

IPOPHL MEMORANDUM CIRCULAR NO. 17-012
Series of 2017

**SUBJECT: EXPEDITING THE TRIAL OF CASES BY AMENDING
CERTAIN PROVISIONS OF THE REGULATIONS ON ADMINISTRATIVE
COMPLAINTS FOR VIOLATION OF LAW INVOLVING INTELLECTUAL
PROPERTY RIGHTS**

Whereas, it is the policy of the Intellectual Property Office to continuously streamline its operations, systems, processes, including administrative procedures, in resolving disputes and controversies involving intellectual property rights;

Whereas, under Sec. 10.3 of Rep. Act No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code"), the Director General may by regulation establish the procedure to govern administrative proceedings;

Whereas, under Sec. 7 (a) of the IP Code, the Director General shall manage and direct all functions and activities of the Office, including the promulgation of rules and regulations to implement the objectives, policies, plans, programs and projects of the Office;

Whereas, the rules and regulations on administrative complaints which took effect on December 17, 1998 was modified, which under the Modified Rules and Regulations on Administrative Complaints took effect on March 28, 2001;

Whereas, there is a need to further amend the Rules on Administrative Complaints in order to achieve a more efficient and expeditious resolution of administrative complaints, including the hearing of the evidence in chief during trial of cases, at the Bureau of Legal Affairs;

Now, Wherefore, the Regulations on Administrative Complaints for Violation of Law Involving Intellectual Property Rights, as modified, is hereby further amended as follows:

SECTION 1. The first paragraph of Sec. 1 of Rule 9, is hereby amended to read, as follows:

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"Section 1. Expedited Trial of Cases. (a) The Hearing Officer shall set the case for successive and continuous hearing for the reception of the evidence in chief. The parties shall complete their presentation of evidence in two (2) years. The Complainant shall have eight (8) months to present and offer evidence, which shall commence on the first trial date as specified in the Pre-Trial Order. Within ten (10) days after the Complainant rest or after the lapse of the 8-month period, whichever comes first, the Complainant shall file a formal offer of evidence. The Respondent may file comment/ objection to the formal offer of evidence within 10 days from receipt of a copy thereof. After the expiry of the 10-day period, with or without the Respondent having filed comment/objection, the Hearing Officer shall resolve the formal offer of evidence within fifteen (15) days from receipt of a copy of the comment/objection or from the expiration of the aforementioned 10-day period.

The Respondent shall have 8 months to present and offer evidence, which shall commence on the initial presentation of its evidence. Within ten (10) days after the Respondent rest or after the lapse of 8-month period, whichever comes first, the Respondent shall file a formal offer of evidence. The Complainant may file comment/ objection to the formal offer of evidence within 10 days from receipt of a copy thereof. After the expiry of the 10-day period, with or without the Complainant having filed comment/objection, the Hearing Officer shall resolve the formal offer of evidence within fifteen (15) days from receipt of a copy of the comment/objection or from the expiration of the aforementioned 10-day period.

The parties shall be given, two (2) months each for rebuttal and sur-rebuttal evidence, without extension. Formal offer of evidence and any comment/objection thereto during the rebuttal and sur-rebuttal shall be resolved expeditiously.

(b) A party who wishes to take testimony of any person residing abroad via deposition shall manifest the same during the pre-trial. The manifestation shall be included in the pre-trial order.

The answers to written interrogatories shall be submitted within 6 months from the issuance of the letters commission pursuant to Section 1, Rule 8. A party shall be allowed to submit the answers to written interrogatories, or cross interrogatories as the case may be, beyond the 8-month if the deposition proceeding exceeds the 8-month period; Provided, that all other witnesses and evidence have been presented during the 8-month period according to Section 1(a).



(c) To expedite trial, judicial affidavits shall be used, in lieu of direct testimony.

"Section 2. The Judicial Affidavit Rule shall have suppletory effect herein.

"Section 3. The Hearing Officers shall ensure that all cases which were filed prior to the Expedited Trial procedure but have not yet undergone pre-trial shall conform as closely as possible to the above procedures and periods. In respect of cases which were filed prior to the Expedited Trial procedure and already in the presentation of evidence stage, the Hearing Officers shall undertake measures to expedite the termination of the trial within 2 years after the effectivity of the aforementioned procedure."

SECTION 2. Effectivity. - These amendments shall take effect on 01 August 2017.


SECTION 3. Repealing Clause. - All other office issuances inconsistent with these Memorandum Circular are hereby repealed or modified accordingly.

SECTION 4. Separability Clause. - If any action or provision of these Circular shall be declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality and validity of the remainder of these Circular and the applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of these Circular are declared to be severable.

SECTION 6. Filing of Certified Copies.- The Financial Management and Administrative Services Bureau is hereby directed to immediately publish this Circular in a newspaper of general circulation and to file three (3) certified copies of these Rules with the UP Law Center, and one (1) certified copy each with the Department of Trade and Industry, the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines, and the National Library.

Done this __ day of _____, 2017, Taguig City.


JOSEPHINE R. SANTIAGO, LL.M.
DIRECTOR GENERAL

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