
DEVELOPING AND UPDATING TRADEMARK MANUALS AND GUIDELINES PHILIPPINES

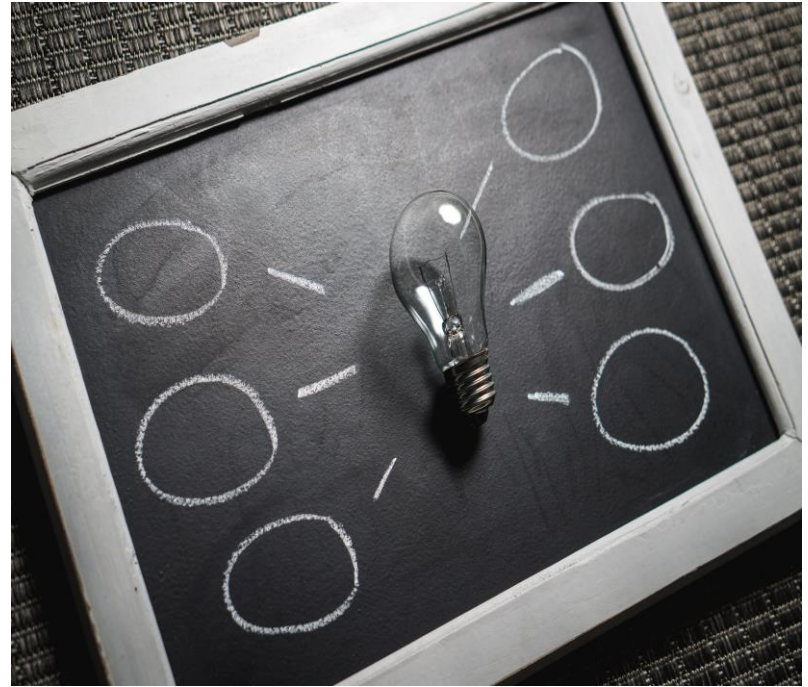
JOAN JANNETH M. ESTREMADURA
IPOP HL



Rising.
Shining.
Beckoning.

DELIVERING TIMELY AND QUALITY TRADEMARKS EVEN WITH LIMITED RESOURCES

DOING MORE WITH LESS



3.29 months

TAT from Filing to Registration
22.64 days – 1st action

Increasing no.
applications

Pandemic

Managing teams
remotely

Constant No. of
Examiners

Year	1 st action Pendency (days)	Reg. Pendency (months)
2017	37	3.41
2018	45	3.99
2019	30	3.38
2020	63	4.84
2021	22	3.29

✓ TIMELY

? QUALITY

HISTORY OF THE TM EXAMINATION GUIDELINES

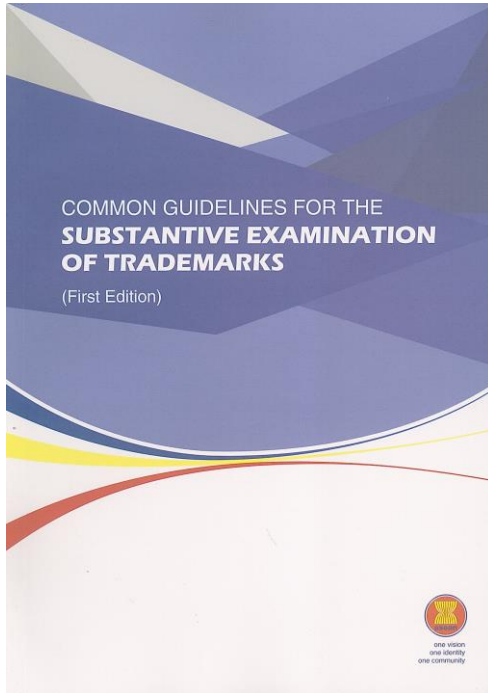
Guidelines for Trademark Examination (*Manual for Trademark Examination, December 2012*)

- Prepared internally by the examiners
- Covered both Procedural and Substantive Matters
- **ADVANTAGE:** Provided Consistency in Issuing Office Actions
- **CHALLENGES:**
 - Coverage: Did not address the emerging issues
 - The format was very text-heavy

