

OFFICE ORDER NO. 128
Series of 2003

Subject: RESTRUCTURING THE FEE STRUCTURE OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

WHEREAS, Republic Act No. 8792, otherwise known as the Electronic Commerce Act, directs all government agencies to promote the use of electronic documents or electronic data messages in government and to the general public, and, accordingly, the Intellectual Property Office of the Philippines (IPOPhil) embarked on computerization under its 2000-2004 Information Systems Strategic Plan such as the on-line searchable trademark database which is available on the IPOPhil website and the development of the on-line filing system for trademark which will be deployed in 2004 as well as the automation of its other systems;

WHEREAS, the IPOPhil must continue the streamlining of its procedures which includes the modernization of human resource capabilities, automation of systems, enhancement of working conditions and the establishment and maintenance of a customer-oriented performance management system;

WHEREAS, the rates of fees in the Rules and Regulations Establishing the Fee Structure of the Intellectual Property Office, known as the "IPO Fee Structure", were based on rates promulgated by the then Bureau of Patents Trademarks and Technology Transfer in 1994 and adjusted using conditions that existed prior to the Asian financial crisis which started in mid 1997, and have not been reviewed for more than three years since their effectivity on 04 July 2000 certain provisions of which need to be updated to help recover the IPOPhil's cost to operate, perform its services and furnish materials effectively and efficiently;

WHEREFORE, pursuant to the provisions of the Intellectual Property Code, the following rules and regulations restructuring the fees and charges of the IPOPhil, superceding for the purpose the Rules and Regulations Establishing the Fee Structure of the IPO (IPO Fee Structure), are hereby promulgated:

PART I

DEFINITIONS

Section 1. Title. These Rules shall be known and referred to as the "IOPhil Fee Structure".

Section 2. Definition of terms and acronyms. Unless otherwise specified, the following terms and acronyms shall mean or refer to:

- (a) "Bureau" refers to any or all of the bureaus of the IPO namely:
 - Bureau of Legal Affairs or BLA
 - Bureau of Patents or BOP
 - Bureau of Trademarks or BOT
 - Documentation, Information and Technology Transfer Bureau or DITTB
 - Management Information Systems and EDP Bureau or MIS-EDPB
 - Administrative, Financial and Human Resource Development Services Bureau or AFHRDSB
- (b) "Director" refers to any or all of the Directors or Officer-in-Charge of the bureaus of the IOPhil
- (c) "Director General" refers to the Director General of the IOPhil
- (d) "Examiner" refers to an Intellectual Property Rights Specialist in the Bureau of Patents or Bureau of Trademarks
- (e) "Fees" refer also to charges and costs; refer to costs imposed on direct recipients of public goods and services provided and performed by the IOPhil in the exercise of its functions
- (f) "IP Code" means Republic Act No. 8293 or the Intellectual Property Code of the Philippines
- (g) "IOPhil" or "Office" refers to the Intellectual Property Office of the Philippines created by the IP Code
- (h) "IPO Gazette" refers to the IOPhil's own publication where all the matters required to be published under the IP Code shall be published and, unless otherwise specified, shall include any form thereof including electronic form or e-gazette
- (i) "Publication fee" refers to publication in the IPO Gazette
- (j) "IRR" refers to rules and regulations (including any and all amendments) promulgated by the IOPhil

SECTION 3. *Small and big entity; Presumption; Reduction.* — For purposes of assessment and payment of fees:

- (a) A *small entity* is:
 - 1. Any natural or juridical person whose assets are worth Twenty Million Pesos (P20M) or less; or,
 - 2. Any entity, agency, office, bureau or unit of the Philippine government including government-owned or controlled corporations, state universities and colleges and government-owned or government-run schools.
- (b) A *big entity* is any natural or juridical person other than a small entity as defined above.
- (c) Any natural or juridical person is presumed to be a big entity unless a written statement to the contrary is submitted by such natural person or the duly authorized representative of such juridical person.
- (d) A *youth filer* is any natural person who has not reached his or her twenty second (22nd) birthday at the time of filing his or her application.

Youth filer also refers to a group of natural persons all of whom have not reached their twenty second (22nd) birthday at the time of filing their application.

- (e) A *youth filer* shall pay fees at the rate listed under the column SMALL and shall pay only fifty percent (50%) of the prescribed fee where the schedule provides for a single rate.

This applies to all the fees in connection with the application and, if registered, the maintenance, extension or renewal of registration and all the fees in connection with any case before the Office or any IPOPhil Bureau where the application, or if already registered, the registered intellectual property is directly involved; PROVIDED that ownership of the application or registration remains with the youth filer; Provided, Further, that in case of any assignment, transfer or any other change in the owner of the application or registration, the age requirement specified in section 3 (d) is met by all the subsequent assignees, transferees, or additional applicants or registrants.

- (f) Where the schedule of fees provides for rates under the BIG and SMALL columns, a big entity shall pay the fee at the rate under the BIG column while a small entity shall pay the fee at the rate listed under the SMALL column.

Where the schedule provides for a single rate, that rate shall apply to both a big entity and a small entity.

