



INTELLECTUAL PROPERTY PHILIPPINES

PATENT EXAMINATION: An overview

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IP PHILIPPINES

At a Glance



Our Mandate

Republic Act 8293 – Intellectual Property Code of the Philippines

“The state recognizes that an effective intellectual property system is vital to the development of domestic and creative activity, facilitates transfer of technology, attracts foreign investments, and ensures market access for our products. It shall protect and secure the exclusive rights of scientists, inventors, artists and gifted citizens to their intellectual property and creations, particularly when beneficial to the people, such periods as provided by the law”



Functions and Activities

- Examine applications for grant of Letters Patent for inventions and register utility models and industrial designs.
- Examine applications for the registration of marks, geographic indication, and integrated circuits.
- Register technology transfer arrangements and settle disputes involving technology transfer payments covered by the provisions of Part II Chapter IX on Voluntary Licensing and develop and implement strategies to promote and facilitate technology transfer.
- Promote the use of patent information as a tool for technology development.

Functions and Activities

- Publish regularly in its own publication the patents, marks, utility models and industrial designs, issued and approved, and the technology transfer arrangement registered.
- Administratively adjudicate contested proceedings affecting intellectual property rights.
- Coordinate with other government agencies and the private sector efforts to formulate and implements plans and policies to strengthen the protection of intellectual property rights in the Philippines.

Organizational Structure



STATISTICS ON EXAMINATION

Comparative Data (2002-2011)

Foreign vs. Local Applications

Year	Foreign	Local	Total	% Foreign
2002	769	149	918	83.77
2003	1801	141	1942	92.74
2004	2538	157	2695	94.17
2005	2762	210	2972	92.93
2006	3038	223	3261	93.16
2007	3248	225	3473	93.52
2008	3095	216	3311	93.48
2009	2825	171	2996	94.29
2010	3223	167	3390	95.07
2011 (as f g/11)	2475	128	2603	95.08

PCT APPLICATIONS

Year	Total	PCT	% PCT
2002	918	64	6.97
2003	1942	1368	70.44
2004	2695	2121	78.70
2005	2972	2349	79.03
2006	3261	2666	81.75
2007	3473	2958	85.17
2008	3311	2848	86.02
2009	2996	2506	83.64
2010	3390	2974	87.73
2011 (as of 9/11)	2603	2247	86.32

APPLICATIONS GRANTED AND WITHDRAWN

Year	Granted	Withdrawn
2002	1124	846
2003	1173	1021
2004	1405	985
2005	1620	1075
2006	1216	1154
2007	1803	1796
2008	838	1373
2009	1681	1776
2010	1153	1937
2011 (as of 9/11)	1033	1482

AVERAGE LENGTH OF PATENT EXAMINATION

Year	From Filing of Application to Grant/Registration (years)
2006	6.24
2007	5.18
2008	4.66
2009	5.05
2010	4.82

PATENT EXAMINATION

Examination Procedure, Laws and Guidelines

EXAMINERS

Background and Distribution

Field	Examiners
Medical Science and Biotechnology	9
Chemical Technology	5
Organic Chemistry	9
Mechanical Engineering	5
Electronics and Electrical Engineering	8
Civil and General Engineering	5
Total	41

