

AN ACT TO FURTHER AMEND SECTIONS FIFTY-FIVE, FIFTY-SEVEN, FIFTY-EIGHT, FIFTY-NINE AND SIXTY OF REPUBLIC ACT NUMBERED ONE HUNDRED AND SIXTY-FIVE, AS AMENDED BY REPUBLIC ACT NUMBE...

REPUBLIC ACT NO. 864, June 16, 1953

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/936b2d2aced0/>

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Sections fifty-five, fifty-seven, fifty-eight, fifty-nine and sixty of Republic Act Numbered One hundred and sixty-five, as amended by section six of Republic Act Numbered Six hundred and thirty-seven, are hereby further amended so as to read as follows:

"CHAPTER XII.—Designs and utility models

"SEC. 55. Design patents and patents for utility models.— (a) Any new, original, and ornamental design for an article of manufacture and (b) any new model of implements or tools or of any industrial product, or of part of the same, which does not possess the quality of invention, but which is of practical utility by reason of its form, configuration, construction or composition, may be protected by the author thereof, the former by a patent for a design and the latter by a patent for a utility model, in the same manner and subject to the same provisions and requirements as relate to patents for inventions in so far as they are applicable, except as otherwise herein provided.

"The standard of novelty established by section nine hereof for inventions shall apply to ornamental designs.

"A utility model shall not be considered 'new' if, before the application for a patent, it has been publicly known or publicly used in this country, or has been described in a printed publication or publications circulated within the country, or if it is substantially similar to any other utility model so known, used or described within the country.

Applications for design patents and patents for utility Models shall be subject to interference proceedings as authorized in section ten of this Act, as amended by section one of Republic Act Numbered Six hundred and thirty-seven.

"Patents for designs and for utility models shall be subject to compulsory license as authorized in section thirty-four of this Act. They shall not be subject to the payment of annual fees provided for invention patents in Chapter V hereof.

"SEC. 57. Notice of grant of patent shall be published.—Notice of the grant of a design patent or of a patent for a utility model shall be published in the Official Gazette.

"SEC. 58. Term and extension thereof.—The term of the design patent and of the patent for a utility model shall be five years from the date of the grant thereof.

"Before the expiration of the five-year term, upon payment of the required fee, or within a further time thereafter not to exceed six months upon payment of the surcharge, the owner of the design patent or of a patent for a utility model may apply for an extension for an additional five years. The application for extension

must be accompanied by an affidavit showing that the design or the model is in commercial or industrial use in the Philippines or satisfactorily explaining non-use. In a similar manner an extension for a third five-year period may be obtained.

"SEC. 59. Marking.—The marking required by section forty-four, Chapter X, hereof, shall be 'Philippine Design Patent', and 'Philippine Utility Model Patent' or appropriate abbreviations, and the number of the patent.

"SEC. 60. Infringement.—Infringement of a design patent or of a patent for utility model shall consist in unauthorized copying of the patented design or utility model for the purpose of trade or industry in the article or product and in the making, using or selling of the article or product copying the patented design or utility model. Identity or substantial identity with the patented design or utility model shall constitute evidence of copying."

SEC. 2. Sections twenty-eight and thirty-three of Republic Act Numbered One hundred and sixty-five are hereby amended so as to read as follows:

"SEC. 28. General grounds for cancellation.—Any person may on payment of the required fee petition the Director within three years from the date of publication of the issue of the patent in the Official Gazette, to cancel the patent or any claim thereof, on any of the following grounds:

"(a) That the invention is not new or patentable in accordance with sections seven, eight, and nine, or that the design or utility model is not new or patentable under section fifty-five hereof;

"(b) That the specification in the case of an invention does not comply with the requirement of section fourteen. Chapter III hereof; or

"(c) That the person to whom the patent was issued was not the true and actual inventor, designer or author of the utility model or did not derive his rights from the true and actual inventor, designer or author of the utility model.

"SEC. 33. Cancellation for fraud on the inventor, designer or author of the utility model.—In the case of the ground specified in paragraph (c), section twenty-eight hereof, if the petition for cancellation is made by or on behalf of the true and actual inventor, designer or author of the utility model, from whom the patentee fraudulently derived the invention, design or utility model and is successful on this ground, a patent may be obtained by such person, if he does not have a patent, notwithstanding any Knowledge or use or publication of the patent cancelled: Provided, That the true and actual inventor, designer or author of the utility model shall file an application for Patent for such invention, design or utility model, within six months after the order of cancellation has become final. The term of such patent, however, shall expire, in the case of invention patents, seventeen years from the date of issue of the patent cancelled; and in the case of design and utility model patents, five years from the date of the issue of the original or renewal patent cancelled."

SEC. 3. Sections sixty-one and sixty-two of Republic Act Numbered One hundred and sixty-five are hereby amended so as to read as follows:

"SEC. 61. Appeal from action of Director.—The application for a patent for an invention, for a design, or for a utility model, any party to a proceeding in interference or to cancel a patent or to obtain a compulsory license, and any party to any other proceeding in the Office may appeal to the Supreme Court from any final order or decision of the Director.

"SEC. 62. Stay.—A petition for review of any order or decision of the Director rejecting in whole or in part an application for a patent shall not stay any order or decision of the Director in respect of any other applications then pending for a patent; but the Director shall proceed to act on such other applications without regard to such petition unless the Supreme Court shall otherwise direct."

SEC. 4. Section seventy-four of Republic Act Numbered One hundred and sixty-five is hereby amended so as to read as follows:

"SEC. 74. Penalty for false marking.—Any person who falsely represents or indicates that any device, article or product made or sold by him is patented as an invention design, or utility model by making or having on the device, article or product, or on their containers or packages, or using in advertising or displays used in connection with them, or with any process, words expressing or implying that the device, article, product or process is patented shall be subject to a fine of not less than one hundred pesos nor more than one thousand pesos, or imprisonment for not less than one month nor more than one year, or both, in the discretion of the court. Actions hereunder shall prescribe in two years."

SEC. 5. Section seventy-five of Republic Act Numbered One hundred and sixty-five is hereby amended so as to read as follows:

"SEC. 75. Fees.—The following fees shall be paid;

"For filing an application for patent, which shall include the cost of publication in the Official Gazette, two hundred pesos;

"For annual fees due at the beginning of the fifth and each succeeding year, one hundred pesos each year;

"For surcharge for delayed payment of an annual fee, twenty-five pesos;

"For reinstating lapsed patent, one hundred pesos;

"For filing a petition for cancellation, except when filed by the Solicitor General, fifty pesos;

"For filing a petition for a compulsory license, one hundred pesos;

"For copies of records of the Office, two pesos per photostat sheet, one peso per hundred words of typewritten copy;

"For each certification of copy of any records, ten pesos;

"For recording assignments, and other documents relating to title, and license, ten pesos;

"For notice of appeal to the Supreme Court from the order or decision of the Director, or for notice of appeal to the Director from an order or decision of the principal examiner, twenty-five pesos;

"For filing application for a design, or utility model patent which shall include cost of publication, seventy-five pesos;

"For renewing a design or utility model patent seventy-five pesos;

"For surcharge for delayed renewal of a design or utility model patent, twenty pesos; and

"For services not otherwise specified, the Director shall provide, by regulation, the fees therefor."

SEC. 6. This Act shall take effect upon its approval.

Approved, June 16, 1953.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.