



DESIGNS FILING REQUIREMENTS

PHILIPPINES



JULY 2015



RECEIPT OF THE APPLICATION

The application must be filed using the prescribed application form. The Office accepts filings in English or Filipino, but the official form is available only in English.

The application may be filed on paper in the IPOPHL or any of its satellite offices.

An applicant who is not a resident of the Philippines must appoint resident agent or representative in the Philippines upon whom notice or process for judicial or administrative procedure relating to the application for industrial design may be served.

Applicants may opt to file a request for the deferred publication of the industrial design application. The request may be filed simultaneous with the filing of the application, or at any time prior to its publication. The maximum period allowed for the deferred publication of an industrial design application shall be thirty (30) months from the filing date or priority date of the application. In case the request for the deferred publication is made after the filing of the application, the allowable period for the deferred publication shall be the remaining time from the allowed thirty (30) months deferred publication period. The applicant/s may request for a specific time for this Office to publish the application, provided it does not go beyond the allowed deferment period of thirty (30) months

FILING REQUIREMENTS

A request for registration of the industrial design shall be filed using the prescribed form and shall contain the following;

- Information identifying the applicant;
- An indication of the kind of article of manufacture or handicraft to which the design shall be applied;
- Description of the industrial design (title, brief description of the different views of the drawings, characteristic feature of the design, claim)
- A representation of the article of manufacture or handicraft by way of drawings, photographs or other adequate graphic representation of the design as applied to the article of manufacture or handicraft which clearly and fully discloses those features for which design protection is claimed; and
- The name and address of the creator, or where the applicant is not the creator, a statement indicating the origin of the right to the industrial design.

The application may be accompanied by a specimen of the article embodying the industrial design.

The Office shall accord as the filing date the date of receipt of the application if the following requirements are met: (a) indications allowing the identity of the applicant to be established and (b) a representation of the article embodying the industrial design or a pictorial representation thereof.

The prescribed fees must also be paid within one (1) month from the date of filing the application.



WHAT MAY BE REGISTERED

An industrial design may be registered if it consists of any composition of lines or colors or any three-dimensional form, whether or not associated with lines or colors, provided that such composition or form gives a special appearance to and can serve as pattern for an industrial product or handicraft.

Industrial designs dictated essentially by technical or functional considerations to obtain a technical result, those which are mere schemes of surface ornamentations existing separately from the industrial product or handicraft, or those that are contrary to public order, health or morals shall not be protected.

More than one embodiment of an industrial design may be included in one application for as long as they relate to the same subclass of the Locarno Classification or to the same set or composition of articles. A “set of articles” which is customarily sold or used together as a set may be made in one application, provided each article is of, or has, the same design or substantially similar design. Where two or more articles are used together as a set of articles, the design of the set of articles may be registered, provided that the set of articles constitutes a coordinated whole.

PRIORITY

An application for an industrial design filed by any person who has previously applied for the same design in another country which by treaty, convention, or law affords similar privileges to Filipino citizens, shall be considered as filed as of the date of filing the foreign application, subject to the following conditions:

- (a) the local application expressly claims priority;
 - (b) it is filed within six (6) months from the date the earliest foreign application was filed;
- and
- (c) a certified copy of the foreign application together with an English translation is filed within six (6) months from the date of filing in the Philippines.

NOVELTY

Only industrial designs that are new or original shall may be registered. It shall be considered new if it does not form part of prior art. An industrial design shall not be considered new if it differs from prior designs only in minor respects that can be mistaken as such prior designs by an ordinary observer.

The industrial design shall still be considered new even if it was disclosed within six (6) months preceding the filing or priority date of the application if such disclosure was made by (a) the applicant or designer, (b) the IP Office and the information was contained in another application filed by the applicant and which should not have been disclosed by the Office or in an application filed without the knowledge or consent of the applicant or creator; or (c) a third party who obtained the information directly or indirectly from the applicant or creator.



EXAMINATION AND REGISTRATION

All applications for the registration of industrial designs are registered without substantive examination provided all the formal requirements are complied with and fees are paid. Applicants may request a registrability report before enforcing their rights for a determination of the novelty or originality of the design by the IP Office.

After the Office completes the formality examination and has determined that the industrial design application meets the requirements, the application shall be published in the electronic gazette. If no adverse information is received within 30 days from publication in the gazette, the Office shall issue the Certificate of Registration.

CANCELLATION

At any time during the term of the industrial design registration, any person upon payment of the required fee, may petition the Director of Legal Affairs to cancel the industrial design on any of the following grounds:

- If the subject matter of the industrial design is not registrable;
- If the subject matter is not new; or
- If the subject matter of the industrial design extends beyond the content of the application as originally filed.

TERM OF PROTECTION

The registration of an industrial design shall be for a period of five (5) years from the filing date of the application.

The registration of an industrial design may be renewed for not more than two (2) consecutive periods of five (5) years each, by paying the renewal fee.

The renewal fee shall be paid within twelve (12) months preceding the expiration of the period of registration. However, a grace period of six (6) months shall be granted for payment of the fees after such expiration, upon payment of a surcharge.

CONTACT

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