



Judicial Symposium on Intellectual Property 2021

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IPOPHL

IPOPHL is the government agency mandated to administer and implement State policies on intellectual property (IP) to strengthen the protection of IP rights in the country.





AVAILABLE LEGAL REMEDIES

❖ **Criminal action**

❖ **Civil action**



Jurisdiction is with Regional Trial Court (RTC) designated as Special Commercial Court

❖ **Administrative Action**

IPOPHL Bureau of Legal Affairs (BLA) - jurisdiction

IPOPHL IPR Enforcement Office (IEO)



Inter Partes Cases (opposition to TM registration, cancellation of TM, patent, UM and ID, compulsory licensing

IP Violation cases such as TM, copyright, patent infringement and unfair competition where total damages prayed is 200,000 pesos & above

❖ **Mediation Outside Litigation (BLA ADR Services)**



Salient Features of 2020 Revised Rules on IPR

(Took effect on Nov. 16, 2020)

1. Increased the number of Special Commercial Courts that can issue search warrants that can be implemented nationwide (includes now Baguio City, Iloilo City, Cebu City, Cagayan De Oro City and Davao City)
2. Adopted SC Rules on Continuous Trial for criminal cases - e.g. mandatory use of Judicial Affidavits in lieu of direct testimony, simultaneous setting of arraignment and pre-trial to expedite procedure
3. Allow use of electronic means such as teleconference and videoconference in taking depositions and other modes of discovery
4. Allows market survey as proof of primary significance, distinctiveness or status of mark
5. Allows disposal of infringing goods aside from destruction (Ex. disposal by way of donation for humanitarian use)
6. Mandates the training of judges on IP
7. Reportorial Requirements to IPOPHL of Courts - on status of cases and issuance of search warrants

IP RIGHTS ENFORCEMENT OFFICE (IEO)



CREATION: Office Order No. 13-170

FUNCTION: to implement the enforcement and visitorial power of the IPOPHL as provided in Section 7 (c), (d) and (e) of the Intellectual Property Code (IP Code) as amended

GOVERNING RULES: Memorandum Circular No. 2020-049 “Revised Rules on Administrative took effect on March 3, 2021

JURISDICTION: manufacturing, production, importation, exportation, distribution, trading, displaying, broadcasting, streaming and offering for sale, including other preparatory steps necessary to carry out the sale of **counterfeit and pirated goods or contents** to the public, including electronic, digital or online means provided that there is no pending case before any office, tribunal, quasi-judicial body, or court involving the same issue/s or subject matter.



