



OFFICE ORDER NO. 15-067 ^{PHL}
Series of 2015

SUBJECT: Supplemental Guidelines to Office Order No.154, s. 2010

Pursuant to the directive under Executive Order No. 523, and Section 7.1 of Rep. Act No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code"), Office Order No. 154, s. 2010 (Rules of Procedure for IPO Mediation Proceedings) is hereby modified, as follows:

SECTION 1. Section 2 of Office Order No. 154, s. 2010 is hereby modified to read:

"Section 2. Mandatory mediation of cases.- All cases enumerated under Section 1 shall be referred to mediation. The mediator shall be selected from the list of IPO accredited mediators.

"Subject to the attached Guidelines (Annex), parties may also opt/agree to submit their dispute to the World Intellectual Property Organization (WIPO) Mediation."

SECTION 2. The sanctions provided in the first paragraph of Section 8 of Office Order No. 154, s. 2010, shall also apply to cases submitted to WIPO Mediation.


SECTION 3. *Repealing Clause.* – All other office Memoranda, memorandum circulars, rules or regulations inconsistent with this Office Order are hereby repealed or modified accordingly.


SECTION 4. *Separability Clause.*- If any provision of this Office Order is declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances is held invalid, the constitutionality and validity of the remainder of this Office Order shall not be affected thereby, and to this end the sections and provisions hereof are declared to be severable.

SECTION 5. *Effectivity.* – This Office Order shall take effect fifteen (15) days after date of publication in a newspaper of general circulation.

SECTION 6. *Submission to the University of the Philippines Law Center.*- Three (3) certified copies of this Office Order shall be submitted to the National Registry at the University of the Philippines Law Center.

Done this 10th of April 2015, Taguig City.

RECEIVED BY 
IPO PHL 15 APR 14 10:57


ATTY. ALLAN B. GEPTY
Deputy Director General/Officer-in-Charge

GUIDELINES ON THE REFERRAL OF IPOPHL CASES TO WIPO MEDIATION

- I. **Coverage:** All cases filed in the IPOPHL primarily involving one or more parties domiciled outside the Philippines (as provided in the WIPO-IPOPHL Memorandum of Understanding on ADR) shall be referred to mediation, pursuant to Section 2 of Office Order No. 154, s. 2010.
- II. **Procedure:**
 1. Upon referral of a case to IPOPHL Mediation under Office Order No. 154, s. 2010, parties-litigants shall be informed during the briefing stage of their option to submit their dispute to WIPO Mediation and shall receive a copy of the ***Agreement and Request for WIPO Mediation***. On request, a party shall be given a maximum of 15 calendar days within which to signify or confirm the submission to WIPO Mediation. If the parties failed to agree to submit the dispute to WIPO Mediation, the IPOPHL mediation process shall immediately resume.
 2. If the parties agree to refer the case to WIPO Mediation they shall complete and sign the ***Agreement and Request for WIPO Mediation***.
 3. Within 5 days after the parties' signing of the ***Agreement and Request for WIPO Mediation***, the Bureau of Legal Affairs' Alternative Dispute Resolution Services (BLA-ADRS) shall issue the Order stating that the parties agree to submit the case to WIPO Mediation, and the suspension of IPOPHL mediation. Immediately, upon the issuance of the Order, the Director of the BLA-ADRS shall notify the WIPO Arbitration and Mediation Center (WIPO Center), furnishing the latter a copy of the Order. The WIPO Center shall confirm the receipt of the notice and the Order.
 4. After confirmation that it received the notice and the Order, the WIPO Center shall notify the parties and conduct the mediation under the WIPO Mediation Rules, including the applicable fees for IPOPHL cases. The parties may appoint any mediator from the WIPO Panel of international mediators (which includes IPOPHL accredited mediators). The failure of the party who initiated the case to attend the mediation meeting(s) is a ground for the dismissal of the case. If respondent fails to attend such meeting(s), he may be declared in default.

5. The WIPO Center shall notify BLA-ADRS of the results of the mediation proceedings within 5 days from termination. If the dispute is settled, BLA-ADRS shall within 5 days from receipt of the notice from the WIPO Center return the records of the case to the originating office, for the promulgation of the appropriate order of dismissal or a decision based on compromise agreement. On the other hand, in case of failure to settle, BLA-ADRS shall within 5 days from receipt of the notice from the WIPO Center return the records of the case to the originating office for the resumption of the adjudication proceedings.

Procedure for Referral to WIPO Mediation