PATENT EXAMINER

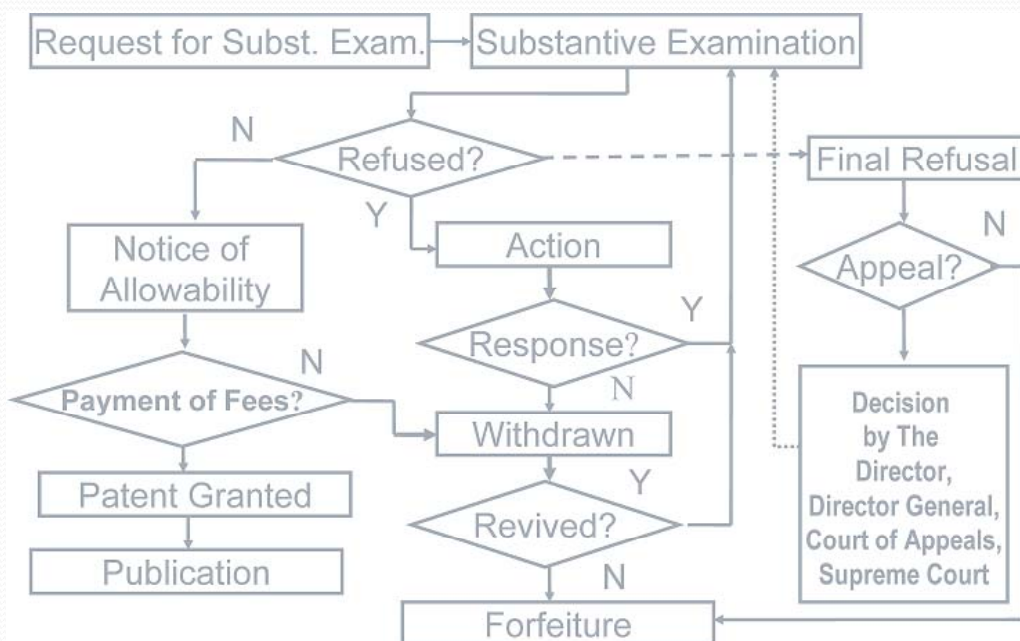
- Studies the subject matter
- Determines the classification and conducts prior art search
- Recommends grant of patent if application meets the requirements of patentability i.e. Novelty, Inventive Step, Industrial Applicability
- Recommends denial of application if considered by law as non-patentable invention

PROCESS FLOW

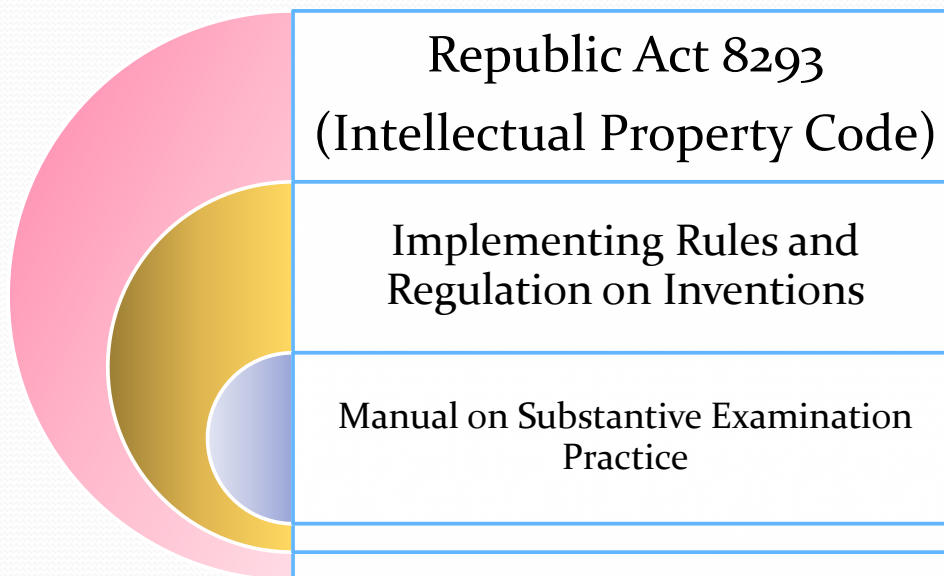
Main Procedural Steps in Prosecuting an Application

- Filing of application for patent
- Formality examination
- Search, classification and search report
- First publication
- Substantive examination
- Grant of patent or withdrawal of application
- Appeals, if any

PROCESS FLOW



PATENT LAW and GUIDELINES



PATENT LAW AND GUIDELINES



- Submission of information regarding related foreign applications:
 - The Implementing Rules and Regulations on Invention does not require the applicant to submit , but submission of any information relating to corresponding foreign applications is highly appreciated and encouraged

