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ACCOMMODATIONS FOR PATENT AND TRADEMARK APPLICANTS AND OWNERS AFFECTED BY SUPER TYPHOON “YOLANDA”

OFFICE ORDER NO. 13- 221, October 01, 2013

Read online (full-text search, related cases, audio case brief): https://batas.org/library/877e624b19d5/

The widespread devastation caused by the super typhoon Yolanda resulted in massive displacement in affected areas including pervasive disruption of power supply, transportation and communication services and internet facilities. These conditions prevented the resumption of normal working conditions for applicants and IP practitioners.
In view of such disruption, the following reliefs and measures shall be implemented to assist applicants and IP practitioners based in affected areas:

For Patents, Utility Models and Industrial Designs

- Responses due from November 4, 2013 until May 4, 2014 shall be granted an extension of two (2) months, upon request, from May 4, 2014.

- Office actions mailed from November 4, 2013 until May 4, 2014 to Applicants and IP Practitioners affected by the disruption of communication and postal services shall be deemed to have been mailed on May 4, 2014. Thus, the responses shall be deemed to be due on July 4, 2014.

- Notices of withdrawn application mailed from November 4, 2013 until May 4, 2014 to Applicants and IP Practitioners affected by the disruption of communication and postal services shall be deemed to have been mailed on May 4, 2014. Thus, the corresponding petitions for revival shall be filed not later than four (4) months from May 4, 2014. The revival fee shall be waived, upon request.

- For annual fees due from November 4, 2013 to May 4, 2014, a grace period of six (6) months from May 4, 2014 shall be granted for the payment of the fee and the surcharge shall be waived, upon request.

- Assistance shall be extended for requests for reconstitution of records which shall be free of charge.

For Trademarks, Service Marks and Collective Marks

- Responses due from November 4, 2013 until May 4, 2014, shall be granted an extension of two (2) months, upon request, from May 4, 2014.

- Office actions mailed from November 4, 2013 until May 4, 2014 to applicants or agents affected by the disruption of communication and postal services shall be deemed to be mailed on May 4, 2014. Thus, the responses shall be deemed to be due on July 4, 2014.

- For abandoned trademark applications, IPOPHL shall waive the revival fee upon request. The request for revival may be filed not later than three (3) months from May 4, 2014.

- Applications for renewal of registered trademarks expiring on November 4, 2013 until May 4, 2014 shall be given an extension of one (1) month or until June 4, 2014 to file the request for renewal. IPOPHL may waive the

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surcharge upon request.

- Declarations of Actual Use that are due on November 4, 2013 until May 4, 2014 will be accepted by the Office until June 4, 2014.

- Assistance shall be extended for requests for reconstitution of records which shall be free of charge.

Ms. Amy D. Tabije, Administrative Officer III, FMAS Bureau, is hereby directed to immediately file three (3) certified copies of these Rules with the University of the Philippines Law Center, and, one (1) certified copy each to the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines, and the National Library.

Mr. Restituto E. Maligaya, Information Technology Officer III, MIS Bureau, is hereby directed to post this Office Order in the IPOPHL website immediately upon receipt hereof.

All rules and regulations, office orders, memoranda, circulars, and memorandum circulars or parts thereof inconsistent with these Rules are hereby repealed.

These rules and regulations shall take effect immediately after this Office Order's publication in a newspaper of general circulation.

Done this 27 day of November 2013 at Taguig City.

(Sgd.) ATTY. RICARDO R. BLANCAFLOR
Director General

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