



IPOP HL MEMORANDUM CIRCULAR NO. 17-002
Series of 2017

Subject: Amendments to IPOP HL Memorandum Circular No. 16-012 (IPOP HL REVISED FEE STRUCTURE OF 2017)

WHEREAS, IPOP HL promulgated IPOP HL Memorandum Circular No. 16-012 establishing the IPOP HL Revised Fee Structure of 2017 and which became effective on 01 January 2017;

WHEREAS, there are corrections, clarifications, and additional fees that are needed to be incorporated in the Revised Fee Structure;

WHEREAS, there are fees that are corrected and clarified, and there are additional fees were included during the public consultation;

WHEREAS, the Secretary of Trade and Industry has approved the corrections, clarifications and additional fees;

NOW THEREFORE, the IPOP HL Revised Fee Structure of 2017 is hereby amended, as follows:

“MEMORANDUM CIRCULAR NO. 16-012
Series of 2016

Subject: IPOP HL REVISED FEE STRUCTURE OF 2017

WHEREAS, Sec. 7 of Rep. Act No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code") conferred upon the Director General the power of managing and directing all functions and activities of the Office, including the "*establishment of fees for the filing and processing of an application for a patent, utility model or industrial design or a mark or a collective mark, geographic indication and other marks of ownership, and for all other services performed and materials furnished by the Office*" .;

WHEREAS, the existing schedule of fees was implemented way back in January 2004;

WHEREAS, the IPOP HL is rationalizing and streamlining its fee structure there being urgency for IPOP HL to make adjustments in order to: *first*, address inflation and rising operational costs and expenses, *second*, support additional mandates and services, and other developmental programs/projects and advocacies; and *third*, reduce or abolish redundant fees;

Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE

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WHEREAS, in rationalizing its fees, the IPOPHL complied with all the requirements, including public consultations, set forth in DOF-DBM-NEDA Joint Circular No. 1-2013, also known as the "Implementing Rules and Regulations of Administrative Order No. 31 s. 2012, on the Rationalization of Rates of Fees and Charges, Increase in Existing Rates and Imposition of New Fees and Charges";

WHEREAS, the Secretary of the Department of Trade and Industry has approved the IPOPHL Revised Fee Structure;

NOW, THEREFORE, the IPOPHL Revised Fee Structure of 2017 is hereby promulgated:

PART I GENERAL PROVISIONS

Section 1. *Title.* – These Rules shall be known and referred to as the "IPOPHL Revised Fee Structure".

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

- (a) "*Big entity*" is any natural or juridical person whose assets are worth more than One Hundred Million Pesos (P100M); or any natural or juridical person which do not fall under the category of a "small entity" as defined below.
- (b) "Bureau" refers to the pertinent or concerned bureau of IPOPHL namely: the Bureau of Legal Affairs ("BLA"), Bureau of Patents ("BOP"), Bureau of Trademarks ("BOT"), Documentation, Information and Technology Transfer Bureau ("DITTB"), Bureau of Copyright and Other Related Rights ("BCORR"), Management Information Systems Bureau ("MISB"), and the Financial Management and Administrative Services Bureau ("FMAS Bureau");
- (c) "Director" refers to any or all of the Directors or Officer-in-Charge of the bureaus of the IPOPHL
- (d) "Director General" refers to the Director General of the IPOPHL
- (e) "Examiner" refers to an Intellectual Property Rights Specialist in the Bureau of Patents or Bureau of Trademarks;
- (f) "Fees" refer to costs imposed on direct recipients of public goods and services provided and performed by the IPOPHL in the exercise of its functions; they also include charges and other costs;
- (g) "IP Code" means Republic Act No. 8293 or the Intellectual Property Code of the Philippines, as amended;
- (h) "IPOPHL" or "Office" refers to the Intellectual Property Office of the Philippines created by the IP Code;
- (i) "IPOPHL Gazette" refers to the IPOPHL'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";
- (j) "IRR" refers to rules and regulations (including any and all amendments) promulgated by the IPOPHL;
- (k) "Publication fee" refers to publication in the IPOPHL Gazette;
- (l) "*Small entity*" refers to any natural or juridical person whose assets are worth not more than One Hundred Million Pesos (P100M); or 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;

- (m) "*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; or, a group of natural persons all of whom have not reached their twenty second (22nd) birthday at the time of filing their application.

