



Intellectual Property Office of the Philippines



INTELLECTUAL PROPERTY OFFICE
OF THE PHILIPPINES
REPUBLIC OF THE PHILIPPINES

Issues

1. Statistics on Examination

a. Number of applications per year

2009	2,935
2010	3,390
2011	3,120
2012	2,981
As of October 2013	2,571

b. Fraction of foreign applications, in particular

-PCT national phase entries

2009	2,504	85.31%
2010	2,971	87.64%
2011	2,715	86.99%
2012	2,578	86.48%
As of October 2013	2,238	87.05%



-Applications claiming Paris convention priority rights (no PCT)

2009	193	6.57%
2010	218	6.43%
2011	227	7.27%
2012	136	4.56%
As of October 2013	163	6.34%

-Applications not claiming any priority

2009	1,649	56.18%
2010	1,171	34.54%
2011	198	6.35%
2012	275	9.22%
As of October 2013	324	12.6%



**c. Pendency of applications, from filing date to grant – (average)
TAT – (turn-around-time) in years**

2009	5.05 years
2010	4.9 years
2011	4.86 years
2012	4.75 years
As of October 2013	4.6 years

d. Number of Patent Examiners (Formality/Substantive) - 59 Examiners



Utilization of External Examination Results

2. The Intellectual Property Office of the Philippines (IPOP HL) fully utilizes the International Search Report, written opinion of the International Searching Authority (WO/ISA) and the International Preliminary Report on Patentability (Chapter II) (IPRP) as references during substantive examination of national phase entry applications, and the search and examination works of the Offices of First Filing (OFF) for an accelerated examination under the Patent Prosecution Highway program.

The IPOP HL examiner determines whether the available search results are enough to proceed with substantive examination. If not, he/she may conduct a further search. He/She may also use the WO/ISA and IPRP as foundation of his/her examination strategy.



Under the PPH program, the examiner uses the claims correspondence table to affirm or oppose that the claims determined to be patentable or allowable in the OFF are the same as the claims submitted in IPOPHL or not for him to proceed with the allowance or refusal of the claims.



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Request for External Examination Result

3. Yes, our legislation explicitly authorizes the examiner to request applicant to submit information on whether the application has been filed elsewhere, and also copies of the external examination results. According to R.A. 8293, Sec. 39 (IP Code of the Phl) Information Concerning Corresponding Foreign Application for Patents

“The applicant shall, at the request of the Director, furnish him with the date and number of any application for a patent filed by him abroad, hereafter referred to as the "foreign application," relating to the same or essentially the same invention as that claimed in the application filed with the Office and other documents relating to the foreign application.”

According to Rules 612.1 and 612.2 of the Revised IRR,

612.1 “Other documents relating to the foreign application may consist of the following:

- a. A copy of the search reports in English on the corresponding or related foreign application prepared by the European, Japanese, United States Patent Offices, searching authorities under the PCT, or by the office where the first patent application was filed;
- b. Photocopy of the relevant documents cited in the search report;
- c. Copy of the patent granted to the corresponding or related application;
- d. Copy of the examination report or decision on the corresponding or foreign related application; and
- e. Other documents which could facilitate adjudication of the application.

612.2 – Non-compliance- The application is considered withdrawn if the applicant fails to comply with the requirement to furnish information concerning the corresponding foreign application within the specified period.”



Granted Patent Claims

4. No, our legislation explicitly does not authorize granting of patents based on claims granted by certain other patent office. The basis for the granting of patents is compliance with provisions of the national law.

Timeline

5. Yes, there are time lines that an examiner has to observe for processing an application. They are as follows:

- Publication of the search report promptly after 18 months from the priority date (according to Rule 800a of the Revised IRR)
- Issuance of the first office action within 6 months from the date of assignment (according to our Standard Operating Procedure)

An examiner does not have to wait for examination results from other IPOs to proceed.



Access to Foreign Examination Results

6. EPO LINE and US PAIR are the resources that our office uses in the performance of examination.

These resources are very helpful in our examination and widely used by examiners.

Prior Art Databases

7. For prior art searches, we are using the databases of our internal IPOPHL DL and Espacenet, USPTO, Patentscope, WIPS, Total Patents.

We are not using WIPO's ARDI or ASPI program.



Substantive Examination Challenges

8. Major challenges in substantive examination are:

- Lack of capacity or limited capacity to examine applications involving emerging and advanced technologies.
- Lack of access to non-patent literature.
- Limited access to proprietary databases.

Collaboration areas with WIPO or other IP Offices :

- Capacity building/technical training for particular subject matters or specialized technical field or emerging technologies.
- Sharing of prior art databases or offering of search engines used by the major patent offices at discounted prices may be considered.





THANK YOU!

<http://www.ipophil.gov.ph>



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