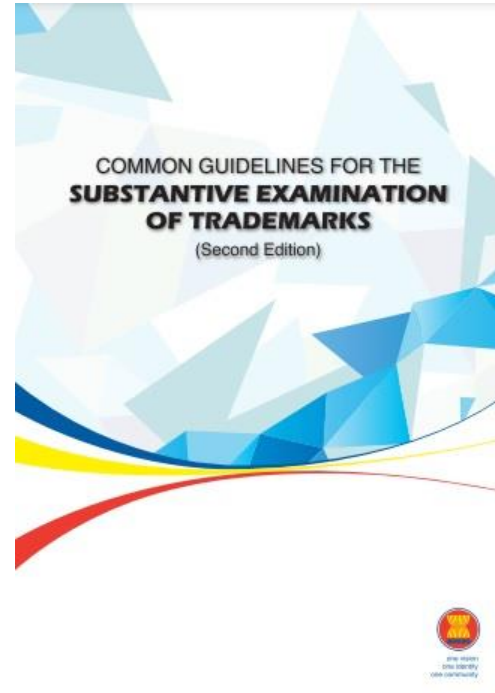
MANUAL FOR TRADEMARK EXAMINATION

BUREAU OF TRADEMARKS
INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES
First Edition, December 2012

ASEAN COMMON GUIDELINES



1st edition – 2017



2nd edition – 2020

ASEAN COMMON GUIDELINES

- This project was prepared in the context of the EU-ASEAN Project on the Protection of Intellectual Property Rights (ECAP III).
- This project was approved by European Union and ASEAN in 2009 to support the implementation of the ASEAN Economic Community Blueprint.
- The project is aimed at supporting the strategic goals identified in the ASEAN IPR Action Plan 2011-2015.

ASEAN COMMON GUIDELINES

- The standards in the Guidelines serve as a reference to guide and focus the practices of the ASEAN IP Offices, with a view to achieving common criteria and standards in the short term.
- Consists of Two Parts:

PART 1

**ABSOLUTE GROUNDS FOR THE REFUSAL
OF REGISTRATION OF TRADEMARKS**

PART 2

**RELATIVE GROUNDS FOR THE REFUSAL
OF REGISTRATION OF TRADEMARKS**

ASEAN COMMON GUIDELINES

ADVANTAGES

Provided a more organized and detailed approach on the examination guidelines (relative and absolute grounds)

Gave a broader knowledge on the trademark examination guidelines in the ASEAN region

Addressed gaps in the previous examination guidelines

CHALLENGES

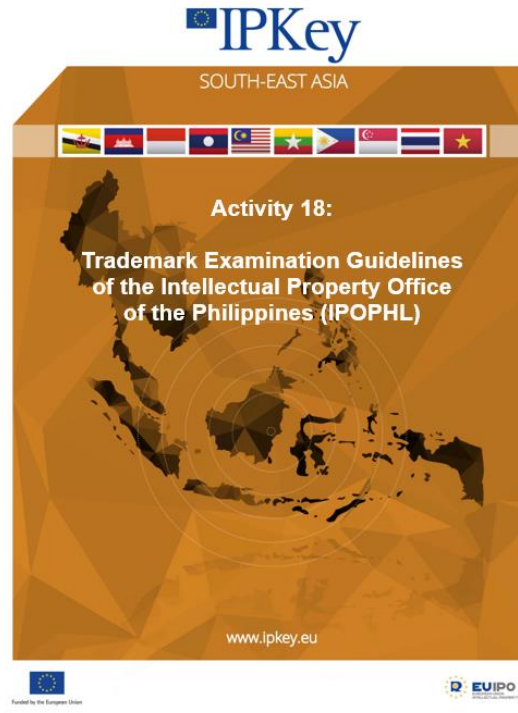
Certain concepts and practices adopted in the Philippines were not included (e.g., examination of evidence of use)

Some concepts may not be applicable to the Philippine context

Non-binding effect of the guidelines

HOW DO WE ADDRESS THE CHALLENGES?