Section 3. *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 4. *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 5. *Payment of fees.* – 5.1 Fees shall be paid in cash, money order, bank drafts, cheques in Philippine currency, and other modes of payment as may be provided or prescribed by the IPOPHL. Payment of fees for on-line transactions shall be in the form prescribed by the applicable IRRs.

5.2 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 big and small entities.

5.3 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 duly authorized representative of such juridical person. A *small entity* may claim to pay the rate listed under the "SMALL" column at the time of filing the application or case by submitting the aforementioned written statement. Said written statement shall be submitted only once for each application or case.

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. 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.

5.4 An applicant or party paying as *small entity* may be required to submit proof or evidence confirming such status at any time prior to the grant, registration, finality of decision, or release of documents if the request is not subject of a patent, utility model, industrial design, trademark or case filed before the Office. Failing so, the IPOPHL shall assess the party and no document shall be released without the party paying the assessed amount.

5.5 A *youth filer* shall pay fees at the rate listed under the column "SMALL". When the schedule provides for a single rate, the youth filer shall pay only fifty percent (50%) of the prescribed fee. 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 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 above is met by all the subsequent assignees, transferees, or additional applicants or registrants.

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Subject to the conditions under Section 5.4, a *youth filer* may claim to pay the rates as provided above 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.

Section 6. *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 and other modes of payment: the date specified in the applicable IRRs.

Section 7. *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 5:00 p.m. to the IPOPHL cashier. 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 4:30 pm and submission shall nevertheless be made not later than 5:00 p.m. The filing of documents and payments for on-line transactions and other modes as may be allowed or prescribed by the IPOPHL shall be made in accordance with the applicable IRRs.

Section 8. *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 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 pertinent IRRs.

Section 9. *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 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 10. *Legal Research Fund (LRF).* – All fees and charges, **except charges for domestic photocopy and sequence listings for invention patent applications in excess of 4,000 pages,** shall be subject to the payment of the LRF required by **Republic Act 3870 as amended by Presidential Decrees Nos. 200 and 1856, at the rate of one percent (1%) of the fee paid but not less than Ten Pesos (Php10.00).** In this regard, the IPOPHL shall furnish the University of the Philippines Law Center reports on its collection and remittance of the LRF.

Section 11. *Error or Mistake in Payment.* - All fees or excess amounts paid without fault on the part of the IPOPHL shall be deemed as donation to the Office. If fees or excess amounts are paid due to error on the part of the IPOPHL, the applicant or party may file with the Financial Management and Administrative Services Bureau the request for refund within 30 days from the date of payment of the fees or excess amounts. If no request is filed within the aforementioned period or if the request is found to be not meritorious, the fees and excess amounts shall inure to the benefit of, and shall be deemed as donation to, the Office.



PART II
SCHEDULE OF FEES¹

Section 12. *Schedule of General Fees.* – The general fees prescribed in this section are applicable to the service and materials furnished by all the Bureaus and offices of the IPOPHL.

GENERAL AND OTHER FEES		
<i>Type of Fee</i>	<i>Small Entity</i>	<i>Big Entity</i>
IPOPHL Publications	At cost	At cost
Document Retrieval Fee (2-3 days)	207.00/box	207.00/box
Document Retrieval Fee (express - 1 day)	560.00/box	560.00/box
Request for Reconstitution of Records	900.00	900.00
Certification	370.00	370.00
Certified True copy	500.00	500.00
Computer print-out (per printed sheet)	20.00	20.00
IPOPHL Box (annual)	3,000.00	3,000.00
Photocopy (domestic) (per printed sheet) ² Note: Prevailing rate will be determined and announced from time to time	3.50	3.50
12-month subscription to E-Gazette	12,600.00	12,600.00
Appeal to the Bureau Director from refusal, rejection, examiner's action, final orders or decisions	3,300.00	3,300.00
<u>Motion for reconsideration of the decision of the Bureau Director</u>	<u>3,300.00</u>	<u>3,300.00</u>
Appeal to the Director General from the decision of the Bureau Director	5,500.00	5,500.00
Other motions	300.00	700.00
Request for Deferment of Publication	1,000.00	2,000.00
Enforcement Action		
Filing of Verified Enforcement Complaint by the IPR Holder	2,000.00	2,000.00

Section 13. *Schedule of Invention Patent-related fees.* – The fees provided in this Section shall apply to invention patents.