- (g) A *youth filer* may claim to pay the rate under the SMALL column and the fifty percent (50%) reduction of rate at the time of filing the

application by submitting a statement that he or she has not reached his or her twenty-second (22nd) birthday. If the *youth filer* is a group, all of them shall, individually or together, submit the statement.

- (h) A *small entity* may claim to pay the rate listed under SMALL column at the time of filing the application or case by submitting the written statement referred to in paragraph (c) of this section. Said written statement shall be submitted only once for each application or case.
- (i) The change in status or any assignment or other transfer from big entity to small entity shall not result in any refund whatsoever of any payment made prior to the submission of the written statement referred to in Section 3 (c). A change in status, assignment or other transfer from small entity to big entity shall not result in any increase of fees paid prior to the recordal of the change, assignment or other transfer.

SECTION 4. *Electronic Filing, Reduction.* Applications filed via electronic means pursuant to the applicable IRRs shall be entitled to twenty percent (20%) reduction of rates of the following fees only:

Reference Code	Type of Fee	E-FILING REDUCED FEES	
		BIG	SMALL
INVENTION			
201	1.1. Filing Fee	2,800.00	1,400.00
202	1.2. For each sheet in excess of thirty (30)	24.00	12.00
203	1.3. For each claim in excess of five (5)	240.00	120.00
204	1.4. Request for right of priority	1,400.00	720.00
UTILITY MODEL AND INDUSTRIAL DESIGN			
301	1.1. Filing Fee	2,400.00	1,200.00
302	1.2. For each sheet in excess of thirty (30)	24.00	12.00
303	1.3. For each claim in excess of five (5) in Utility Model	160.00	80.00
304	1.4. For each embodiment in excess of one (1) in Ind. Design	1,300.00	600.00
305	1.5. Request for right of priority	1,300.00	600.00
TRADEMARK			
501	1.1 Filing Fee (per class)	1,728.00	864.00
502	1.2 Claim for Convention Priority (per class)	1,300.00	600.00
503	1.3 Claim of color, claim of distinctiveness (per class)	400.00	200.00
504	1.4 Request for Priority Examination	4,160.00	2,080.00

All other fees shall be based on the prescribed rates without reduction except only fifty percent (50%) reduction that a *youth filer* may claim as herein provided.

PART II GENERAL PROVISIONS

SECTION 1. Fees payable in advance. — All fees shall be collected in advance of any service to be rendered or materials to be furnished. The Office may not act on any pending transaction or request unless the prescribed fee is paid in full and on or before the due date.

SECTION 2. Due date for fees. — Fees shall be paid on or before the due date prescribed in the IP Code or IRRs. Where no due date is specified, the fees shall be due upon submission or filing of the request for the service or material incurring the fee.

SECTION 3. Payment of fees. — Fees shall be paid in cash, money order, bank drafts and/or cheques in Philippine currency. Payment of fees for on-line transactions shall be in the form prescribed by the applicable IRRs.

SECTION 4. Date of payment. — Fees shall be considered to have been paid as follows:

- (a) In case of cash payment: the date of receipt in cash of the amount due in full.
- (b) In case of money order, cheque or bank draft payment: the date of receipt of the money order, cheque or bank draft provided that the same is honored upon first presentment and provided that the payment covers the amount due in full.
- (c) Payment in the form prescribed for on-line transaction: the date specified in the applicable IRRs.

SECTION 5. Time and place of payment. — Payment transactions shall be made during regular working days and business hours from Monday to Friday 8:00 a.m. to 12:00 p.m. and 1:00 to 5:00 p.m. to the IPOPhil cashier only. Payment for on-line transactions shall be made in accordance with the applicable IRRs. Where any official response, pleading or other document or paper is to be submitted for which a fee is required, the payment shall be made not later than 4:00 pm and submission shall nevertheless be made not later than 5:00 p.m.

SECTION 6. *Non-payment or Insufficiency of the amount paid.*

— Subject to the IP Code or the applicable IRR, the Office may give the person making the payment the opportunity to fully pay the fee or any deficiency within a maximum period of two (2) months from mailing date of the notice. Failure to pay the full amount shall not result in any refund whatsoever of any amount already paid. On-line transactions shall be paid in full in accordance with the applicable IRR.

SECTION 7. *Time and place for submission of documents.* — Any official response, pleading or other document or paper, whether or not a fee is due, shall be submitted to the Office during regular working days and business hours from Monday to Friday, at 8:00 a.m. to 12:00 p.m. and 1:00 to 5:00 p.m. Where a fee is due, the same must be paid not later than 4:00 pm and submission shall nevertheless be made not later than 5:00 p.m.

SECTION 8. *Legal Research Fund.* — All fees and charges shall be subject to the payment of the legal research fund required by Presidential Decree No. 200 at the rate of one percent (1%) of the fee paid but not less than Two Pesos (Php 2.00).

SECTION 9. *Donation to the IPO.* — Any lawful Philippine or foreign, natural or juridical, public or private, including international or intergovernmental entity, may donate to the IPOPhil subject to the approval of the Director General and/or a duly designated officer.

