NATIONAL ADMINISTRATIVE REGISTER · DECEMBER 23, 2004

STREAMLINING OF TRADEMARK REGISTRATION (REQUEST FOR PUBLICATION FOR PURPOSES OF OPPOSITION)

IPO ORDER NO. 140, December 23, 2004

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WHEREAS, trademarks play a very important role in business and in the economic development of the country;

WHEREAS, there is a need to further streamline existing trademark registration procedures to ensure a more expeditious processing of trademark applications and continuously update the TM database;

WHEREAS, after due deliberation and critical analysis, trademark applicants may, in the exercise of their own business judgment, request an earlier publication of their marks for purposes of opposition where the application has been pending for eleven (11) months or longer;

NOW, THEREFORE, the following rules shall govern requests for publication for purposes of opposition:

1. These rules shall be referred to as the Request for Publication Rules ("RPR").

2. (1) Only applications that fulfill the formality requirements under Secs. 124 and 127 and registrability requirements under Sec. 123.1 of the IP Code may be published for purposes of opposition.

(2) Applications that are involved in any Inter Partes or any IP Violation case pending before the Bureau of Legal Affairs, including those appealed to the Director General, the Court of Appeals, or the Supreme Court, as well as those pending in regular courts are excluded and cannot be the subject of a request for publication for purposes of opposition ("Request").

3. A Request may be made following the schedule indicated below:

Application Filing Date Request for Publication

December 31, 1994 or earlier Beginning February 1, 2005

December 31, 1995 or earlier Beginning March 1, 2005

December 31, 1996 or earlier Beginning April 1, 2005

December 31, 1997 or earlier Beginning May 1, 2005

December 31, 1998 or earlier Beginning June 1, 2005

December 31, 1999 or earlier Beginning July 1, 2005

December 31, 2000 or earlier Beginning August 1, 2005

December 31, 2001 or earlier Beginning September 1, 2005

December 31, 2002 or earlier Beginning October 1, 2005

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December 31, 2003 or earlier Beginning November 1, 2005

December 31, 2004 or earlier beginning December 1, 2005

Requests in case of applications filed after December 31, 2005 may be made eleven (11) months after filing.

4. (1) The Request must be in the prescribed form, under oath, addressed to the Director of the Bureau of Trademarks ("BOT Director"), and submitted directly to the Bureau of Trademarks.

(2) For applications with filing date of October 1, 2004 or later, a copy of the Registrability report sent by the Intellectual Property Rights Specialist ("IPRS") and the applicant's response to the findings of the IPRS must be attached to the Request.

(3) For applications with filing dates earlier them October 1, 2004, the last outstanding action of the IPRS, if any, and a copy of the response, if any, to such action shall be attached to the Request.

(4) The IPRS-in-charge shall review the application subject of the Request and shall submit his/her recommendation, as confirmed by his/her supervisor, to the BOT Director within thirty (30) days from receipt of the Request.

(5) The BOT Director shall decide on the recommendation of the IPRS within fifteen (15) days from receipt of the recommendation. In case of approval, the BOT Director shall, within five (5) working days, transmit the approval to the Publication Division. In case of disapproval of the Request (i.e. rejection of the application), the notice shall be sent to the applicant by the BOT following the IPO procedures on mailing of actions within five (5) working days.

(6) Appeal from any decision of the BOT Director shall be made according to the Uniform Rules on Appeal.

5. The Publication Division will notify the applicant to pay the required fees within five (5) working days. After payment by the applicant of the publication fees in full, the mark will be published online via the e-Gazette Trademarks. The publication of the e-Gazette Trademarks is targeted every Monday. Marks covered by full payment by 3:00 in the afternoon on each Thursday will be published on the immediately following Monday.

6. After payment in full of the required fees, applicants are advised to do the following:

(1) Check the IPO website to verify that the mark has been published online via the e-Gazette trademarks;
(2) Note the 30-day period for opposition, counted from the date of publication;
(3) Count another 30-day period within which the Bureau of Legal Affairs must issue a certification whether or not an opposition was filed;
(4) Check the IPO website for publication of the BLA certification in the e-Gazette Trademarks;
(5) Pay the issuance fee upon receipt of the notice to do so; and
(6) Get the Certificate of Registration on the date specified in the notice.

7. The BOT Director is directed to issue the necessary orders or circulars to ensure the effective implementation of this Office Order.

8. All rules and orders inconsistent with this Office Order are hereby repealed.

Ms. Aniway Abranilla, Records Officer II, is hereby directed to file three (3) certified copies of this Office Order with the University of the Philippines Law Center not later than 23 December 2004, and one (1) certified copy each with the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines, and the National Library.

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Ms. Corina L. Antonio, Information Systems Researcher I, MIS-EDP Bureau, is hereby directed to publish this Office Order in the IPO website immediately upon receipt hereof, not later than 23 December 2004.

This Office Order shall take effect fifteen (15) days from publication in the IPO Website. For purposes of disseminating information, this Order may also be published in a newspaper of general circulation.

Adopted: 23 Dec. 2004.

Recommending Approval:

(SGD.) LENY B. RAZ
Director, Bureau of Trademarks

Approved:

(SGD.) EMMA C. FRANCISCO
Director General

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