SCHEDULE OF FEES ON PATENTS		
<i>Type of Fee</i>	<i>Small Entity</i>	<i>Big Entity</i>
Pre-Examination		
Filing fee ³ - Invention	2,000.00	4,320.00
For each sheet in excess of thirty (30)	18.00	36.00
Sequence listings for INV in excess of 4000 pages	0.60	2.40
For each claim in excess of five (5)	180.00	360.00
Request for right of priority per priority claim	1,000.00	2,160.00
Request for extension of time to file priority documents	740.00	1,560.00

¹ Fees exclusive of Legal Research Fee as set forth in Sec. 10 herein.

² Excluded from LRF (Sec. 10)

³ The Filing Fee includes the first five (5) claims.

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Divisional application (for each division)	2,000.00	4,320.00
Conversion from Utility Model to Invention	690.00	1,440.00
Early Publication: Request for Publication before the expiration of 18 months from filing date or priority date	6,600.00	6,600.00
Publication Fee	920.00	960.00
Examination		
Request for extension of time to file Response – first	360.00	720.00
Request for extension of time to file Response – second	390.00	780.00
Substantive Examination	2,010.00	4,200.00
Early Substantive Examination	2,500.00	5,000.00
Revival Fee	570.00	1,200.00
<u>Revival Fee for Non-Payment of the Request for Substantive Examination Fee</u>	920.00	960.00
Request for Accelerated Substantive Examination ⁴	500.00	1,000.00
Accelerated Substantive Examination Fee	6,600.00	13,320.00
Post-Examination		
Issuance of Letters Patent certificate (Invention)	600.00	1,200
Amendment or correction in the Certificate of Patent	300.00	600.00
Any amendment or any correction of mistake in the Certificate of Patent of formal and clerical nature without fault of Office	360.00	720.00
Any amendment or any correction in the Certificate of Patent of substantive nature	860.00	1,800.00
1st Assignment of application from small to big entity	5,500.00 plus publication fee	
1st Assignment of issued patent from small to big entity	7,200.00 plus publication fee	
Any other Assignment or document affecting title	350.00 plus publication fee	700.00 plus publication fee
2 nd Publication Fee	920.00	960.00
Annuities ⁵ under RA 8293		
5th yr	1,550.00	3,240.00
6th yr	2,000.00	4,320.00
7th yr	2,580.00	5,400.00
8th yr	3,100.00	6,480.00
9th yr	4,140.00	8,640.00
10th yr	5,170.00	10,800.00
11th yr	6,670.00	13,920.00
12th yr	8,280.00	17,280.00
13th yr	9,770.00	20,400.00
14th yr	11,900.00	24,480.00
15th yr	13,970.00	29,160.00
16th yr	15,980.00	33,360.00
17th yr	18,050.00	37,680.00
18th yr	21,670.00	45,240.00
19th yr	26,040.00	54,360.00

⁴Accelerated Substantive Examination process shall be covered by separate Guidelines.

⁵Annuity Fee increases due to commercialization or exploitation of the patent.

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20th yr	31,222.00	65,160.00
Excess Claim ⁶ from 5 th until the 20 th Anniversary	210.00	420.00
Surcharge for late payment of annual fee	50% of the total Annual Fee	
Notice and publication of non-payment of annual fee	360.00	360.00
Late entry fee – PCT ⁷	1,030.00	2,160.00
Transmittal Fee (PCT Rule 14)	4,200.00	
Priority Document Fee (PCT Rule 17.1 (b))	2,700.00	
Late Payment Fee (PCT Rule 16 bs.2 (a) (ii))	4,200.00	
Certified True Copy of the International Application Fee (PCT Rule 21.2)	600.00	
Transmittal Fee (PCT Rule 19.4)	4,200.00	
Surcharge for late payment of fees where applicable	50% of the required fee	

Section 14. *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		
<i>Type of Fee</i>	<i>Small Entity</i>	<i>Big Entity</i>
Pre-Examination		
Filing fee	1,720.00	3,600.00
For each sheet in excess of 30 claims – UM	18.00	36.00
Sequence listings for UM in excess of 4000 pages ⁸	0.60	2.40
For each claim in excess of five (5) - UM	120.00	240.00
For each embodiment in excess of one (1)- Industrial Design	860.00	1,800.00
Request for right of priority (per priority claim)	860.00	1,800.00
Divisional application (for each division)	1,720.00	3,600.00
Conversion from Invention to Utility Model	330.00	660.00
Examination		
Request for extension of time to file Response – first	360.00	720.00
Request for extension of time to file Response – second	390.00	780.00
Registrability Report	630.00	1,320.00
Revival	570.00	1,200.00
Preparation of amended page(s) of the master copy of the specifications and/or claims	84.00	84.00
Request for Deferred Publication	500.00	1,000.00
Post-Examination		
Issuance of Certificate of Registration for Utility Model/Industrial Design	600.00	1,200.00
Amendment or correction in Certificate	300.00	600.00
Any amendment or any correction of mistake in a certificate of formal and clerical nature without fault of Office	300.00	600.00

