IP PHILIPPINES: PCT IMPLEMENTATION, CHALLENGES AND PROSPECTS

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November 12, 2010

INTELLECTUAL PROPERTY PHILIPPINES

OUTLINE

- IP Philippines Background
- PCT Implementation
  - Filings and Status
- Challenges and Prospects

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IP PHILIPPINES BACKGROUND

1997	**RA 8293 (IP Code) enacted** **IP Philippines was created**
1998 – 2004	**Shaping the Intellectual Property System and Organizing the IP Phil.**
2001	**Philippines, 112th Member State** **State to the PCT**

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IP PHILIPPINES BACKGROUND

2004 Transition Roadmap for IP

2007 Formulated National IP Strategy 2008 – 2010

2010 New National IP Strategy

Vision 2020 : 3D IP

Demystified, Development- Oriented and Democratized IP

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IP PHILIPPINES BACKGROUND

2010 Vision 2020

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PCT IMPLEMENTATION

112th Member State

August 17, 2001

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PCT IMPLEMENTATION

Initial Year of Implementation

2002 - year after the Philippines became a Member State of the PCT, Direct Applications outnumbered PCT Applications

Direct Applications	– 854
PCT Applications	**- 64 (6.97%)**
Total	- 918

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PCT IMPLEMENTATION

2003 turning point
Starting 2003, applications under the PCT far outnumbered direct applications

Direct Application	-	574
PCT Applications	**-**	**1,370 (70.47%)**
Total	-	1,944

PCT IMPLEMENTATION

2004

Direct Application - 570

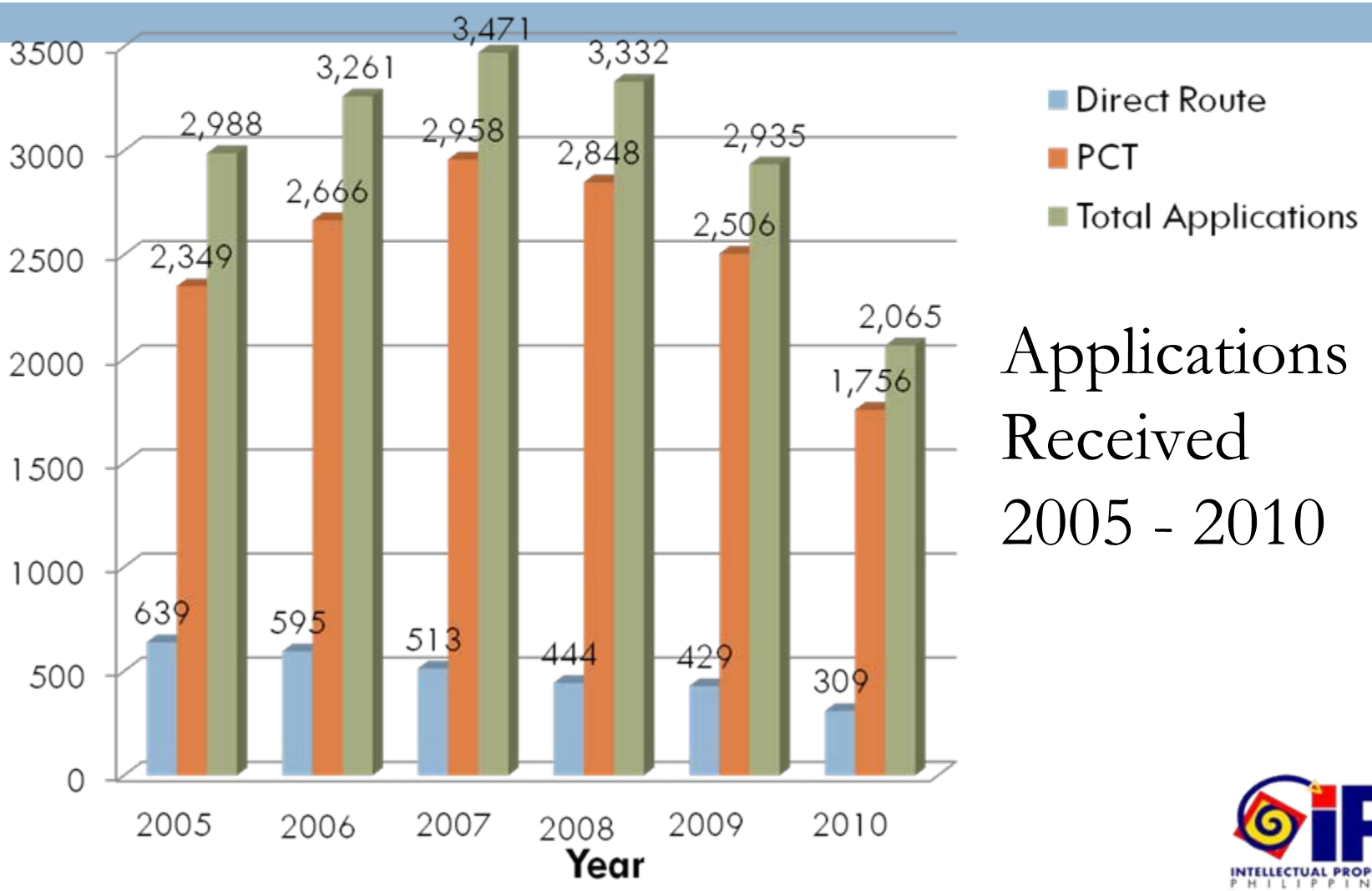
PCT Applications - 2,121 (78.81%)