All fees or excess amounts paid to the IPOPhil without mistake on the part of the Office shall inure to the benefit of, and shall be deemed as donation to, the Office. All donations may be certified by the duly authorized personnel of the IPO for any and all lawful purposes.

SECTION 10. *Amounts paid due to the fault of the Office.*

All fees or excess amounts paid to the IPOPhil due to the fault of the Office shall be refunded without interest. In case of written waiver of the refund by the payor or when the payor fails to claim the refund within one (1) month from receipt of notice thereof, the payment shall be governed by the immediately preceding section on fees or excess amounts paid to the IPOPhil without mistake on the part of the Office.

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PART III
SCHEDULE OF FEES

SECTION 1. *Schedule of General Fees.* The general fees prescribed in this Section are applicable to the services and materials furnished by all the Bureaus and offices of the IPOPhil.

SCHEDULE OF GENERAL FEES			
Reference Code	Type of Fee	Big	Small
101	1. CERTIFICATION FEE	370.00 Plus cost of reproduction, computer print-out	
102	2. CERTIFIED TRUE COPY	500.00 Per type of document, plus cost of reproduction, computer print-out (in excess of 5 pages)	
103	3. COMPUTER PRINT-OUT/MICRO FICHE PRINT-OUT	20.00 per page	
104	4. CONFERENCE with the Examiner	1000.00	FREE
105	5. IPO BOX	3,000.00 Annual Rental applicable to the calendar year in which payment is made	
106	6. IPO GAZETTE	650.00 Per Copy	
107	7. PUBLICATION FEE	800.00 minimum, approximately 1/2 page	
108	8. RECONSTITUTION OF RECORDS (Without fault of Office)	750.00 plus other applicable fees such as certification fee, reproduction fee and publication fee	
9. RECORDAL/ANNOTATION of:			
9.1 Invention			
109	9.1.1 1st Assignment of application from small to big entity	5,500.00	N/A
		plus publication fee	
110	9.1.2 1st Assignment of issued patent from small to big entity	7,200.00	N/A
		plus publication fee	
111	9.1.3 Any other Assignment or document affecting title	700.00	350.00
		plus publication fee	
9.2 Utility Model and Industrial Design			
112	9.2.1 1st Assignment of application from small to big entity	3,000.00	N/A
		plus publication fee	
113	9.2.2 1st Assignment of issued patent from small to big entity	4,000.00	N/A
		plus publication fee	
114	9.2.3 Any other Assignment or document affecting title	400.00	200.00
		plus publication fee	
9.3 Trademarks			

115	9.3.1 1st Assignment of application from small to big entity	3,000.00	N/A
		plus publication fee	
116	9.3.2 1st Assignment of registered mark from small to big entity	5,500.00	N/A
		plus publication fee	
117	9.3.3 Any other Assignment or document affecting title	700.00	350.00
		plus publication fee (if applicable)	
118	9.3.4 Updating of data such as change of name, change of address	700.00	350.00
		plus publication fee (if applicable)	
119	9.4 Other documents not required by the Office	600.00	300.00
10. REPRODUCTION/Photocopy: Prevailing rate will be determined and announced from time to time			
120	10.1 Domestic	3.50 per page	
121	10.2 Overseas	US\$ 10.00 for every set of 10 pages or fraction thereof	
122	11. SURCHARGE for late payment of fees where applicable	50% of the required fee	
123	12. Express charges, freight, postage, telephone, telefacsimile including cost of paper and other related expenses, E-mail and other electronic communications, publication in the IPOPhil website, publication in media other than IPOPhil Gazette	Actual cost plus handling fee equivalent to 20% of the actual cost	
13. APPEALS/PETITIONS/MOTIONS			
124	Appeal to a Bureau Director from a final order or decision	3,000.00	
125	Motion for Reconsideration of the decision of Bureau Directors	3,000.00	
126	Appeal to the Director General	5,000.00	
127	Any other Motion not specified in other parts of this Section	650	500
14. FRONTLINE ONLINE SERVICES – The following fees shall apply to frontline online services:			
1. e-Gazette Subscription Fee (full browse and download)			
128	1.1 12-Month Subscription	12,600.00	
129	1.2 Specific Month Subscription	1,200.00	
130	1.3 Back Issue	500.00	
2. Trademark On-line Search Subscription Fee (full browse & advanced search)			
131	2.1 For a 12-Month Subscription Package:	12,600.00	
132	2.2 For a Specific Month Subscription Package (subscription fee for one month):	1,200.00	
3. Patent On-line Search Subscription Fee (full browse & advanced search)			
133	3.1 For a 12-Month Subscription Package:	38,500.00	
134	3.2 For a specific Month Subscription Package (subscription fee for one month):	3,500.00	
15. MISCELLANEOUS FEES – The rates of fees shall be determined and announced from time to time and will include fees for the following:			
135	Commemorative items		
136	CD-ROM or other electronic or machine-readable material		
137	Bid Documents		

138	Use of IPO facilities such as training, seminar, etc.	
139	Training/Seminar Fees	
140	Such other costs chargeable by the Office, not classified herein, but are incidental to the delivery of service	

SECTION 2. Schedule of Invention Patent-related fees. — The fees provided in this Section shall apply to invention patents.