PATENT LAW AND GUIDELINES



Submission of information regarding related foreign applications

Submission of external examination results

Granting of patent based on claims granted elsewhere

CLAIMS

An invention may have one or more independent claims directed to the essential features of the invention. Any such claim may be followed by one or more claims “particular embodiment” of those inventions, or the dependent claims

CLAIMS

Independent claims in the same category



PRIOR ART SEARCH

PHILPat

Espacenet

ASEANPAT

USPTO

Global Patent
index

EXTERNAL EXAMINATION RESOURCES

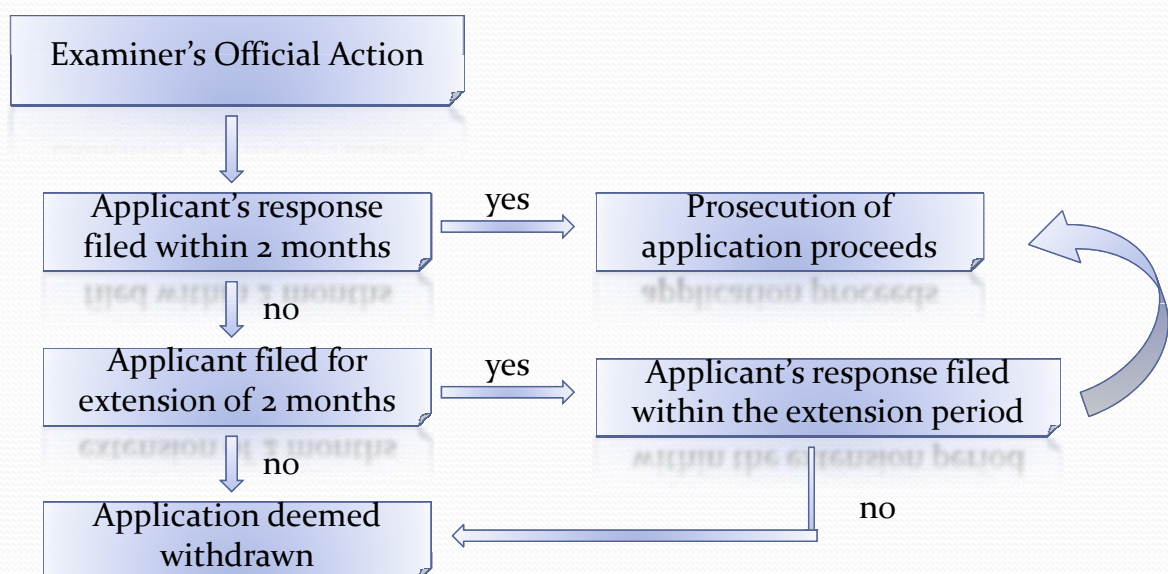
European
Patent
Register

US PAIR

Patentscope

AIPN

TIMELINE FOR FILING OF RESPONSE



MAJOR CHALLENGES

Search and Examination Tools

Limited access to a number of search databases

Under-utilization of examination results from other IP offices

Empowerment of patent examiners

Continuous education

More hands-on training

SERVICE TO STAKEHOLDERS

SERVICES

Intellectual Property Field Operations Unit (IP-FOU)

regional offices in key cities

a base for launching public awareness

provide technical and advisory services

Significant increase in IP filing at regional and local levels

SERVICES

Innovation and Technology Support Offices (ITSO)

Patent libraries for universities and
research-related institutions

Provides skills training in patent searching

Provide advice on IP management &
commercialization strategies

Be a depository of patent-related documents,
papers and statistics

SERVICES

Conference with the Examiner

Foreign Applicants- through their resident agents

Local Applicants- walk-in consultation

- End -
Thank you

The logo for Intellectual Property Philippines (IPOPHL) is displayed on a white rectangular background that is tilted slightly to the right. The logo consists of the letters "IP" in a bold, black, sans-serif font, followed by a circular emblem containing a stylized red and orange figure, and then the letters "PHL" in the same bold, black, sans-serif font.

IPOPHL