

IPOPHL MEMORANDUM CIRCULAR NO. 17-013

**Subject: AMENDING THE REVISED IMPLEMENTING RULES AND REGULATIONS OF PATENTS, UTILITY MODELS, AND INDUSTRIAL DESIGNS**

**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. 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**, there is a need to further amend the Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs;

**Now, therefore**, the Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs, are hereby further amended as follows:

**SECTION 1.** Rule 929.1. is hereby amended, as follows:

Rule 929.1. *Revival of Application Without Cost.* — An application deemed withdrawn due to loss of applicant's response or Examiner's action that was not received as evidenced by the post office return card, and other unforeseen circumstances which may be considered as fault of the Office shall be revived without cost; Provided, that a petition to revive without cost is filed within four (4) months from the mailing date of the notice of withdrawal. In case of loss of applicant's response, the petition must be accompanied by the copy bearing the original stamp of the Office.

**SECTION 2.** Rule 1001 is hereby amended, as follows:

Rule 1001. *Contents of Patent.* — The patent certificate shall be issued in the name of the Republic of the Philippines under the seal of the Office and shall be signed by the Director of Patents, and registered together with the description, claims, and drawings, if any, in the books and records of the Office (Sec. 53, IP Code). For this purpose, a digitally signed Certificate of Registration shall have the same legal effect as a traditionally signed certificate.

**SECTION 3.** Rule 1404 is hereby amended to read, as follows:

Rule 1404. *Payment of Fees.* — The applicant for registration of a utility model shall pay the full amount of the filing fee within one (1) month

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after the filing of the application. Upon the option of the applicant, the publication fee may also be paid together with the filing fee. Otherwise, the applicant shall be required to pay the publication fee after completion of the formality examination and within one (1) month from the mailing date of the notice to pay. Failure to pay the fee shall result in the abandonment of the application. The application may be revived subject to the provisions on revival.

**SECTION 4.** Rule 1511 is hereby amended, as follows:

Rule 1511. *Payment of Fees.* — The applicant for registration of an industrial design shall pay the full amount of the filing fee within one (1) month after the filing of the application. Upon the option of the applicant, the publication fee may also be paid together with the filing fee. Otherwise, the applicant shall be required to pay the publication fee after completion of the formality examination and within one (1) month from the mailing date of the notice to pay. Failure to pay the fee shall result in the abandonment of the application. The application may be revived subject to the provisions on revival.

**SECTION 5.** Rule 1800 is hereby amended, as follows:

Rule 1800. *Contents of Certificate of Registration.* — The Certificate of Registration shall be issued in the name of the Republic of the Philippines under the seal of the Office and shall be signed by the Director, and registered together with the description, claims, and drawings, if any, in books and records of the Office. For this purpose, a digitally signed Certificate of Registration shall have the same legal effect as a traditionally signed certificate.

**SECTION 6. Effectivity and Coverage.** - These amendments shall take effect on 01 August 2017, after publication in a newspaper of general circulation.


**SECTION 7. Repealing Clause.** - All other office issuances inconsistent with this Memorandum Circular is hereby repealed or modified accordingly.

**SECTION 8. Separability Clause.** - If any action or provision of this Circular is declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances is held invalid, the constitutionality and validity of the remainder of this Circular and the applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of this Circular are declared to be severable.

**SECTION 9. Filing of Certified Copies.**- The Financial Management and Administrative Services Bureau is hereby directed to immediately 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 10<sup>th</sup> day of July 2017; Taguig City, Philippines.

  
**JOSEPHINE R. SANTIAGO, LL.M.**

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