INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

COUNTRY REPORT

WIPO EFFECTIVE UTILIZATION OF SEARCH RESULTS AND COMMUNICATIONS DERIVED FROM THE PATENT COOPERATION TREATY (PCT) SYSTEM IN THE NATIONAL / REGIONAL PHASE
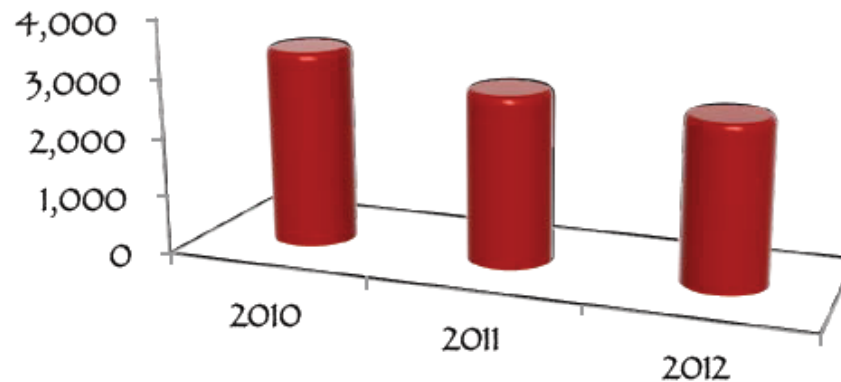
TOKYO, JAPAN

27 FEBRUARY – 01 MARCH 2013
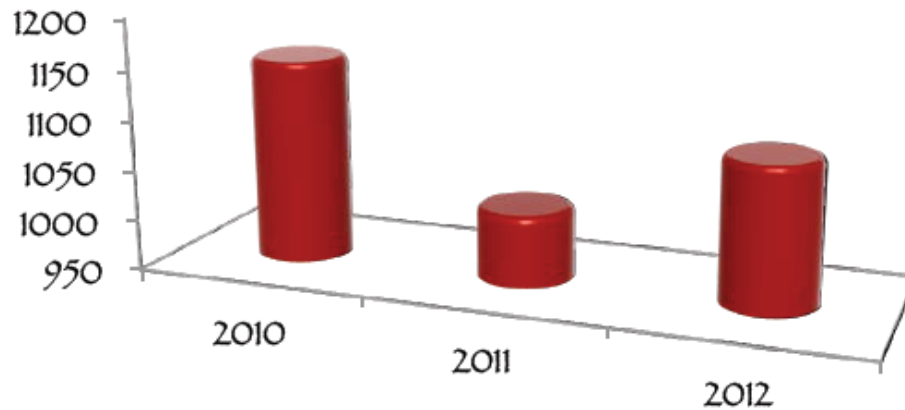
Prepared by:
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JEFFERSON N. ACIERTO

Invention Patents Statistics 2010-2012

Invention Patent Filings	2010	2011	2012 (as of Nov 30, 2012)
Resident	167	186	151
Non-resident Direct	251	292	232
Non-resident PCT	2973	2718	2401
Total	3391	3196	2784

Invention Patents Statistics 2010-2012

Invention Patent Grants	2010	2011	2012 (as of Nov 30, 2012)
Resident	13	6	5
Non-resident Direct	230	169	107
Non-resident PCT	910	960	980
Total	1153	1135	1092

PERCENTAGE OF PCT APPLICATIONS

Year	Total	PCT	% PCT
2010	3391	2973	87.73
2011	3196	2718	85.04
2012	2979	2577	86.50

Patent Cooperation Treaty Filings
(As of November 30, 2012)

CODE	Country	% Share of Filings
US	United States of America	32%
JP	Japan	16%
CH	Switzerland	11%
DE	Federal Republic of Germany	8%
GB	United Kingdom	4%
FR	France	3%
NL	Netherlands	3%
KR	Republic of Korea	3%
CN	China	2%
ES	Spain	2%
SE	Sweden	2%

AVERAGE LENGTH OF PATENT EXAMINATION

Year	From Patent Filing to Grant / Registration
2010	4.90
2011	4.86
2012	4.75

PATENT EXAMINATION

Examination Procedure, Laws and Guidelines

EXAMINERS

Background and Distribution

Field	No. of Examiners As of February 15, 2013
Medical Science and Biotechnology	9
Chemical Technology	8
Organic Chemistry	8
Mechanical Engineering	5
Electronics and Electrical Engineering	6
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**

PATENT LAW and GUIDELINES

**Republic Act 8293
(Intellectual Property Code)**

**Implementing Rules and
Regulation on Inventions**

**Manual on Substantive Examination
Practice**

PROCESS FLOW FOR PCT APPLICATIONS

Main Procedural Steps in Prosecuting Patent Application under the PCT System

➢ **Request for National Phase Entry**

➢ **Processing of Documents Entering the National Phase**

➢ **Substantive Examination**

➢ **Grant of Patent or Withdrawal of Application**

➢ **Appeals, if any**

Documents Retrieved from PATENTSCOPE

* PATENT SPECIFICATION
* INTERNATIONAL SEARCH REPORT
* INTERNATIONAL PRELIMINARY EXAMINATION REPORT
* NOTIFICATION CONCERNING SUBMISSION OF
     PRIORITY DOCUMENTS
* INTERNATIONAL PUBLICATION GAZETTE / BIBLIOGRAPHIC DATA

PRIOR ARTSEARCH

EXTERNAL EXAMINATION RESOURCES

European Patent Register

US PAIR

Patentscope

AIPN

Agreement with other IP Offices

Patent Prosecution Highway (PPH)

The PPH enables an application whose claims have been determined to be patentable in the Office of First Filing (OFF) to undergo an accelerated examination in the Office of Second Filing (OSF). This is possible upon a request from an applicant, and based on bilateral office agreements between member IP offices. The implementation of the IPOPHL-JPO PPH pilot program started on March 12, 2012 while the IPOPHL-USPTO PPH will commence on January 2013.

United States of America – Agreement was signed on October 4, 2012
Japan – Agreement was signed on February 9, 2012

Asean Patent Examination Cooperation (ASPEC)

Launched June 15, 2009

IP
PHL

TOOL FOR PATENT EXAMINATION AND ADMINISTRATION

Industrial Property Automation System (IPAS)

Automated system owned by the World Intellectual Property Organization (WIPO), designed to streamline IP Office processes in order to fast-track services and turnaround times for applications.

IPAS – UTILITY MODEL and INDUSTRIAL DESIGN
On production as of March 5, 2012

IPAS – INVENTION
On production as of September 10, 2012

MAJOR CHALLENGES

Search tools
  More access to some search databases

Empowerment of examiners
  Continuous education

Thank You