SCHEDULE OF INVENTION PATENT-RELATED FEES			
Reference Code	Type of Fee	Big	Small
1. PRE-EXAMINATION			
201	1.1. Filing Fee	3,600.00	1,800.00
202	1.2. For each sheet in excess of thirty (30)	30.00	15.00
203	1.3. For each claim in excess of five (5)	300.00	150.00
204	1.4. Request for right of priority	1,800.00	900.00
205	1.5. Request for Extension of Time to File Priority Documents	1,300.00	650.00
206	1.6. Divisional Application (for each division)	3,600.00	1,800.00
207	1.7. Conversion From Utility Model to Invention	1,200.00	600.00
208	1.8. Early Publication: Request for publication before the expiration of 18 months from filing date or priority date	5,550.00	
2. EXAMINATION			
2.1. Request for:			
2.1.1. Extension of time to file Response			
209	2.1.1.1. First	600.00	300.00
210	2.1.1.2. Second	650.00	325.00
211	2.1.2. Substantive Examination	3,500.00	1,750.00
212	2.1.3. Revival	1,000.00	500.00
213	2.2. Preparation of amended page(s) of the master copy of the specification and/or claims	70.00 per page	
3. POST-EXAMINATION			
214	3.1. Amendment or correction in the Letters Patent	500.00	250.00
		plus publication fee	
3.2. Petition for:			
215	3.2.1. Voluntary surrender or cancellation	600.00	300.00
		plus publication fee	
216	3.2.2. Any amendment or any correction of mistake in a Letters Patent of formal and clerical nature without fault of Office	600.00	300.00
217	3.2.3. Any amendment or any correction in a Letters Patent of substantive nature	1,500.00	750.00
218	5th year	2,700.00	1,350.00
219	6th year	3,600.00	1,800.00

220	7th year	4,500.00	2,250.00
221	8th year	5,400.00	2,700.00
222	9th year	7,200.00	3,600.00
223	10th year	9,000.00	4,500.00
224	11th year	11,600.00	5,800.00
225	12th year	14,400.00	7,200.00
226	13th year	17,000.00	8,500.00
227	14th year	20,700.00	10,350.00
228	15th year	24,300.00	12,150.00
229	16th year	27,800.00	13,900.00
230	17th year	31,400.00	15,700.00
231	18th year	37,700.00	18,850.00
232	19th year	45,300.00	22,650.00
233	20th year	54,300.00	27,150.00
234	5. Annual fee for each claim in excess of five (5) (5th to 20th year) due and payable at the same time as the applicable Annual Fee listed above.	350.00	175.00
235	6. Notice and publication of non-payment of annual fee	350.00	
		minimum; approximately 1/8 page	

SECTION 3. *Schedule of Fees on Utility Model and Industrial Design Patents.* — The fees provided in this Section shall apply to utility model and industrial design patents.

SCHEDULE OF FEES ON UTILITY MODEL AND INDUSTRIAL DESIGN			
Reference Code	Type of Fee	Big	Small
1. PRE-EXAMINATION			
301	1.1. Filing Fee	3,000.00	1,500.00
302	1.2. For each sheet in excess of thirty (30)	30.00	15.00
303	1.3. For each claim in excess of five (5) in Utility Model	200.00	100.00
304	1.4. For each embodiment in excess of one (1) in Ind. Design	1,500.00	750.00
305	1.5. Request for right of priority	1,500.00	750.00
306	1.6. Divisional Application (for each division)	3,000.00	1,500.00
307	1.7. Conversion From Invention to Utility Model	550.00	275.00
2. EXAMINATION			
2.1. Request for:			
2.1.1. Extension of time to file Response			
308	2.1.1.1. First	600.00	300.00
309	2.1.1.2. Second	650.00	325.00
310	2.1.2. Registrability Report	1,100.00	550.00
311	2.1.3. Revival	1,000.00	500.00

312	2.2 Preparation of amended page(s) of the master copy of the specifications and/or claims	70.00 per page	
3. POST -EXAMINATION			
313	3.1. Amendment or correction to the Registration 3.2 Petition for:	500.00	250.00
		plus publication fee	
314	3.2.1 Voluntary surrender or cancellation	500.00	250.00
		plus publication fee	
315	3.2.2 Any amendment or any correction of mistakes in a Registration of formal and clerical nature without fault of Office	500.00	250.00
316	3.2.3 Any amendment or any correction of mistakes in a Registration of substantive nature	800.00	400.00
4. EXTENSION OF TERM (Industrial Design Registration per embodiment)			
4.1 Petition for Extension of Term			
317	4.1.1 First	1,800.00	900.00
		plus publication fee	
318	4.1.2 Second	3,600.00	1,800.00
		plus publication fee	

SECTION 4. Schedule of Patent-related Fees for applications under Republic Act No. 165. The rates provided in this Section shall apply to applications filed and/or granted under Republic Act No. 165 (the former law on patents). The rate of other applicable fees which are not found in this Section shall be based on rates provided in Part III, Sections 1, 2 and 3 of these Rules. In determining the due date of the Annual Fees (Reference Code Nos. 420 through 433), the date of issuance of the patent is the same as the date when the Director of Patents approved and signed the allowance.