⁶Claims in excess of five (5) shall be paid.

⁷Late entry fee is 50% of the filing fee.

⁸ **Excluded from LRF (Sec. 10)**

<u>Any amendment or any correction in a registration of substantive nature</u>	<u>460.00</u>	<u>960.00</u>
Extension of Term (only for Industrial Design)		
Petition for Extension of Term – first	1,030.00	2,160.00
Petition for Extension of Term – second	2,000.00	4,320.00
1st Assignment of application from small to big entity	3,000.00 plus publication fee	
1st Assignment of issued patent from small to big entity	4,000.00 plus publication fee	
Any other Assignment or document affecting title	200.00 plus publication fee	400.00 plus publication fee

Section 15. *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 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 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		
<i>Type of Fee</i>	<i>Small Entity</i>	<i>Big Entity</i>
Examination		
For each claim in excess of five (5) in Invention	75.00	150.00
For each embodiment in excess of one (1) in Ind. Design	600.00	1,200.00
Claim of convention priority - invention	750.00	1,500.00
Claim of convention priority - utility model/ industrial design	600.00	1,200.00
Re-issue application of an invention patent	750.00	1,500.00
Divisional Application – invention	1,500.00	3,000.00
Divisional Application – utility model/ industrial design	900.00	1,800.00
Divisional Application – Conversion From Invention to Utility Model	250.00	500.00
Request for suspension of action – invention	480.00	960.00
Request for suspension of action – utility model/industrial design	360.00	720.00
Motion to shift burden of proof in an interference proceeding-invention	540.00	1,080.00
Motion to shift burden of proof in an interference proceeding-utility model/industrial design	420.00	840.00
Extension of time to file appeal briefs in ex-parte-cases-invention	360.00	720.00
Extension of time to file appeal briefs in ex-parte-cases- utility model/industrial design	240.00	480.00
Post-Examination		
Issuance of Certificate of Letters Patent – invention	570.00	1,200.00
Issuance of Certificate of Letters Patent – utility model/industrial design	420.00	840.00
Reinstatement of lapsed invention patent	2,300.00	4,800.00

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Extension of Term (Utility Model and Industrial Design)		
1st extension of term	1,030.00	2,160.00
2nd extension of term	2,000.00	4,320.00
Annual Fees Under RA 165		
5th yr	1,550.00	3,240.00
6th yr	2,000.00	4,320.00
7th yr	2,580.00	5,400.00
8th yr	3,100.00	6,480.00
9th yr	4,140.00	8,640.00
10th yr	5,170.00	10,800.00
11th yr	6,670.00	13,920.00
12th yr	8,280.00	17,280.00
13th yr	9,770.00	20,400.00
14th yr	11,900.00	24,840.00
15th yr	13,970.00	29,160.00
16th yr	15,980.00	33,360.00
17th yr	18,050.00	37,680.00
Excess Claim from 5 th until 17 th Anniversary	210.00	420.00

Section 16. *Schedule of Trademark-related Fees.* – The fees provided in this section shall apply to trademarks, service marks, trade names and marked or stamped containers.

SCHEDULE OF TRADEMARK-RELATED FEES		
<i>Type of Fee</i>	<i>Small Entity</i>	<i>Big Entity</i>
Filing fee (per class)	1,200.00	2,592.00
Claim for Convention Priority (per class)	860.00	1,800.00
Claim of color, claim distinctiveness (per class)	280.00	600.00
Request for Priority Examination	2,990.00	6,240.00
Examination		
Extension of time to file response ⁹	340.00	720.00
Divisional application ¹⁰	280.00	600.00
Revival of Abandoned Application	570.00	1,200.00
Suspension of examination by examiner	460.00	960.00
Suspension of examination by Director (1 st)	570.00	1,200.00
Extension of Time to Submit Copy of Home Reg. (National)	570.00	1,200.00
Suspension of examination by Director (2 nd)	1,800.00	3,840.00
Amendment Fee ¹¹	400.00	840.00
Extension to file an appeal to the Director	1,800.00	1,800.00
Voluntary Surrender/Abandonment	280.00	600.00
Allowance / Publication for Opposition	900.00	960.00
Revival - unpaid 1st Publication	570.00	1,200.00
Revival - unpaid 2nd Publication	570.00	1,200.00
Reconstitution of records	860.00	900.00
Recordal Fee ¹²	400.00	840.00

