

23 December 2004

OFFICE ORDER NO. 141

**SUBJECT : INTERNAL IMPLEMENTING GUIDELINES
FOR OFFICE ORDER NO. 140, STREAMLINING
OF TRADEMARK REGISTRATION (Request for Publication
for Purposes of Opposition)**

Office Order No. 140, dated 23 December 2004 on “Streamlining of Trademark Registration (Request for Publication for Purposes of Opposition)”, otherwise known as the Request for Publication Rules (“RPR”) was issued to further streamline trademark registration, continuously update the TM Database, and unclog the dockets of the Bureau of Trademarks.

These internal guidelines shall govern all requests for publication for purposes of opposition made pursuant to Office Order No. 140:

1. (1) Only applications that fulfill the formality requirements under Secs. 124 and 127 and registrability requirements under Sec. 123.1 of the IP Code may be published for purposes of opposition.

(2) Applications that are involved in any Inter Partes or any IP Violation case pending before the Bureau of Legal Affairs, including those appealed to the Director General, the Court of Appeals, or the Supreme Court, as well as those pending in regular courts are excluded and cannot be the subject of a request for publication for purposes of opposition (“Request”).

For this purpose, the Director of the Bureau of Legal Affairs or the Attorney VI in the Office of the Director General shall certify that the mark subject of a Request is not involved in any pending IPC or IPV within twelve (12) hours from receipt of the BOT’s request for certification.

2. A request for publication for purposes of opposition (“Request”) may be made following the schedule indicated below:

<i>Application Filing Date</i>	<i>Request for Publication</i>
December 31, 1994 or earlier	Beginning February 1, 2005
December 31, 1995 or earlier	Beginning March 1, 2005
December 31, 1996 or earlier	Beginning April 1, 2005
December 31, 1997 or earlier	Beginning May 1, 2005
December 31, 1998 or earlier	Beginning June 1, 2005
December 31, 1999 or earlier	Beginning July 1, 2005
December 31, 2000 or earlier	Beginning August 1, 2005

<i>Application Filing Date</i>	<i>Request for Publication</i>
December 31, 2001 or earlier	Beginning September 1, 2005
December 31, 2002 or earlier	Beginning October 1, 2005
December 31, 2003 or earlier	Beginning November 1, 2005
December 31, 2004 or earlier	Beginning December 1, 2005
December 31, 2005 or earlier	Beginning December 1, 2006

Requests in case of applications filed after December 31, 2005 may be made eleven (11) months after filing.

Examples:

Filing Date: December 6, 1988
Request: February 1, 2005 or any later date

Filing Date: August 30, 1997
Request: May 1, 2005 or any later date

Filing Date: March 25, 2003
Request: November 1, 2005 or any later date

3. (1) The Request must be in the prescribed form, under oath, addressed to the Director of the Bureau of Trademarks ("BOT Director"), and submitted directly to the Bureau of Trademarks.
 - (2) For applications with filing date of October 1, 2004 or later, a copy of the Registrability Report sent by the Intellectual Property Rights Specialist ("IPRS") and the applicant's response to the findings of the IPRS must be attached to the Request.
 - (3) For applications with filing dates earlier than October 1, 2004, the last outstanding action of the IPRS, if any, and a copy of the response, if any, to such action shall be attached to the Request.
4. (1) The IPRS-in-charge shall review the application subject of the Request and shall submit the recommendation, as confirmed by his/her supervisor, using the prescribed form. When online transmission is made possible using TEAMS, submission of the recommendation to the BOT Director shall be made online within thirty (30) days from receipt by the Office of the request.
 - (2) The BOT Director shall decide on the recommendation of the IPRS within fifteen (15) days from receipt of the recommendation. In case of approval, the BOT Director shall, within five (5) working days, transmit the approval to the Publication Division. In case of disapproval of the Request (i.e., rejection of the application), the notice shall be sent to the applicant by the BOT following the IPO procedures on mailing of actions within five (5) working days.
 - (3) Appeal from any decision of the BOT Director shall be made according to the Uniform Rules on Appeal.

5. The IPRS-in-charge shall earn one (1) point for the disposition of the application, which in this case may either be (a) an approval of the Request, (b) a disapproval of the Request, or (c) a rejection of the application.
6. Within five (5) working days from receipt of the BOT Director's order, the Publication Division shall notify the applicant to pay the required fees.
7. (1) After payment by the applicant of the publication fees in full, the mark will be published online via the *e-Gazette Trademarks*. The publication of the *e-Gazette Trademarks* is targeted every Monday. Marks covered by full payment by 3:00 in the afternoon on each Thursday will be published in the immediately following Monday.

(2) The MIS-EDP Bureau shall ensure that the marks are published in the *e-Gazette Trademarks* on time.
8. After payment in full of the required fees, the applicant shall be advised to do the following:
 - (1) check the IPO website to verify that the mark has been published;
 - (2) note the 30-day period for opposition, counted from the date of publication;
 - (3) count another 30-day period within which the Bureau of Legal Affairs must issue a certification whether or not an opposition was filed;
 - (4) check the IPO website for publication of the BLA certification;
 - (5) pay the issuance fee immediately if no opposition was filed; and
 - (6) get the Certificate of Registration on the date specified in the notice.

Attached as Annex "A" is an illustration of the flow from the filing of the Request to the release of the Certificate of Registration.

9. The BOT Director is directed to issue the necessary orders or circulars to ensure the effective implementation of this Office Order.
10. All orders inconsistent with this Office Order are hereby repealed.

Ms. Aniway Abranilla, Records Officer II, is hereby directed to file three (3) certified copies of this Office Order with the University of the Philippines Law Center not later than 23 December 2004, and one (1) certified copy each with the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines, and the National Library.

Ms. Corina L. Antonio, Information Systems Researcher I, MIS-EDP Bureau, is hereby directed to post this Office Order in the IPO Website immediately upon receipt hereof, not later than 23 December 2004.

This Office Order shall take effect fifteen (15) days from publication in the IPO Website not later than 23 December 2004.

Done this 23rd day of December 2004, in Makati City Philippines.

Recommending Approval:

LENY B. RAZ
Director, Bureau of Trademarks

Approved:

EMMA C. FRANCISCO
Director General