SCHEDULE OF PATENT-RELATED FEES UNDER REPUBLIC ACT NO. 165			
Reference Code	Type of Fee	Big	Small
1. PRE-EXAMINATION			
401	1.1. For each claim in excess of five (5) in Invention	150.00	75.00
402	1.2. For each embodiment in excess of one (1) in Ind. Design	1,200.00	600.00
1.3. Claim of convention priority			
403	1.3.1. Invention	1,500.00	750.00
404	1.3.2. Utility Model & Design	1,200.00	600.00
405	1.4. Re-issue application of an invention patent	1,500.00	750.00
1.5. Divisional Application (for each division)			
406	1.5.1. Invention	3,000.00	1,500.00
407	1.5.2 Utility Model & Design	1,800.00	900.00

408	1.6. Conversion From Invention to Utility Model	500.00	250.00
2. EXAMINATION			
2.1. Request for suspension of action			
409	2.1.1. Invention	800.00	400.00
410	2.1.2. Utility Model & Design	600.00	300.00
	2.2. Interference	600.00	300.00
	2.2.1. Motion to:		
	2.2.1.1 Dissolve interference	400	200
	2.2.1.2 Add party to an interference proceeding	400	200
	2.2.1.3. Shift burden of proof in an interference proceeding		
411	2.2.1.3.1. Invention	900.00	450.00
412	2.2.1.3.2. Utility Model and Design	700.00	350.00
2.2.2. Extension of time to file appeal briefs in ex-parte cases			
413	2.2.2.1 Invention	600.00	300.00
		plus publication fee	
414	2.2.2.2 Utility Model and Design	400.00	200.00
		plus publication fee	
3. POST-EXAMINATION			
3.1 Issuance of Certificate of Letters Patent			
415	3.1.1 Invention	1,000.00	500.00
		plus publication fee	
416	3.1.2 Utility Model and Industrial Design	700.00	350.00
		plus publication fee	
417	3.2 Reinstatement of lapsed invention patent	4,000.00	2,000.00
		plus publication fee	
4. EXTENSION OF TERM (Utility Model and Industrial Design)			
4.1 Petition for -			
418	4.1.1 1st Extension	1,800.00	900.00
		plus publication fee	
419	4.1.2 2nd Extension	3,600.00	1,800.00
5. ANNUAL FEES		Due and payable at the beginning of the stated year reckoned from the date of issuance of patent	
420	5th year	2,700.00	1,350.00
421	6th year	3,600.00	1,800.00
422	7th year	4,500.00	2,250.00
423	8th year	5,400.00	2,700.00
424	9th year	7,200.00	3,600.00
425	10th year	9,000.00	4,500.00
426	11th year	11,600.00	5,800.00
427	12th year	14,400.00	7,200.00
428	13th year	17,000.00	8,500.00
429	14th year	20,700.00	10,350.00

430	15th year	24,300.00	12,150.00
431	16th year	27,800.00	13,900.00
432	17th year	31,400.00	15,700.00
433	6. Annual fee for each claim in excess of five (5) (5th to 17th year) due and payable at the same time as the applicable Annual Fee listed above.	350.00	175.00
434	7. Notice and Publication of non-payment of annual fee	350.00	
		Minimum; approximately 1/8 page	

SECTION 5. *Schedule of Trademark-related Fees.* — The fees provided in this Section shall apply to trademarks, service marks, tradenames and marked or stamped containers.

SCHEDULE OF TRADEMARK-RELATED FEES			
Reference Code	Type of Fee	Big	Small
1. PRE-EXAMINATION			
501	1.1 Filing Fee (per class)	2160.00	1080.00
502	1.2 Claim for Convention Priority (per class)	1,500.00	750.00
503	1.3 Claim of color, claim of distinctiveness (per class)	500.00	250.00
504	1.4 Request for Priority Examination	5,200.00	2,600.00
2. EXAMINATION			
2.1 Request for -			
505	2.1.1 Extension of time to file any response (1-60 days)	600.00	300.00
506	2.1.2 Use of an old drawing.	500.00	250.00
2.1.3 Divisional Application			
507	2.1.3.1 Basic	500.00	250.00
508	2.1.3.2 1st extension	500.00	250.00
509	2.1.3.3 2nd extension	500.00	250.00
510	2.1.4 Revival of Abandoned Application (Without fault of Office)	1,000.00	500.00
2.1.5 Suspension of Action			
511	2.1.5.1 By Examiner	800.00	400.00
2.1.5.2 By Director			
512	2.1.5.2.1 First	1,000.00	500.00
513	2.1.5.2.2 Second	3,200.00	1,600.00
514	2.1.6 Conversion of application from Home Registration to "intent to use"	2,000.00	1,000.00
515	2.1.7 Amendment fee (to correct formalities, etc.)	700.00	350.00
516	2.1.8 To question correctness of Examiner's action	500.00	250.00
3. REGISTRATION			
3.1 Issuance of			
517	3.1.1 Original/New/Replacement/Renewal of Certificate of Registration	1,000.00	500.00

