

Philippines

In response to Circular PCT 1081 – 21.1 dated 19 June 2006, the Intellectual Property Office of the Philippines (IPO) hereby provides available legal provisions regarding the Office's action towards unexpected events and emergency preparedness plans:

- a. According to Rule 6. Delivery Service of the Philippine Rules on PCT Applications (PRo-PCT), where the applicant sends a document or letter through mail and that document or letter is lost or reaches the IPO after the expiration of the applicable time limit under the Treaty and PCT Regulations and these Rules, PCT Rules 82.1(a) to (c) shall apply provided that the delivery service used is registered mail by a postal authority.
- b. According to Rule 30. Delays in Meeting Time Limits of the PRo-PCT, delays in meeting time limits during international processing of international applications may only be excused as provided in PCT Rule 82.
- c. According to Rule 930. Revival of Application of the Implementing Rules and Regulations on Inventions, an application deemed withdrawn for failure to prosecute may be revived as a pending application within a period of four (4) months from the mailing date of the notice of withdrawal if it is shown to the satisfaction of the Director (Bureau of Patents) that the failure was due to fraud, accident, mistake or excusable negligence. A petition to revive an application deemed withdrawn must be accompanied by (1) a showing of the cause of the failure to prosecute, (2) a complete proposed response, and (3) the required fee.
- d. It has also been the practice of the Office to issue Office Orders signed by the Deputy Director General to suspend work where events occur that pose risk to its employees. Said Office Orders also mention that documents, communications and payments, which are due on the date when the Office was declared closed, may be received on the first working day that the Office will be open and shall be considered to have been received in due time.

July 7, 2006