FILING OF A REPORT W/ IEO

Via Email

Go to www.ipophil.gov.ph

Click on Report an IP Violations

Fill-out the IP Violation Incident Report Form

Send the form

Via Facebook

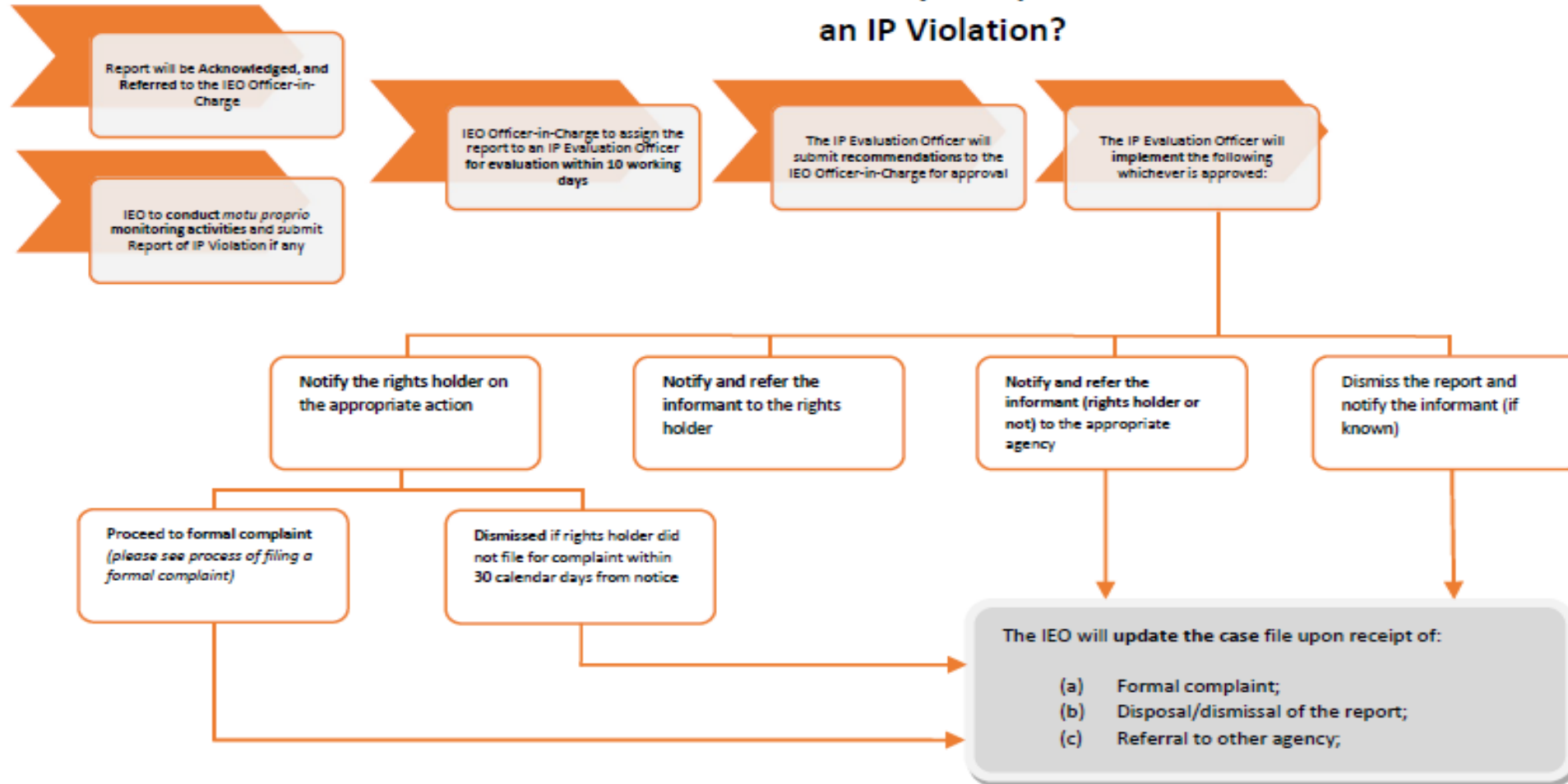
Go to facebook/ieo

Send a private message through FB Messenger

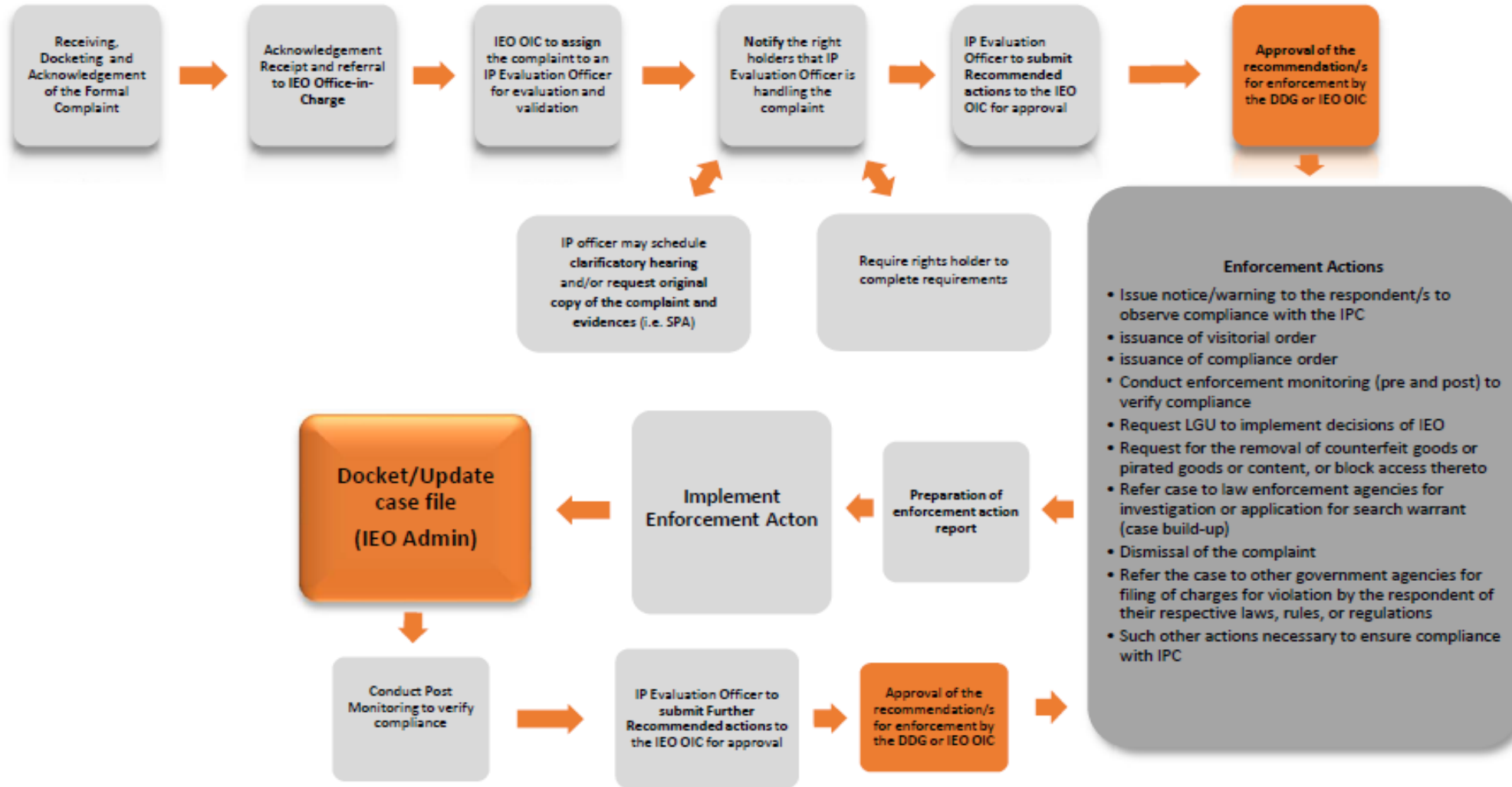
or email IEO at:
operations@ipophil.gov.ph

Process Flow – Report IP Violation

What happens when you report an IP Violation?



Process Flow – Filing of Formal Complaint on IP Violation



ENFORCEMENT ACTIONS UNDER IEO



- a. Issue notice/warning to the respondent/s to observe compliance with the IP Code;
- b. Issue visitorial order on the subject premises;
- c. Issue compliance order against the respondent/s;
- d. Conduct enforcement monitoring to verify compliance
- e. Request the LGU concerned and/or other government agencies or tribunals to implement the decisions of the IEO / cancel business permit
- f. Refer the case to a law enforcement agency for investigation or application for search warrant;
- g. block website, take down infringing content/post, cease and desist

Help, Support, and Report



**REPORT
IP VIOLATIONS**



IPOPHELO



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INTELLECTUAL PROPERTY
OFFICE OF THE PHILIPPINES

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7. SEIZURES (COUNTERFEIT AND PIRATED)
2019 = P663,372,633.00

1. Pharmaceutical/Personal Care
2. Hand Bags/Wallets
3. Watches/Jewelry
4. Others
5. Wearing Apparel/Accessories
6. Cigarettes/Alcohol
7. Others

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