		plus publication fee	
518	3.1.2 Transfer Certificate of Registration	500.00	250.00
	3.2 Petition/Request for -	Big	Small
519	3.2.1 Amendment	700.00	350.00
		plus publication fee	
520	3.2.2 Correction (Without fault of Office)	1,000.00	500.00
		plus publication fee	
521	3.2.3 Voluntary Surrender/Abandonment	500.00	250.00
		plus publication fee	
522	3.2.4 Voluntary Cancellation	500.00	250.00
		plus publication fee	
523	3.2.5 Voluntary Disclaimer	500.00	250.00
		plus publication fee	
524	3.2.6 Division of Registration	1,000.00	500.00
525	4. RENEWAL OF REGISTRATION	5,500.00	2,750.00
		Per Class	
5. FILING OF DECLARATION OF ACTUAL USE			
5.1 Filed and registered under RA 8293 (per class)			
526	5.1.1 Within 3 years from filing date	1,600.00	800.00
527	5.1.1 Within 1 year from 5th year anniversary	2,000.00	1,000.00
5.2 Filed Under RA 166 (per class)			
528	5.2.1 Within 3 years from December 2, 1998	1,600.00	800.00
5.3 Registered under RA 166 and expiring after June 3, 2004 (per class)			
529	5.3.1 Within 1 year from 5th year anniversary	2,000.00	1,000.00
530	5.3.2 Within 1 year from 10th year anniversary	4,000.00	2,000.00
531	5.3.3 Within 1 year from 15th year anniversary	5,500.00	2,750.00
532	5.4 Use of mark by a related company	1,600.00	800.00
533	5.5 Single extension of time to file Declaration of Use	3,200.00	1,600.00
534	6. ANY OTHER PETITION/MOTION/REQUEST not required by the Office or not specified under this section	600.00	300.00

SECTION 6. *Schedule of Fees in Inter Partes Cases and Administrative Complaints for violation of laws on intellectual property rights.* — The fees provided in this Section shall apply to Inter Partes Cases (Petition for Cancellation of a Mark, Patent, Utility Model, or Industrial Design; Opposition to Registration of a Mark; and Compulsory Licensing) and Administrative Complaints for violation of laws on intellectual property rights.

SCHEDULE OF FEES IN INTER-PARTES CASES AND ADMINISTRATIVE COMPLAINTS FOR VIOLATION OF LAWS ON INTELLECTUAL PROPERTY RIGHTS			
Reference Code	Type of Fee	Big	Small
INTER PARTES CASES			
1. TRADEMARKS			
601	1.1 Filing of Opposition (verified or unverified)	12,200.00	8,600.00
602	1.2 Request for copy of unverified opposition	Reproduction cost at prevailing rate	
603	1.3 Petition for Cancellation	12,200.00	8,600.00
604	1.4 Motion fee and surcharge for extension of time to file verified opposition	1,430.00	715.00
		For every month of extension	
2. PATENTS			
2.1 Petition for Compulsory Licensing			
605	2.1.1 Invention	16,000.00	10,400.00
		Plus publication fee	
606	2.1.2 Utility Model/Industrial Design	10,400.00	7,700.00
		Plus publication fee	
2.2 Petition for Cancellation			
607	2.2.1 Invention	16,000.00	10,400.00
608	2.2.2 Utility Model/Industrial Design	12,200.00	10,400.00
		Plus publication fee	
3. Motion for:			
609	3.1 Extension of time to file any pleading	650.00	500.00
610	3.2 Extension of time to file appeal brief	650.00	500.00
611	3.3 Each postponement in excess of three (3) whether granted or not	1,500.00	1,000.00
612	3.4 Holding proceedings outside IPOPhil premises	1,500.00	1,000.00
613	3.4.1 Cost of holding of proceedings outside IPOPhil	Per diem and other expenses authorized for government employees/officials plus actual cost of hotel accommodation and transportation	
614	4. Any other Motion/Manifestation with prayers/petition and the like not specified in this section.	650.00	500.00
615	5. Transcript of Stenographic Notes	20.00 per page	
ADMINISTRATIVE COMPLAINTS			
660	1. Filing of complaint	16,000.00	13,000.00
661	1.1 Additional filing fee	1/10 of 1% of the damages claimed in excess of Five Hundred Thousand Pesos	
662	2. Permissive Counterclaim/Cross claim contained in an Answer filed in connection with IPR violation	1,300.00	1,000.00
663	2.1 Additional filing fee	1/10 of 1% of the damages claimed in excess of Five Hundred Thousand Pesos	

