase include:
 - Appointment of an agent if the applicant is not a resident of the Philippines.
 - Copy or translation of the international application to be furnished in duplicate.
 - Name and address of the inventor if they have not been furnished in the “Request” part of the international application.
 - Instrument of assignment of the international application if the applicant is not the inventor.
 - Instrument of assignment of the priority application where the applicants are not identical.
 - Document evidencing a change of name or person of the applicant if the change occurred after the international filing date and has not been reflected in the PCT pamphlet or in a notification from the International Bureau (Form PCT/IB/306).
 - Furnishing, where applicable, of a nucleotide and/or amino sequence listing in electronic form.

Flow Chart for obtaining a Patent in the Philippines²



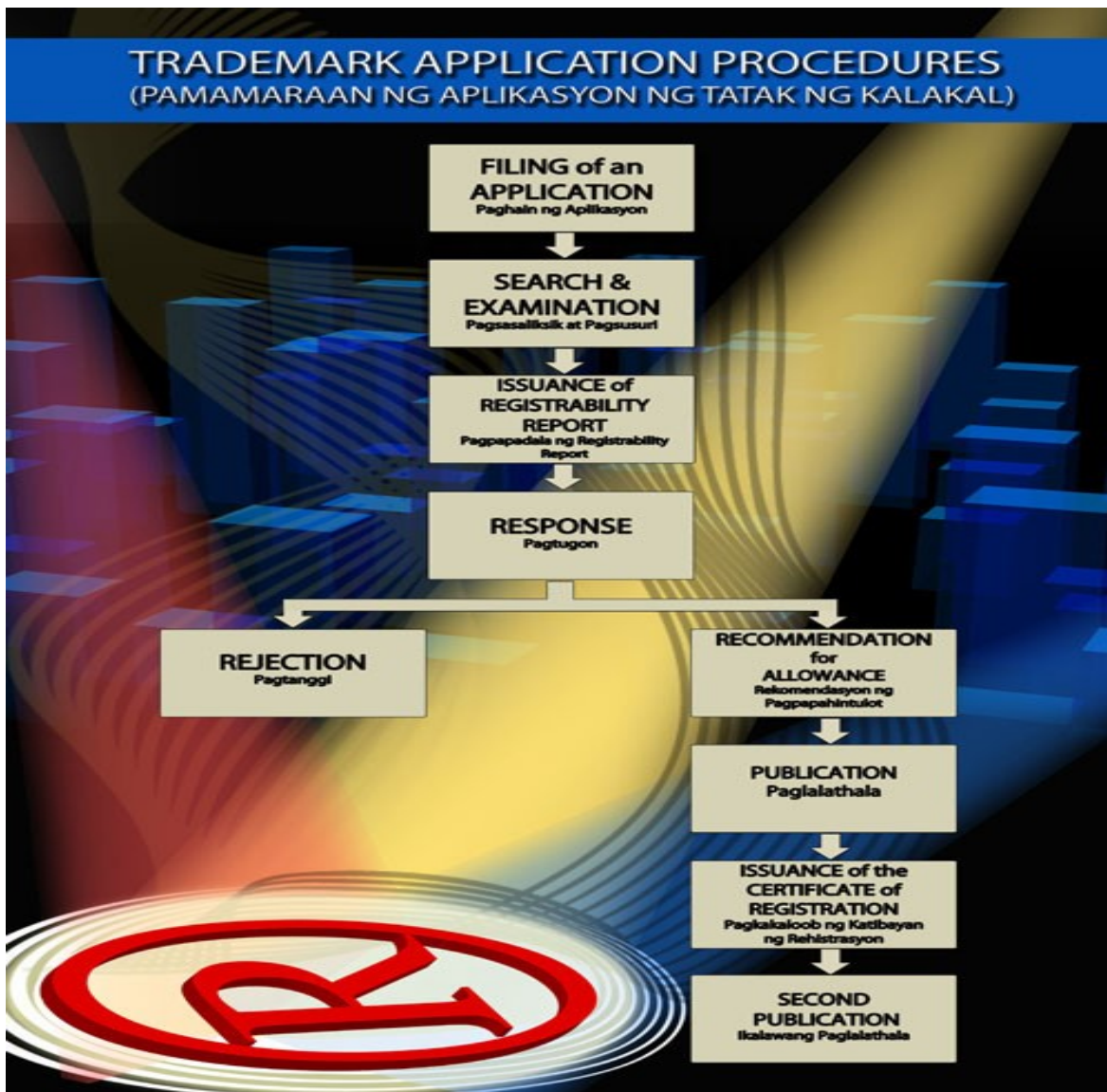
² Image provided by the Intellectual Property Office of the Philippines.

