PERIOD FOR FILING REQUEST FOR EXTENSION AND DECLARATION OF ACTUAL USE AND EVIDENCE OF USE

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Whereas, Sec. 124.2 of the IP Code (R A 8293) provides for the filing of a declaration of actual use (DAU) of the mark with evidence of use, within three (3) years from the filing date of the application,

Whereas. Office Order No 17 which took effect Dec. 2. 1998 provides for the filing of the DAU for pending applications filed pursuant to R.A. 166 within three (3) years from the effectivity of the Trademark Regulations, as amended, or until Dec 1, 2001.

Whereas. Section 5 of the IPO FEE STRUCTURE which took effect June 8, 2000 provides for "single extension of time to file Declaration of Actual Use" subject to payment of fees.

Whereas, Memo Circular No BT Y2K-8-02 dated August 1, 2000 limits the single six (6)-month extension only to pending applications and prescribes the filing of a request before December 1. 2001 for pending applications filed pursuant to R A. 166, as amended, or on or before the expiration of the three (3) year period from the filing date of applications filed pursuant to R A 8293.

Whereas, there is a need to streamline administrative procedure in availing of such extension for the filing of the DAU by interested applicants;

WHEREFORE, it is hereby prescribed that the filing of the REQUEST for the one-time six-month extension to submit DAU and evidence of actual use shall be made not later than December 1, 2001 and the FILING OF DAU AND EVIDENCE OF USE subject of such extension shall be made not later than June 1, 2002 for applications filed on or before December 1, 1998 irrespective of whether filed under R.A. 8293 or R.A. 166. as amended For applications filed after December 1. 1998. a request for extension may be filed before the expiration of three (3) years from the filing date of the application.

The aforementioned requirements of the submission of Declaration of Actual Use and evidence of use apply to all applications, local or foreign with or without claim of convention priority Provided, further, foreign applications with claim of convention priority are entitled to provisional allowance and may be converted to intent to use, as provided in Rule 618 as amended by Office Order No. 8.

All administrative issuances previously issued in respect to the filing of the request and the actual filing of the DAU inconsistent herewith are hereby deemed amended accordingly

Mr. Eduardo Joson, Records Officer II is hereby directed to file three (3) certified copies of this Office Order No 21 with the University of the Philippines Law Center, and, one (1) certified copy each to the Office of the President, the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines and the National Library.

This Office Order shall take effect immediately and shall be published in a newspaper of general circulation

Adopted: 19 Mar. 2001

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Recommended:

Approved:

(SGD) LENY B. RAZ

(SGD.) EMMA C. FRANCISCO

Assistant Director
OIC. Bureau of Trademarks

Director General

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