3. Motion for			
664	3.1 Attachment	2,600.00	2,000.00
665	3.2 Injunction	2,600.00	2,000.00
666	3.3 Issuance of Cease and Desist Order	2,600.00	2,000.00
667	3.4 Issuance of Order of Destruction of Infringing Goods/Services	2,600.00	2,000.00
668	3.5 Amendment of pleading that would increase the amount of damages claimed	1,300.00	1,000.00
669	3.5.1 Additional filing fee	1/10 of 1% of the damages claimed in excess of Five Hundred Thousand Pesos which shall in no case be less than One Thousand Pesos	
4. Motion for:			
670	4.1 Extension of time to file any pleading	650.00	500.00
671	4.2 Extension of time to file appeal brief	650.00	500.00
672	4.3 Each postponement in excess of three (3) whether granted or not	1,500.00	1,000.00
673	4.4 Holding proceedings outside IPOPhil premises	1,500.00	1,000.00
674	4.4.1 Cost of holding of proceedings outside IPOPhil	Per diem and other expenses authorized for government employees/officials plus actual cost of hotel accommodation and transportation.	
675	5. Any motion/Manifestation with prayers/petition and the like not specified in this section.	650.00	500.00
676	6. Transcript of Stenographic Notes	20.00 per page	
7. Other Fees:			
7.1. Committee of Three			
677	7.1.1. Motion for constituting of Committee of Three	2,600.00	2,000.00
678	7.1.2 Fee for services of expert	Actual cost of services	Actual cost of services
679	7.2 Sheriff's Services	Per diem and other expenses authorized for government employees/officials plus actual cost of hotel accommodation and transportation	
	7.2.1 Enforcement of TRO/preliminary injunction orders;		
	7.2.2 Enforcement of attachment orders;		
	7.2.3 Execution of final orders/decisions;		
680	7.2.4 Motions relating to 7.2.1, 7.2.2 & 7.2.3;	2,600.00	2,000.00
681	7.3 Fees for other Expenses (for PNP, NBI, BJMP assisting the sheriff as per MOA's)	Per diem and other expenses authorized for government employees/officials plus actual cost of hotel accommodation and transportation	
	7.3.1 Enforcement of provisional remedies and		
	7.3.2 Execution of final orders/decisions		
682	7.3.3 Motions relating to 7.3.1 and 7.3.2;	2,600.00	2,000.00
683	7.4 Contempt		
	7.4.1 Motion/Petition to declare a party in contempt.	2,600.00	2,000.00

SECTION 7. Schedule of Fees on Voluntary Licensing, Intellectual Property information and Search Services and Dispute Settlement involving Technology Transfer Arrangements. — The fees provided in this Section shall apply to voluntary licensing, intellectual property information and search services, and, dispute settlement. Reduction in rate shall not apply to these fees.

Schedule of Fees on Voluntary Licensing, Intellectual Property information and Search Services and Dispute Settlement involving Technology Transfer Arrangements		
Reference Code	Type of Fee	
	1. State of the Art Search and Related Search	
701	1.1 Equivalent Search and/or Compound per se Search	3,250.00
	1.2 All other Type of Patent Search	
702	1.2.1 Comprehensive Search	10,350.00
	1.2.2 Soap, Detergent, Lotion, Shampoo and other Crowded Art	14,500.00
	2. Trademark Search, per mark	
703	2.1 Word Mark	2,250.00
704	2.2 Complex Mark	4,600.00
705	CONSULTATION & GUIDED PUBLIC SEARCH	P125 per hour or a fraction thereof
706	USAGE COST FOR SEARCHES ON CD-ROM COLLECTIONS AND INTERNET FACILITIES	P125 per hour or a fraction thereof
707	REQUEST FOR STATISTICAL INFORMATION other than those regularly published by the IPOPhil	500.00 minimum; plus cost of print-out
721	FILING FEE (EXEMPTION)	2,500.00
722	PER EXEMPTION CLAIMED	700.00
723	EXTENSION FEE OF TIME TO FILE REQUIREMENTS	650.00
724	REGISTRATION FEE (EXEMPTION)	2500.00
725	FILING FEE COMPLIANCE/RECORDAL	2,500.00
726	REGISTRATION FEE	2,500.00
727	PRELIMINARY REVIEW	2,500.00
728	AMENDMENT	1000.00
729	RECORDAL/ANNOTATION OF TTAs	1000.00
730	ANY OTHER REQUEST	1000.00
	Note: plus 1% research legal fund	
	DISPUTE SETTLEMENT Involving Technology Transfer Arrangements	<i>Inserted sub-heading only</i>
741	1. Filing of Complaint/Request for Mediation	12,500.00
	2. Request for:	
742	2.1 Drafting of Compromise/Mediation Agreement	4,000.00
743	2.2 Postponement	1,500.00
744	2.3 Suspension of proceedings Extensions of time	1,500.00
745	2.4 Holding proceedings outside IPOPhil premises	1,500.00

746	2.4.1. Cost of holding of proceeding outside IPOPhil	Per diem and other expenses authorized for government employees/officials plus actual cost of hotel accommodation and transportation
	DISPUTE SETTLEMENT Involving Author's Rights	<i>Inserted sub-heading only</i>
761	1. Filing of Complaint/Request for Mediation	6,500.00
	2. Request for:	
762	2.1 Drafting of Compromise/Mediation Agreement	2,000.00
763	2.2 Postponement	1000.00
764	2.3 Suspension of proceedings Extensions of time	1000.00
765	2.4 Holding proceedings outside IPOPhil premises	1000.00
766	2.4.1. Cost of holding of proceeding outside IPOPhil	Per diem and other expenses authorized for government employees/officials plus actual cost of hotel accommodation and transportation

SECTION 8. Optional Registration as Resident agent or Representative. The fees provided in this Section shall apply to applications for voluntary registration as resident agent or representative. Registration is not a pre-requisite to appearance as applicant, agent, representative, counsel or other capacity before the Office or any of its Bureaus. Registration shall be determined in accordance with the applicable IRRs. A Resident Agent or Representative is one which is not specified as Trademark Agent, Patent Agent, or Patent and Trademark Agent.

