
Uniform Rules on Appeal¹

Office Order No. 12 (2002); Effective March 15, 2002

Section 1. Title and Coverage. — These Rules shall be known as the “Uniform Rules on Appeal.” These Rules shall cover decisions or final orders rendered by the Director of the Documentation, Information and Technology Transfer Bureau (DITTB), the Director of the Bureau of Legal Affairs (BLA), the Director of the Bureau of Patents (BOP) and the Director of the Bureau of Trademarks (BOT). Interlocutory orders, however, shall not be appealable to the Director General. *[as amended by Office Order No. 12 (2009)]*

Section 2. Appeal to the Director General. — The decisions or final orders by the Bureau Director shall become final and executory thirty (30) days after receipt of a copy thereof by the parties unless, within the same period, a motion for reconsideration is filed with the Bureau Director or an appeal to the Director General has been perfected: Provided, that only one motion for reconsideration of the decision or order of the Bureau Director shall be allowed; and in case the motion for reconsideration is denied, the appellant or appellants has/have the balance of the period prescribed above within which to file the appeal.

Upon proper motion citing meritorious reasons and the payment of the full amount of appeal fee and other applicable fees before the expiration of the reglementary period to perfect an appeal, the Office of the Director General may grant an additional period of fifteen (15) days within which to file the appeal. No further extension of the period to file the appeal, however, shall be allowed. *[as amended by Office Order No. 12 (2009)]*

Section 3. Appeal Memorandum. — The appeal shall be perfected by filing or submitting in the Office of the Director General the following:

- (a) appeal memorandum in two (2) legible copies;
- (b) proof of service of a copy of the appeal memorandum on the appellee(s) and the Bureau Director concerned; and
- (c) payment of the appeal fee and other applicable fees. *[as amended by Office Order No. 12 (2009)]*

Section 4. Contents of the Appeal Memorandum. — The appeal memorandum shall:

- (a) State the full name or names, capacity and address or addresses of the parties;
- (b) Indicate the material dates showing that it was filed on time;
- (c) Set forth concisely a statement of the matters involved, the issues raised, the specification of errors allegedly committed by the Bureau Director and the reasons or arguments relied upon for the allowance of the appeal; and
- (d) Be accompanied by legible copies of the decision or final order of the Bureau Director and of the material portions of the record as would support the allegations of the appeal. *[as amended by Office Order No. 12 (2009)]*

Section 5. Action on the Appeal Memorandum. —

- (a) If the appeal memorandum is filed on time and complies with the jurisdictional and formal requirements under these rules, the Office of the Director General shall order the appellee(s) or the Bureau Director concerned to file comment to the appeal within 30 days from receipt of a copy of the order. The Bureau Director shall also be ordered within the same period to forward the records of the case to the Office of the Director General.
- (b) The appeal shall be dismissed outright on any of the following grounds:
 - (1) the appeal is filed out of time;
 - (2) the subject of the appeal is an interlocutory order, or is not a decision or final order;

¹ as amended by Office Order No. 12 (2009)

- (3) the appeal fee and other applicable fees are not paid within the reglementary period.
- (c) If the Appeal Memorandum is filed and the appeal fee and other applicable fees have been paid on time, but is not accompanied by the requisite number of legible copies of the decision, and the proof of service of a copy of the appeal to the adverse party and the Bureau Director concerned, the Office of the Director General shall order the appellant(s) to submit or complete within five (5) days from receipt of the order the said requirements. Failure to comply with the order may cause the dismissal of the appeal. *[as amended by Office Order No. 12 (2009)]*

Section 6. Submission of Memoranda. — After the appellee or the Bureau Director concerned has filed the comment to the appeal, the Office of the Director General shall order the parties to submit their respective memoranda within 15 days from receipt of a copy of the order. *[as amended by Office Order No. 12 (2009)]*

Section 7. Clarificatory Hearing and Conferences. — At any time before the promulgation of the decision, the Office of the Director General *motu proprio* or upon proper motion by any party, may call the parties for a clarificatory hearing or conference to take up any matter pertinent to the resolution of the case including the possibility of amicable settlement or mediation. *[as amended by Office Order No. 12 (2009)]*

Section 8. Submission for Decision. — The case is deemed submitted for decision upon the filing of the memoranda and draft decisions, if any, of the parties or the filing of the last pleading required by these Rules or by the Director General.

The case is also deemed submitted for decision after the lapse of the period prescribed by these rules or by the Director General whether or not the parties submitted the last pleading required.

Section 9. Decision. — The decision or order of the Director General shall be final and executory fifteen (15) days after receipt of a copy thereof by the parties unless appealed to the Court of Appeals in case of appeals from decisions or final orders of the BLA, BOP and BOT, or the Secretary of the Department of Trade and Industry in case of appeals from the decisions or final orders of the DITTB. The appeal shall not stay the decision or order of the Director General unless the Court of Appeals or the Secretary of the Department of Trade and Industry directs otherwise. No motion for reconsideration of the decision or order of the Director General shall be allowed.

Section 10. Filing of Motions. — All motions filed by the parties shall require the payment of the applicable fees. Motions are deemed submitted for resolution once filed. Except for motion for extension to file appeal under Section 2, motions for extensions of periods within which to file any pleading or to comply with Orders issued by the Office of the Director General shall be granted on meritorious reasons. *[as amended by Office Order No. 12 (2009)]*

Section 11. Amendments. —The following Rules and Regulations are hereby amended:

- (a) Part 11, Rules 1108, 1109, 1110 and 1111 of the Trademark Regulations;
- (b) Part 4, Rules 27, 28, and 29 of the Rules and Regulations on Voluntary Licensing;
- (c) Sections 19, 20, 21 and 22 of the Rules on Dispute Settlement;
- (d) Rule 9 of the Regulations on *Inter Partes* Proceedings;
- (e) Rule 14 of the Rules and Regulations on Administrative Complaints for Violation of Laws Involving Intellectual Property Rights;
- (f) Part 7, Rules 707, 708, 709 and 710 of the Utility Model and Industrial Design Regulations; and
- (g) Part 13, Rules 1308, 1309, 1310 and 1311 of the Rules and Regulation on Inventions.

All other rules and regulations, office order, memoranda, circulars and parts thereof inconsistent with these Rules are also amended: *Provided*, That all cases on appeal to the Director General filed prior to the effectivity of these Rules, shall continue to be governed by the applicable Rules under which said appeals were filed.