TRADEMARK EXAMINATION GUIDELINES OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES (IPOP HL)



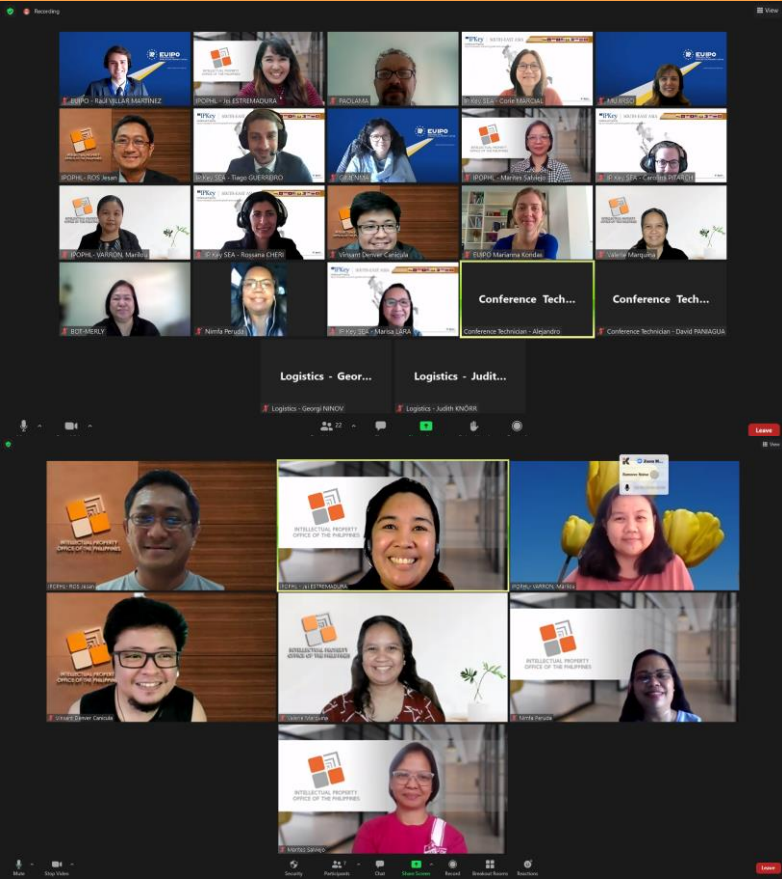
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IPOPHL EXAMINATION GUIDELINES

- IP KEY South-East Asia
- Started 2020; Completed draft was circulated in January 2022
- PURPOSE: Facilitate the work of the examiners by ensuring the consistency and clarify trademark examination practices.
- A final draft has been sent to the IPOPHL on 31 March 2022 for dissemination to the examiners

IPOPHL EXAMINATION GUIDELINES



Core Team – “ALL STARS”

Skeleton/Outline of the IPOPHL Guidelines:
ASEAN Common Guidelines

Exchange of Ideas within the PH Core Team

“Different Interpretations” → Correct, Reconcile and Clarify

Add and Subtract

- Incorporate:
- Change in the Processes
 - More Legal Basis in the Philippine Context

COLLABORATION

- ✓ **HOLISTIC GUIDELINE**
- ✓ **MORE REFLECTIVE OF THE LOCAL PRACTICES
AND EXPERIENCES OF PH EXAMINERS**

TRADEMARK EXAMINATION GUIDELINES OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES (IPOP HL)

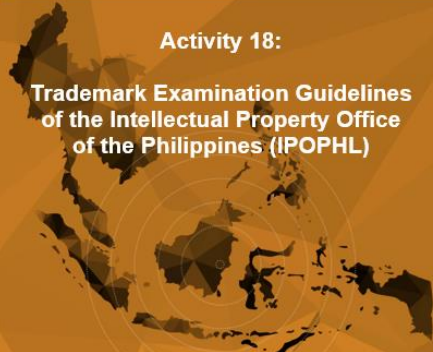
IPKey

SOUTH-EAST ASIA



Activity 18:

Trademark Examination Guidelines
of the Intellectual Property Office
of the Philippines (IPOP HL)



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- PART A. GENERAL PRINCIPLES
- PART B. EXAMINATION
- PART C. OPPOSITION
- PART D. CANCELLATION
- PART E. EVIDENCE OF USE
- PART F. RENEWAL
- PART G. INTERNATIONAL MARKS
- PART H. REVISION OF THE GUIDELINES

WHAT'S NEXT?

“INTERNALIZE THE GUIDELINES”

TRAININGS:

- FACE-TO-FACE / VIRTUAL
- INTERNAL TRAININGS
- EXTERNAL COLLABORATIONS

MARAMING SALAMAT!

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