AMENDMENT TO RULE 800(A) OF THE RULES AND REGULATIONS ON INVENTIONS

IPO OFFICE ORDER NO. 124, S. 2003, December 17, 2003

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WHEREAS, under Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines, the Intellectual Property Office is mandated to administer and implement policies of the State on Intellectual Property;

WHEREAS, the publication of patent application facilitates the dissemination of patent information;

WHEREAS, the dissemination of patent information promotes the diffusion of knowledge for the promotion of national development and progress and the common good;

WHEREAS, publication of the application is a prerequisite to the filing of a request for substantive examination;

NOW, THEREFORE, pursuant to the authority granted under Sections 7 and 8 of Republic Act No. 8293, a rule to allow the applicants to request for an early publication of their patent applications is herein provided under Rule 800:

SECTION 1. Rule 800 (a) is hereby amended to read as follows:

> Rule 800. Publication of Application - (a) The application shall be published in the IPO Gazette together with a search document established by or on behalf of the Office citing any document or documents that reflect prior art, after the expiration of eighteen (18) months from the filing date or priority date.
>
> However, the applicant may request for the early publication of his application provided that the:
>
> 1. applicant submits a written waiver of the
>
> a) abovementioned 18-month period, and
> b) establishment of a search report;

2. publication shall not be earlier than six (6) months from filing date; and

3. required fee for early publication is paid in full.

SECTION 2. Filing of Certified Copies - Ms. Amy D. Tabije, Records Officer I, is hereby directed to immediately file three (3) certified copies of this Rule with the University of the Philippines Law Center, and, one (1) certified copy each with the Office of the President, the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines and the National Library.

SECTION 4. Effectivity - This Office Order shall take effect on 16 January 2004, after publication in a newspaper of general circulation not later than 31 December 2003.

Adopted: 17 Dec. 2003

Recommending Approval: Approved:

(SGD.) EPIFANIO M. EVASCO (SGD.) EMMA C. FRANCISCO

Director of Patents

Director General

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