Total - 2,691

Trend continued from 2005 – 2009 even 2010 (as of July 2010)

From 2005 – 2010, PCT applications accounted for a low of 78.61% (2005) to as high as 85.47% (2008)of total applications filed

PCT IMPLEMENTATION



Applications Received 2005 - 2010

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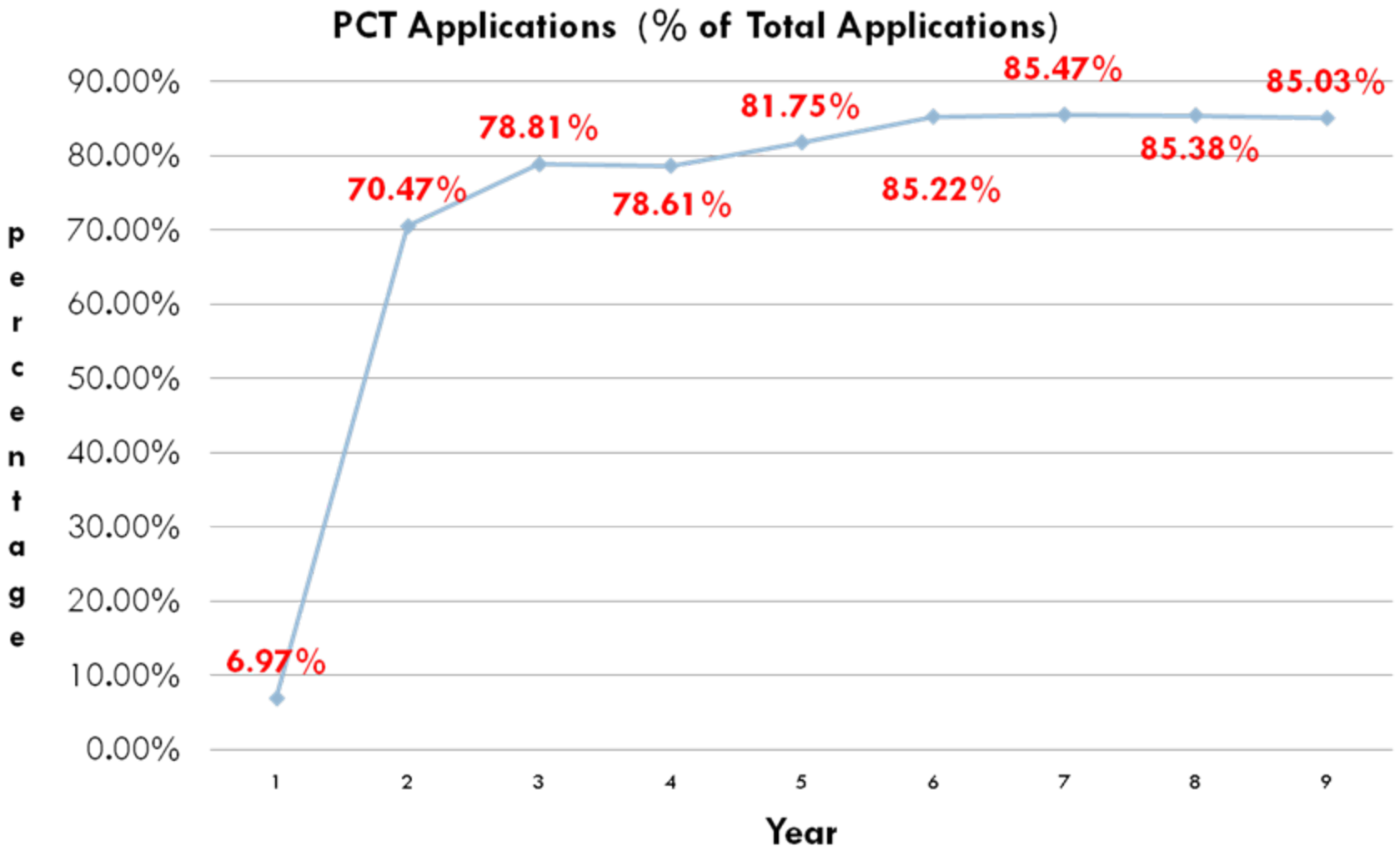
PCT IMPLEMENTATION