⁹Includes extension to file response to office actions on Declaration of Actual Use (DAU), Recordal and Examination

¹⁰Per request, regardless of number of classes to be divided

¹¹To amend formalities, i.e. to delete portion of the mark or description of goods

¹²Includes recordal of assignment, change of name/address, merger

Recordal Licensing Agreement and other documents not required by the office (No Publication)	340.00	720.00
Additional Class ¹³	1,200.00	2,592.00
Recordal - Publication Fee (For registered marks)	900.00	960.00
Registration		
Issuance of Certificate of Registration (COR) ¹⁴	570.00	1,200.00
Publication of Registration (2nd Publication)	900.00	960.00
1st Assignment of application from small to big entity	3,000.00 plus publication fee	
1st Assignment of registered mark from small to big entity	5,500.00 plus publication fee	
Correction (Without fault of Office) ¹⁵	570.00	1,200.00
Voluntary Cancellation	280.00	600.00
Voluntary Disclaimer	280.00	600.00
Division of Registration	570.00	1,200.00
Renewal of Registration		
Renewal of Registration (per class)	3,100.00	6,600.00
Renewal surcharge (per class)	1,500.00	3,300.00
Filing of Declaration of Actual Use (DAU)		
3rd year DAU (per class)	900.00	1,920.00
5th year DAU (per class)	1,100.00	2,400.00
Renewal DAU (per class)	1,100.00	2,400.00
Mid-Renewal DAU (per class)	1,100.00	2,400.00
Single Extension to File 3rd year DAU	1,800.00	3,840.00
Declaration of Non-use 3rd year, per class	900.00	1,920.00
Declaration of Non-use 5th year, per class	1,100.00	2,400.00
Registered under RA 166 and expiring after June 3, 2004		
5 th year DAU (per class)	1,100.00	2,400.00
10 th year DAU (per class)	2,300.00	4,800.00
15 th year DAU (per class)	3,100.00	6,600.00
Other motion/petition/request	300.00	600.00
MADRID PROTOCOL-Related Fees		
Handling Fee - Madrid ¹⁶	NA	2,592.00
Individual Fee, per class ¹⁷	NA	5,712.00
Individual Fee for Renewal, per class ¹⁸	NA	8,760.00
Individual Fee for Renewal with Surcharge, per class ¹⁹	NA	13,140.00
Transformation Fee, per class ²⁰	NA	2,592.00

¹³Upon examination, the specification of goods (broad terms) may be classified under a different class.

¹⁴Includes replacement (on account of recordation), copy of certificate, reissuance (with correction/amendment and renewal of certificates.

¹⁵To correct error or mistake by the applicant/registrant

¹⁶Fee for every International Application filed with IPOPPL as Office of Origin. This international application will be electronically transmitted to the International Bureau (IB) of WIPO.

¹⁷Fee for International Registrations Designating the Philippines and for Designations Subsequent to the International Registration. Takes effect 05 March 2017, pursuant to Art. 8(7)(b) of the Madrid Protocol.

¹⁸Fee paid to the International Bureau every 10 years from the international registration date. The renewal should be presented and paid to IB. Takes effect 05 March 2017, pursuant to Art. 8(7)(b) of the Madrid Protocol.

¹⁹ Takes effect 05 March 2017, pursuant to Art. 8(7)(b) of the Madrid Protocol.

