

PART 3

Who May Apply for a Mark

RULE 300. *The Applicant.* — (a) Applicant may be a person or juridical person.

(b) Unless modified by this Chapter, all applications for a mark should be in the name of the applicant(s) who may sign the application. If there are more than one applicant, all of them should be named as applicant but anyone may sign the application for and in behalf of all the applicants.

RULE 301. *Assigned marks.* — In case the whole interest in the mark is assigned, the application may be filed in the name of the assignee who may sign the application. In case the assignee is a juridical person, any officer thereof may sign the application in behalf of the said person. In case of an aliquot portion or undivided interest, each of the joint owners will sign the application.

RULE 302. *Representation; Address for Service.* — If the applicant is not domiciled or has no real and effective commercial establishment in the Philippines, he shall designate by a written document filed in the Office, the name and address of a Philippine resident who may be served notices or process in proceedings affecting the mark. The written document shall be submitted to the Office within sixty (60) days from filing date without need of any notice from the Office. Such notices or services may be served upon the person so designated by leaving a copy thereof at the address specified in the last designation filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Director. *[As amended by Office Order No. 08 (2000)]*

RULE 303. *Applicant may be represented by attorney.* — The owner of a mark may file and prosecute his own application for registration, or he may be represented by any attorney or other person authorized to practice in such matters by the Office. The Office shall not aid in the selection of an attorney or agent other than the furnishing of the list of Attorneys or agents authorized to practice before the Office.

RULE 304. *Power of attorney or Authorization.* — At the time of filing of an application, no power of attorney or authorization is required. However, the Office may require any attorney or other recognized person to submit within sixty (60) days from notice a power of attorney or authorization before he will be allowed to take an initial or further action in any application or registration.

A substitute or associate attorney may be appointed by an attorney only upon the written authorization of his principal; but a third attorney appointed by the second will not be recognized.

[As amended by Office Order No. 08 (2000)]

RULE 305. *Death, insanity, incapacity of applicant.* — When the applicant dies, becomes insane or otherwise incapacitated, the legally appointed executor, administrator, guardian, conservator or representative of the dead or insane or incapacitated applicant may prosecute the application in behalf of the heirs and successors-in-interest of the applicant.

RULE 306. *Signature and other means of Self-identification.* — (a) Where a signature is required, the Office shall accept:

- (1) A hand-written signature; or
 - (2) The use of other forms of signature, such as a printed or stamped signature, or the use of a seal, instead of a hand-written signature: *Provided*, That where a seal is used, it should be accompanied by an indication in letters of the name of the signatory.
- (b) No attestation, notarization, authentication, legalization or other certification of any signature or other means of self-identification referred to in the preceding paragraphs, will be required, except, where the signature concerns the surrender of a registration.