PCT IMPLEMENTATION

- Certain countries are consistent sources of applications and account for substantial percentage of the total PCT applications
- Philippine experience from 2005 - 2010, countries which are top five origins of PCT applications are:
  - USA
  - Japan
  - Germany
  - Switzerland
  - Netherlands
  - The applications from these countries accounted for a low of 70.22% in 2008 to as high as 73.60% in 2005

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PCT IMPLEMENTATION

Top 5 Country Origins of PCT Applications

Countries	2005	2006	2007	2008	2009	2010
USA	874	1,043	1,136	956	858	621
Japan	262	292	278	324	351	218
Germany	292	305	291	308	202	155
Switzerland	190	195	243	289	290	175
Netherlands	111	112	134	123	111	68
Total Top 5	1,729	1,947	2,082	2,000	1,812	1,237
Total PCT Applications	2,349	2,666	2,958	2,848	2,506	1,756
% of PCT Applications	73.60%	73.03%	70.38%	70.22%	72.30%	70.44%

PCT IMPLEMENTATION

- Subject Matter of applications, trends can be established

  2003-2008 Organic Chemistry accounted for the highest number of applications filed and highest number of applications entering the PCT National Phase, Medical Science & Biotechnology (MSBT) as 2nd

2009 until this year, MSBT is emerging as the new area which accounted for the highest number of applications filed and highest number of applications entering the PCT National Phase

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PCT IMPLEMENTATION

- Subject Matter of applications trends can be established

- Since 2007, the field of Mechanical Engineering accounted for the lowest number of applications as well as lowest number of applications entering the National Phase

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PCT IMPLEMENTATION

Areas/Fields with applications entering the PCT National Phase

2005	2006	2007	2008	2009	2010
OC	**OC**	**OC**	**OC**	**MSBT**	**MSBT**
CT	MSBT	MSBT	MSBT	OC	OC
MSBT	EE	EE	EE	EE	EE
EE	IOC	CGE	CGE	CGE	CT
CGE	ME	IOC	IOC	CT	CGE
ME	CT	CT	CT	ME	ME
	CGE	ME	ME	IOC	

OC – Organic Chemistry, CT – Chemical Technology, MSBT – Medical Science & Biotechnology, EE- Electrical & Electronics, CGE – Civil & Gen. Engineering, ME – Mechanical Engineering

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PCT IMPLEMENTATION

Number of PCT National Phase Entry Applications per Subject Matter

Subject Matter	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Chemical Technology	18	292	461	518	230	266	261	272	341	**2,659**
Civil and General Engineering	10	89	141	178	157	340	289	275	179	**1,658**
Electrical & Electronics	19	122	217	276	313	384	372	368	341	**2,412**
Mechanical Engineering	12	146	242	177	231	207	178	203	139	**1,535**
Medical Science and Biotechnology	2	283	363	454	548	480	581	634	389	3,734
Inorganic Chemistry					239	268	280	173		**960**
Organic Chemistry	3	436	697	746	948	1,013	887	581	367	**5,678**
TOTAL PER YEAR	***64***	***1,368***	***2,121***	***2,349***	***2,666***	***2,958***	***2,848***	***2,506***	***1,756***	**18636.00**

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CHALLENGES AND PROSPECTS

CHALLENGES:

- Low awareness and understanding of the value of intangible wealth or IP and the IP system across **all sectors**
- IP not mainstreamed in socio-economic policies and programs of different government agencies
- Historically, emphasis of IPR has been on its legal rights, not economic advantage
- Very low level of local applications
- Lack of capacity to examine applications on new and emerging technologies (nanotech, biotech, etc.)