²⁰Fee paid for a request to transform or convert an International Registration into a national application. This is a remedy for the holder when the basic mark ceases to have an effect because it has been

Replacement Fee ²¹	NA	720.00
Other Request ²²	NA	720.00
Extension of Time to Submit Copy of Home Reg. (Madrid) ²³	NA	1,200.00

Section 17. *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		
Type of Fee	Small Entity	Big Entity
<i>Inter-Partes Case</i>		
Filing of Opposition to/Petition for Cancellation of Trademark Registration	10,000.00	14,600.00
Motion for Extension to File Opposition	800.00	1,700.00
Petition for Cancellation of Patent (Invention)	12,000.00	19,200.00
Petition for Cancellation of Utility Model/Industrial Design	12,000.00	14,600.00
Petition for Compulsory Licensing (Invention)	12,000.00	19,200.00
Petition for Compulsory Licensing (Utility Model/Industrial Design)	9,000.00	12,200.00
<i>IPR Violation (IPV) Case</i>		
Filing of IPV Complaint (Basic Fee)	15,000.00	19,200.00
Additional filing fee (Complaint, permissive counterclaim/crossclaim)	1/10 of 1% of the damages claimed in excess of 500,000.00	
Permissive Counterclaim/Cross claim contained in an Answer	1,000.00	1,560.00
Application for Attachment/Injunction	2,000.00	3,120.00
Amendment of pleading	1,000.00	1,300.00
<i>Common Fees</i>		
Motion for Extension of time to file pleadings	500.00	650.00
Motion for postponement of proceedings	1,000.00	1,500.00
Motion for holding proceedings outside IPOPHL premises	1,000.00	1,500.00
Other motions	500.00	650.00

withdrawn, has lapsed, has been renounced or has been the subject of a final decision of rejection, revocation, cancellation or invalidation.

²¹Fee paid for a request to replace a national registration with an International Registration. Replacement happens when, "a mark that is the subject of a national or regional registration in the Office of a Contracting Party is, under certain conditions, deemed to be replaced by an international registration of the same mark". There exists in the IPOPHL database, the same mark filed through the national filing, under the name of the same holder and "all the goods and services listed in the national or regional registration are also listed in the international registration in respect of that Contracting Party".

²²Fee paid for other Madrid-related requests not falling under any of the above fees, which may be any document for transmittal to IB.

²³An International Registration, like a national application, will not be registered unless the basis of the priority claim has been registered in the foreign country. If the foreign application has not yet matured into registration, the holders, through their agents may file a request for extension to submit a copy of home registration.

Transcript of Stenographic Notes	24.00/page	24.00/page
Arbitral award Scrutiny Fee - Trademark Cases	3,000.00	3,000.00
Arbitral award Scrutiny Fee - Industrial Designs	3,000.00	3,000.00
Arbitral award Scrutiny Fee - Utility Models	4,000.00	4,000.00
Arbitral award Scrutiny Fee - Copyright	4,000.00	4,000.00
Arbitral award Scrutiny Fee - Technology Transfer	5,000.00	5,000.00
Arbitral award Scrutiny Fee - Invention	5,000.00	5,000.00
Early Mediation Fee ²⁴	15,000.00	15,000.00

Section 18. *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 DISPUTE SETTLEMENT INVOLVING TECHNOLOGY TRANSFER ARRANGEMENTS		
<i>Type of Fee</i>	<i>Small Entity</i>	<i>Big Entity</i>
VOLUNTARY LICENSING		
Request for Statistical Information other than those regularly published by IPOPHL	500.00	600.00
Request for Exemption:		
Filing Fee	2,500.00	3,000.00
Fee for each Paragraph Claimed in Sections 87 & 88	700.00	840.00
Extension Fee to File Requirements	650.00	780.00
Registration Fee	2,500.00	3,000.00
Request for Certificate of Compliance:		
Filing Fee	2,500.00	3,000.00
Registration Fee	2,500.00	3,000.00
Clearance Prior to Recordal	N/A	3,000.00
Preliminary Review ²⁵	2,500.00	3,000.00
Amendment ²⁶	1,000.00	1,200.00
Notation of minor changes such as: Change in licensor/licensee, addition/deletion of products, among others, affecting technology transfer agreements with subsisting registration	1,000.00	1,200.00
Other Requests	1,000.00	1,200.00
Dispute Settlement Involving Technology Transfer Arrangements		
Filing of Complaint/Request for Mediation	12,500.00	15,000.00
Request for:		
Drafting of Compromise/Mediation Agreement	4,000.00	4,800.00
Postponement	1,500.00	1,800.00
Suspension of Proceedings Extensions of Time	1,500.00	1,800.00

²⁴New Fee, subject to promulgation/amendment of existing Rules.