Procedure for obtaining a Trademark in the Philippines under the National Law

1. An application for trademark shall be in Filipino or English and shall contain the following: (Sec. 124.1)
 - (a) A request for registration;
 - (b) The name and address of the applicant;
 - (c) The name of a State of which the applicant is a national or where he has domicile; and the name of a State in which the applicant has a real and effective industrial or commercial establishment, if any;
 - (d) Where the applicant is a juridical entity, the law under which it is organized and existing;
 - (e) The appointment of an agent or representative, if the applicant is not domiciled in the Philippines;
 - (f) Where the applicant claims the priority of an earlier application, an indication of:
 - (i) The name of the State with whose national office the earlier application was filed or it was filed with an office other than a national office, the name of that office,
 - (ii) The date on which the earlier application was filed, and
 - (iii) Where available, the application number of the earlier application;
 - (g) Where the applicant claims color as a distinctive feature of the mark, a statement to that effect as well as the name or names of the color or colors claimed and an indication, in respect of each color, of the principal parts of the mark which are in that color;
 - (h) Where the mark is a three-dimensional mark, a statement to that effect;
 - (i) One or more reproductions of the mark, as prescribed in the Regulations;
 - (j) A transliteration or translation of the mark or of some parts of the mark, as prescribed in the Regulations;
 - (k) The names of the goods or services for which the registration is sought, grouped according to the classes of the Nice Classification, together with the number of the class of the said Classification to which each group of goods or services belongs; and
 - (l) A signature by, or other self-identification of, the applicant or his representative.
2. A filing date and an application number is accorded when the Office receives all the indications below (Sect. 127) and the filing fee (Sect. 127.2) is paid.
 - a.) An express or implicit indication that the registration of the mark is sought;
 - b.) The identity of the applicant;
 - c.) Indications sufficient to contact the applicant or his representative, if any;
 - d.) A reproduction of the mark whose registration is sought; and
 - e.) The list of goods or services for which the registration is sought
3. Once the application meets all the filing requirements as indicated in the preceding number, it undergoes examination. In the course of the examination, if the Office finds any reason not to permit registration, the applicant is advised thereof through an official action. The applicant is given a period two (2) months to reply to the office action with a possibility to request a one-time extension of another two (2) months. (Sect. 133.3).
4. If the Office finds that the trademark application complies with all the requirements under Section 124 and is registrable under section 123, it shall publish the application for opposition purposes upon payment of the required fees. (Sect. 133.2).

5. Opposition to the application may be filed within 30 days from the date of official publication (Sect. 134).
6. If an opposition is filed, the Office shall serve the notice of the filing to the applicant and the date of hearing thereof upon the applicant and the opponent and all other persons having any right in the mark. (Sect. 135).
7. If no opposition is filed, or the same is denied, the Office shall issue a certificate of registration upon payment of the prescribed fees. A registration notice shall be published in the IPO Gazette. (Sect. 136)