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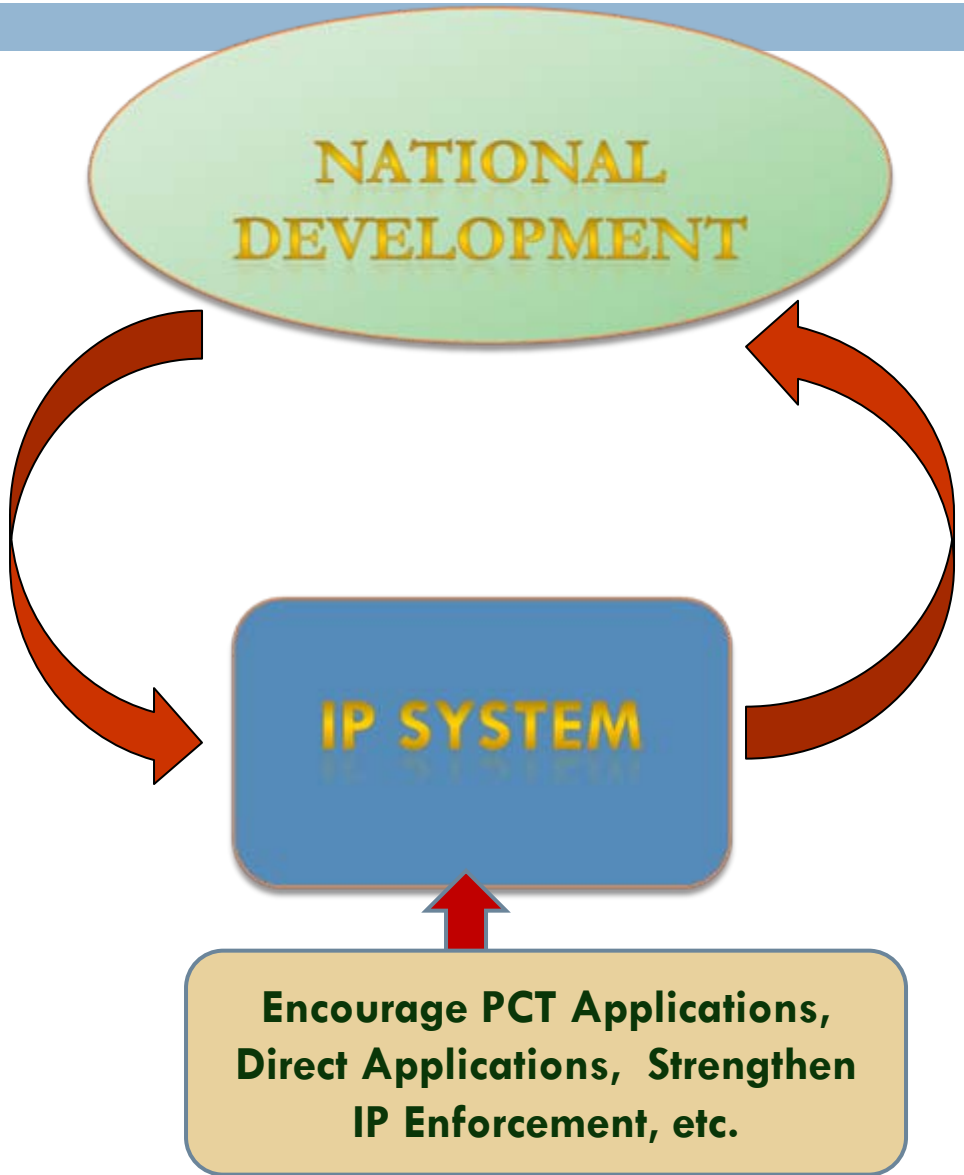
DEVELOPMENTAL IP POLICY



CHALLENGES AND PROSPECTS

PROSPECTS

- "Increasing the Pie"

  - Aggressive IP Promotion and Marketing to increase local and foreign applications using both as direct and PCT Routes

- Strengthening and Building Partnerships with the academe, research institutions, businesses industries to encourage and generate IP registrations

- Intensify IP enforcement and protection to encourage IP registration

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MADRID PROTOCOL

- Accession to Madrid Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks by 2011

- Timeline

2010: Completion of pre-accession preparations

2011: Ratification /Accession

2011: Pre-implementation preparations

2012: Commencement of operations

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MADRID PROTOCOL

2010 Pre-accession work

- Study of Legal and Technical implications
- Consultations with stakeholders (TM owners and practitioners)
- IP Phil coordination with the Department of Foreign Affairs (legislative concurrence needed)
    - Accession documents

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