²⁵Any party of a technology transfer arrangement may file a request for preliminary review of a draft TTA to determine conformance with the Prohibited Clauses and Mandatory Provisions of the IP Code

²⁶Amends any of the terms and conditions of the agreement

Holding Proceedings Outside IPOPHL Premises	1,500.00	1,800.00
SPECIAL SERVICES		
State of the Art Search and Related Search		
Equivalent Search and/or Compound per se Search	3,250.00	3,900.00
Comprehensive Search	14,500.00	17,400.00
Patent Mapping (New Fee)	N/A	65,250.00
Complex Trademark Search	4,600.00	5,520.00
Consultation & Guided Public Search (per hour) with use of Internet Facilities and Commercial Databases	125.00	250.00
Optional Registration as Resident agent or Representative Application for Registration (Web-based listing)		
Trademark Agent	5,000.00	5,000.00
Patent Agent	5,000.00	5,000.00
Patent and Trademark agent	5,000.00	5,000.00
Resident agent or Representative	5,000.00	5,000.00
Annual Re-Enlistment (web-based)		
Trademark Agent	2,000.00	2,000.00
Patent Agent	2,000.00	2,000.00
Patent and Trademark agent	2,000.00	2,000.00
Resident agent or Representative	2,000.00	2,000.00

Section 19. *Schedule of Copyright Related Fees* - 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 COPYRIGHT-RELATED FEES		
<i>Type of Fee</i>	<i>Small Entity</i>	<i>Big Entity</i>
Copyright Deposit (NCR)	450.00	625.00
Copyright Deposit (Region)	550.00	750.00
Copyright Deposit (Bulk), per certificate	200.00	200.00
Amendment/Correction - Certificate (NCR)	200.00	625.00
Amendment/Correction - Certificate (Region)	300.00	750.00
Amendment/Correction - Certificate (Bulk)	100.00	200.00
Dispute Resolution (Author's Rights)	2,000.00	6,500.00
Certified true copy of Certificate	No fee	500.00
Application for the accreditation of Collective Management Organization (CMO)	10,000.00	
Amendment of Certificate of CMO accreditation	1,000.00	
Renewal of accreditation of CMO	5,000.00	
Request for postponement of proceedings	No fee	1,000.00
Request for holding proceedings outside IPOPHL premises	No fee	1,000.00

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PART III
FINAL PROVISIONS

Section 20. Periodic Review of Fees. – The IPOPHL Revised Fee Structure shall be reviewed whenever necessary and as may be required by law, executive order, regulation or other issuance.

Section 21. Effectivity. - The IPOPHL Fee Structure shall take effect on 01 January 2017 following its publication in a newspaper of general circulation and posting in the IPOPHL website.

Section 22. Payment of Fees Due Prior to the Effectivity of the IPOPHL Revised Fee Structure. - Any type of fee the payment of which is due prior to the effectivity of the IPOPHL Revised Fee Structure shall be based on the old rates. The old rates apply if an extension to pay has been granted prior to 01 January 2017 and the due date falls on or after 01 January 2017; or, if the payment is due prior to 01 January 2017, but the due date falls on a Sunday, Saturday, holiday or a non-working day, and the next working day falls on or after 01 January 2017.

However, the new rates apply if an applicant or party is assessed due to failure to file proof or evidence confirming status as *small entity* or *youth filer* under Sections 5.4 and 5.5, notwithstanding the fact that the prior payment was made or an extension to pay was granted before 01 January 2017.

Section 23. 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 Office Order No. 128, s. 2003" dated 17 December 2003 are hereby repealed except for purposes of Sec. 22.

Section 24. 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 and shall not be an excuse for non-payment of any fee prescribed by the law or applicable IRRs.

Section 25. Furnishing 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 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 05 December 2016.

The Management Information Services Bureau is hereby directed to post this Memorandum Circular in the IPOPHL website not later than 02 December 2016."

The amendments shall take effect fifteen (15) days after publication of this IPOPHL Memorandum Circular in a newspaper of general circulation. The IPOPHL Memorandum Circular shall be posted in the IPOPHL website.

All rules and regulations, memoranda, circulars, and memorandum circulars and parts thereof inconsistent with these amendments are hereby repealed. The Financial Management and Administrative Services Bureau is hereby directed to immediately file three (3) certified copies of these IPOPHL Memorandum Circular 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 20 February 2017.

03 February 2017, Taguig City.



ATTY. JOSEPHINE R. SANTIAGO, LL.M.
Director General

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