Ref. Code	TYPE OF FEE	Php
	1. Application for Registration (Web-based listing)	
801	1.1 Trademark Agent	5,000.00
802	1.2. Patent Agent	5,000.00
803	1.3 Patent and Trademark agent	5,000.00
804	1.4 Resident agent or Representative	5,000.00
	2. Application for Registration] (not web-based listing)	
805	2.1 Trademark Agent	1,500.00
806	2.2 Patent Agent	1,500.00
807	2.3 Patent and Trademark Agent	1,500.00
808	Resident Agent or Representative	1,500.00
	3. Annual Re-Enlistment (web-based)	
809	3.1 Trademark Agent	2,000.00
810	3.2 Patent Agent	2,000.00
811	3.3 Patent and Trademark Agent	2,000.00
812	3.4 Resident Agent or Representative	1,500.00

	4. Annual Re-Enlistment (not web-based)	
813	4.1 Trademark agent	1,000.00
814	4.2 Patent Agent	1,000.00
815	4.3 Patent and Trademark Agent	1,000.00
816	4.4 Resident Agent or Representative	1,000.00

Section 8.1. The application fee includes enlistment fee for the calendar year in which the application is filed.

Section 8.2. The annual re-enlistment fee shall apply to the calendar year in which the fee is paid. Non-payment of the re-enlistment fee on or before the 20th day of January shall automatically result in removal from the list without need of notice.

Section 8.3. Any registrant removed from the list for non-payment of the re-enlistment fee on time may request for reinstatement by submitting a copy of his certificate of registration for the immediately preceding calendar year and payment of the required fee which shall apply to the calendar year in which the fee is paid regardless of the month in which payment is made.

Section 8.4. An agent that fails to re-enlist for three (3) consecutive calendar years, shall be required to re-apply by paying the application fee and complying with all the requirements under the applicable IRRs.

PART IV

FINAL PROVISIONS

SECTION 1. *Periodic Review of Fees.* – The IPOPhil Fee Structure shall be reviewed whenever necessary provided that the rates of the fees herein provided may be increased only once every two years unless sooner required by law, executive order, regulation or other issuance.

SECTION 2. *Payment of fees prescribed under the IPO Fee Structure.* Any type of fee paid prior to the effectivity of these Rules based on the rates prescribed by the IPO Fee Structure shall be deemed fully paid provided the payment was made in full on or before the due date.

Any non-payment and/or insufficiency in payment shall be governed by Part II, Section 6 of these Rules (Non-payment or Insufficiency of the amount paid) and shall be assessed and paid based on rates determined in these Rules.

SECTION 3. *Extension of time to pay fees due and payable on effectivity of these Rules.*

(a) The payment of any type of fee that is due and payable, on the effectivity of these Rules, pursuant to the IP Code, the applicable IRRs or these Rules, with respect to an application, case or other pending matter or an existing

registration, is hereby extended until 16 March 2004 without any surcharge and without need of notice.

(b) Payment with surcharge may be made after 16 March 2004 provided that the same shall be made in full and not later than 16 May 2004, without any further extension and without need of notice.

(c) Part II Section 6 on non-payment or insufficiency of amount paid shall not apply to the payments in this Section

SECTION 4. *Repeals.* — All rules and regulations, memoranda, circulars, and memorandum circulars and parts thereof inconsistent with these Rules, particularly the fees and charges prescribed under the IPO Fee Structure dated 08 June 2000 which took effect on 04 July 2000 are hereby repealed.

SECTION 5. *Separability.* — If any provision in these Rules or application of any provision to any circumstance is held invalid, the remainder of these Rules shall not be affected thereby and shall not be an excuse for non-payment of any fee prescribed by law or applicable IRRs.

SECTION 6. *Furnishing of Certified Copies.* — Ms. Aniway E. Abranilla, Records Officer II, 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 Office of the President, the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines, and the National Library, not later than 23 December 2003.

Mr. Restituto E. Maligaya, Division Chief, Operations and Maintenance Division, MIS-EDP Bureau, is hereby directed to post this Office Order in the IPOPhil website not later than 23 December 2003.

SECTION 7. *Effectivity.* — These rules and regulations shall take effect on 16 January 2004 after publication in a newspaper of general circulation not later than 31 December 2003.

Done this 17th of December 2003, Makati City.

EMMA C. FRANCISCO
Director General