

**OFFICE ORDER NO. 124
Series of 2004**

SUBJECT: PUBLICATION OF TRADEMARKS IN THE IPO E-GAZETTE

WHEREAS, it is the policy of the State to streamline administrative procedures of registering trademarks and to enhance the enforcement of intellectual property rights in the Philippines;

WHEREAS, in order to administer and implement this State policy, Section 5.1 (e) of Republic Act No. 8293, also known as the Intellectual Property Code (IP Code) mandates this Office to publish regularly in its own publication the trademarks issued and approved;

WHEREAS, Section 7 of Republic Act No. 8792, also known as the Electronic Commerce Act provides that electronic documents shall have the legal effect, validity or enforceability as any other document or legal writing;

WHEREAS, Section 27 of the Electronic Commerce Act, requires government agencies to transact government business and/or perform governmental functions using electronic data messages or electronic documents and to promulgate appropriate rules and regulations;

NOW, THEREFORE, the following rules and regulations are hereby promulgated:

Section 1. Title.- This Office Order shall be referred to as the Rules and Regulations on the Publication of Trademarks in the IPO e-Gazette.

Section 2. Coverage.- This Office Order shall cover, but not limited to, the Notice of Allowance of Trademark Application, Issuance of Certificate of Registration of Trademarks, and Notice of Cancellation, Surrender, Amendment, Disclaimer and Correction of Trademark Applications or Registrations which shall be published electronically through the IPO Website and shall be referred to as the IPO e-Gazette.

Section 3. Rule 700 of the Trademark Regulations is hereby amended to read as follows:

Rule 700. Publication in the IPO e-gazette; end of jurisdiction of the Examiner.- An application for registration is subject to opposition proceeding before issuance of the certificate of registration. **A trademark application that has been examined and which appears to be entitled to registration shall, upon order by the Director and upon payment of the prescribed fee, be published in the IPO e-gazette for opposition**, and the applicant notified of such action.

The jurisdiction of an Examiner over an application ceases after the Director has ordered the mark to be published for opposition.

Section 4. Section 1(a) of Rule 7 of the Regulations on Inter Partes Proceedings is hereby amended to read as follows:

Section 1. (a) Who may oppose.- Any person who believes that he would be damaged by the registration of a mark may, upon payment of the prescribed fee and within **thirty (30) days** after the publication **in the IPO e-gazette** of the application, file with the Bureau a notice of opposition to the application.

Section 5. Rule 703 (a) and (d) of the Trademarks Regulations is hereby amended to read as follows:

Rule 703. Allowance of application and Issuance of Certificate of Registration.-
(a) When no opposition is filed within thirty (30) days after the publication for opposition, the Director of Bureau of Legal Affairs shall certify to that effect within two (2) months from the date of release of the IPO **e-gazette** where the application was published, or within fifteen (15) days from the deadline of submission of the opposition if an extension was granted and the application is not deficient in any formal matter. The mark shall be deemed registered the date after the expiration of the aforementioned 30-day period for filing of opposition, or if the application is deficient in any formal matter, on the date the applicant has fully complied with the formal deficiencies.

(d) The issuance of the certificate of registration shall be published in the IPO **e-gazette** and shall be entered on the records of this Office.

Section 6. Rule 905 of the Trademark Regulations is hereby amended to read as follows:

Rule 905. Surrender, cancellation, amendment, disclaimer, and correction to be given publicity.- Notice of the cancellation, surrender, amendment, disclaimer and correction shall be published in the IPO **e-Gazette**. The cost of publication shall be for the account of the registrant or assignee of record, except when the notice of correction refers to a mistake of the Office.

Section 7. Amendments.- All other rules and regulations, memoranda and parts thereof, inconsistent with these Rules and Regulations are hereby amended, repealed and revoked.

Section 8. Separability.- If any provision in these Rules and Regulations or application of such provision to any circumstance is held invalid, the remainder of these Rules and Regulations shall not be affected thereby.

Section 9. Furnishing of Certified Copies.- Ms. Aniwat E. Abranilla, Records Officer II, is hereby directed to immediately file three (3) certified copies of these Regulations with the University of the Philippines Law Center, and one (1) certified copy each to the Office of the President, the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines, and The National Library.

The MIS-EDP Bureau of the IPO is hereby directed to post this Office Order in the IPO website not later than 30 November 2004.

Section 10. Effectivity.- This Office Order shall take effect on 15 December 2004 after publication in the IPO Website and in a newspaper of general circulation not later than 30 November 2004.

Done this 25th day of November 2004 at Makati City.

EMMA C. FRANCISCO
Director General