Flow Chart for obtaining a Trademark in the Philippines³



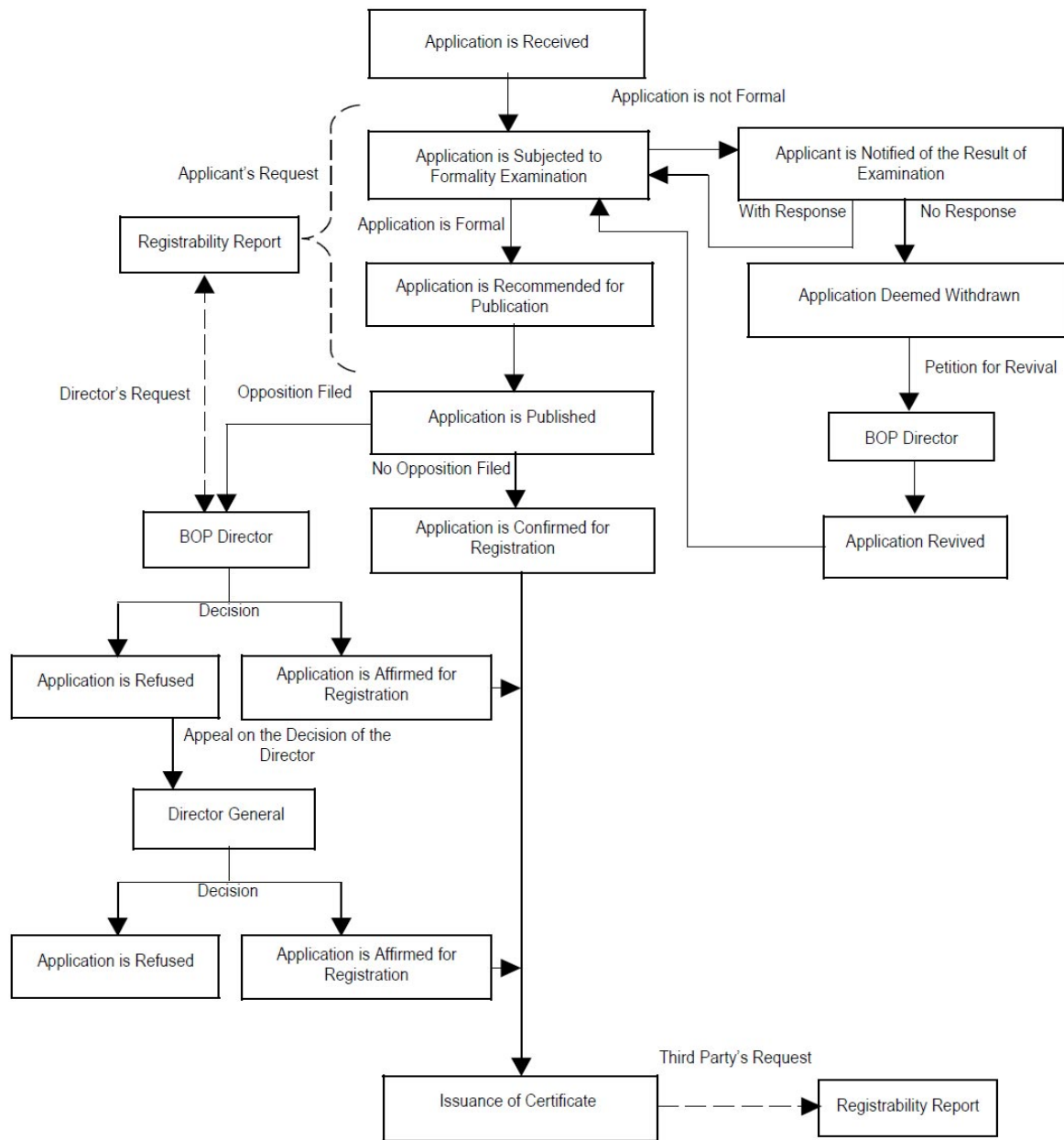
³ Image provided by the Intellectual Property Office of the Philippines.

Procedures for obtaining an Industrial Design in the Philippines

1. Applications for the grant of an industrial design have to be filed in the manner prescribed under Section 114, along with the prescribed fees. The application shall contain a request for examination, information identifying the applicant, an indication of the kind of article/s of manufacture or handicrafts to which the industrial design shall be applied, a representation of the article of manufacture or handicrafts by way of drawings, photographs or other adequate graphic representation of the industrial design as applied to the article of manufacture or handicrafts which clearly and fully discloses those features for which protection is claimed, the name and address of the creator, or where the applicant is not the creator, a statement indicating the origin of the right to the industrial design.
2. Once a complete application is filed as per Section 114, a filing date is accorded.
3. In case the application does not meet the requirements of Section 114, the filing date should be that date when all the elements specified in said Section are filed or the mistakes corrected in the prescribed period, the application shall be considered withdrawn (Sect. 116.1 & 116.2 respectively).
4. Once the filing date is accorded, the office examines the application to see if the substantive conditions are complied with (Sect.116.4).
5. Should this be the case, the office shall register the industrial design and issue the certificate of registration to the applicant (Sect.117).

Flow Chart for obtaining an Industrial Design and Utility Model in the Philippines⁴

UTILITY MODEL AND INDUSTRIAL DESIGN REGISTRATION PROCEDURE



⁴ Image provided by the Intellectual Property Office of the Philippines.