

## Submission of Information by Third Parties

# Republic of the Philippines

Section 47 of the Intellectual Property Code (Republic Act No. 8293) states that:

Following the publication of the patent application, any person may present observations in writing concerning the patentability of the invention. Such observations shall be communicated to the applicant who may comment on them. The Office shall acknowledge and put such observations and comment in the file of the application to which it relates.

### Rule 802. Community Review of Patent Applications.

In the interest of transparency in granting patents and quality of patents granted, the concerned community shall be notified by the Office upon publication of the patent application.

For utility model and industrial design applications, the following regulations apply:

### Rule 1700. Community Review of the Utility Model and Industrial Design Applications.

In the interest of transparency in registering utility models or industrial designs and quality of utility models or industrial designs registered, the concerned community shall be notified by the Office upon publication of the utility model or industrial design applications.

### Rule 1701. Adverse Information.

Within thirty (30) days from the date of publication of the utility model or industrial design application, any person may present written adverse information concerning the registrability of the utility model or industrial design including matters pertaining to novelty and industrial applicability while citing relevant prior art. The adverse information shall be in the form of a sworn statement stating the personal information and circumstance of the affiant and the grounds for objecting to the registration. The sworn statement shall be substantiated by evidence or proof and a registrability report of the application may be attached thereto. The Office shall not consider any submission that fails to comply with the foregoing requirements. Additionally, a conference at the Office may be requested by the interested party to obtain a better understanding of the application, the registration process, and the registration system in general. For this purpose, the party shall indicate three possible dates within thirty (30) days from request when the party is available for the conference. The Office shall acknowledge the receipt of the request for the conference and may request for additional information or clarifications on the adverse information filed. Within ten (10) days after the conference, parties may file a supplemental Adverse Information, in the form of a sworn statement, to include new information. All adverse information shall be communicated to the applicant who may comment on them within thirty (30) days from the mailing date of the communication. Copies of any adverse information filed and comments thereto by the applicant shall form part of the file wrapper in the subject application.

Only the adverse information as filed in accordance with these Regulations shall be taken into consideration in deciding the registrability of the utility model and industrial applications. The Office shall notify the parties who have submitted adverse information of the decision of the Office involving the utility model and industrial design applications.