NATIONAL ADMINISTRATIVE REGISTER · DECEMBER 1, 1998

AMENDMENTS TO THE RULES AND REGULATIONS ON TRADEMARKS, SERVICE MARKS, TRADE NAMES AND MARKED OR STAMPED CONTAINERS

IPO OFFICE ORDER NO. 17, December 01, 1998

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Pursuant to the provisions of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines, the Rules and Regulations on Trademarks, Service Marks, Trade Names and Marked or Stamped Containers published on 30 September 1998 and took effect on 15 October 1998 hereafter referred to as the "Regulations", are hereby amended as follows:

Section 1. Rules 101 (f) of the Regulations is hereby amended to read as follows:

> "(f) Is identical with, or confusingly similar to, or constitutes a translation of a mark considered well-known in accordance with the preceding paragraph, which is registered in the Philippines with respect to goods or services, which are NOT similar to those with respect to which registration is applied for; Provided, That use of the mark in relation to those goods or services would indicate a connection between those goods or services, and the owner of the registered mark; Provided, further, That the interest of the owner of the registered mark are likely to be damaged by such use;"

Section 2. Section 3.2 of the FINAL PROVISIONS of the Regulations is hereby amended to read as follows:

> “Section 3.2. Filing date of pending applications; Declaration of Actual Use. Pending applications shall retain their priority date or original date of filing with the Bureau of Patents, Trademarks and Technology transfer. APPLICANTS WHICH ELECTED TO PROSECUTE THEIR APPLICATIONS UNDER REPUBLIC ACT NO. 166 AND ITS IMPLEMENTING RULES AND REGULATIONS UNDER WHICH THEY WERE REQUIRED TO SUBMIT PROOF OF USE OF THE MARK, PARTICULARLY WITH REFERENCE TO APPLICATIONS FOR REGISTRATION BASED ON USE IN THE PHILIPPINES, shall file the corresponding declaration of actual use with evidence to that effect as prescribed by these Regulations, without need of any notice from the Office, within three (3) years from the effectivity of these Regulations, without need of any notice from the Office, within three (3) years from the effectivity of these Regulations, without possibility of extension. Otherwise, the application shall be refused or the mark removed from the register be the Director motu proprio.”

Section 3. Sub-sections (a) through (c) of Section 3.4 of the FINAL PROVISIONS of the Regulations are hereby repealed in toto. Accordingly, Section 3.4 is hereby amended to read as follows:

> “Section 3.4. Duration of registration. A certificate of registration granted to AN APPLICATION FILED ON OR BEFORE DECEMBER 31, 1997 AND THEREFORE PENDING ON THE EFFECTIVE DATE OF THE IP CODE ON JANUARY 1, 1998 shall be subject to the same conditions for maintenance as provided in these Regulations and shall have a term of twenty (20) years.”

Section 4. Mr. Eduardo Joson, Records Officer II, is hereby directed to file three (3) certified copies of this Office Order No. 17 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,

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and the National Library.

Section 5. This Office Order shall take effect immediately and shall be published in a newspaper of general circulation.

Adopted: 01 Dec. 1998

(SGD.) EMMA C. FRANCISCO
Director General

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