



Newsletter April 2025

Manila Hosted Asian Patent Attorneys Association (APAA) 2024 Conference.

The Philippines proudly hosted the 76th Council Meeting of the Asian Patent Attorneys Association (APAA) at the SMX Convention Center and Conrad Hotel in Pasay City, Metro Manila from November 18 to 21, 2024.

Senate President Francis “Chiz” Escudero, as the opening ceremony keynote speaker, emphasized the achievements of the Philippines in Intellectual Property practice with respect to the contributions of the country in the IP filings statistics.

The World Intellectual Property Office (WIPO) reported that there were 71,623 new intellectual property rights (IPR) filings in the Philippines in 2023. This is broken down into 4,889 patents, 65,219 trademarks, and 1,515 industrial designs which were filed or registered last year. Comparatively, this is the 4th highest number of new IPR filings and registrations in ASEAN.

Sen. Escudero urged major reforms which must be made to our national innovation system, which encompasses the academe, the government, and the business sector.

He ended his keynote address by encouraging the country’s efforts to further the IP practice and its importance: “We must do more to boost and support the local production of knowledge by our home-grown scientists and researchers. We play an important and integral role in developing not only the countries where we live but in developing the world in which we live in.”

“In the hope, in the dream that we can make this a better place than our world when we were born in it, than our children when they were born in it. Hopefully, our grandchildren and our children’s grandchildren will live in a far better place than where we are living today.” Escudero said.

The Organizing Committee of the 76th APAA Council Meeting in Manila is led by Chairman Atty. Lorna Kapunan and Co-Chairman Atty. Pablo Gancayco. Intellectual Property Association of the Philippines (IPAP) is led by Atty. Rico Domingo, IPAP President, and Atty. Ferdinand Fider, IPAP Chairman.

Atty. Kapunan explained that the purpose of the conference is to enlighten and inspire attendees. She noted that the timing of the event is perfect for promoting the Philippines on the global stage.

With over 1,200 participants, the conference kicked off with excitement and anticipation for what the week would bring. Atty. Kapunan expressed her pride in hosting this year’s APAA, and concluded with a heartfelt message: “Love the Philippines.”

“APAA is a well-attended conference. This is a great opportunity for Asia to connect. This APAA conference is a learning curve for many. This is a seminar we hold for furthering IP practice and to share what we have, to meet other people, to network and impart knowledge” Atty. Gancayco said.

APAA President Hari Subramaniam shared that the APAA conference is not just an event for networking, but an opportunity to form meaningful and lasting friendships. He described the conference as one that connects people on a deeper level, binding them together with a sense of camaraderie. He praised the event as the best of its kind, highlighting that every delegate is treated like a personal family member.

Atty. Fider emphasized that this year’s business sessions serve as both a social event and a valuable learning experience. He also highlighted the potential of AI, noting its ability to play a key role in mapping out the Philippines more efficiently.

Atty. Domingo mentioned that this marks the fourth time the Philippines is hosting the APAA conference. The Philippines previously hosted the APAA council meetings in 1990 (Manila Hotel), 2000 (Cebu), and 2011 (Shangri-La Makati). He emphasized the importance of protecting intellectual property, particularly in a country where 90% of businesses are small and medium enterprises (SMEs).

Established in December 1969, membership of APAA is open to individuals practicing the profession of patent attorney in the Asian region as well as organizations that comprise such individuals and are constituted in the Asian region.

Some of APAA’s activities include exchanging information and views concerning Intellectual Property (IP) protection on issues involving anti-counterfeiting, copyright, patents, designs, trademarks, and emerging IP rights, and their enforcement in different jurisdictions

IPAP was founded on March 31, 1977 with the aim of professionalizing the steadily growing practice of IP law in the Philippines. It is the sole Philippine national group recognized by the APAA, the ASEAN Intellectual Property Association (AIPA), and the Association Internationale pour la Protection de la Propriete Industrielle (AIPPI).

Exploring the cultural diversity of Philippine in APAA 2024.

by: Atty. Dennis R. Gorecho*

It is a belief in this predominantly Catholic country that if you do not want it to rain on a special day, then offer eggs to the miraculous Sta. Clara or other churches.

Perhaps prayers spared from bad weather the holding of the 76th Council Meeting of the Asian Patent Attorneys Association (APAA) last November 18 to 21, 2024 at the SMX Convention Center and Conrad Hotel in Pasay City, Metro Manila.

Successive tropical cyclones severely impacted the Philippines just prior to. The conference, with Super Typhoon Man-yi, locally named Pepito, the most recent. This storm, with sustained winds exceeding 185 km/h, made two landfalls—first in Catanduanes on November 16, and subsequently in Aurora Province the day after.

But as Pepito changed its course, the four-day APAA conference was blessed with warm weather suited for networking and purposeful discourse among peers as well as excursions.

With over 1,300 participants, it was the fourth time APAA conference was held in the Philippines which previously hosted in 1990 (Manila), 2000 (Cebu), and 2011 (Makati) all organized by the Intellectual Property Association of the Philippines (IPAP).

The APAA 2024 logo draws inspiration from the captivating mythical bird *Ibong Adarna*, revered in Filipino folklore as an enchanting creature renowned for its seven-colored, ornate tail feathers.

The wordmark is in the style of the traditional Saputangan tapestry by Yakan weavers, highlighting the rich cultural heritage of the Philippines and the importance of collaboration in creating something truly special.

Delegates had the chance to explore the country's cultural diversity, warm hospitality, and vibrant spirit as a melting pot of indigenous, Malay, Spanish, and American influences. The country boasts a unique cultural landscape reflected in its traditions, cuisine, arts, and its people.

The *Spolarium* by Juan Luna was the backdrop of the group picture at the National Museum of Fine Arts leg of the "Charms of Old Manila" tour. There was also a visit to Rizal Park, National Museum of Natural History and the San Agustin Church, a UNESCO World Heritage Site, housing priceless religious artifacts and historical treasures.

Repertory Philippines entertained the delegates in "An Afternoon of Music" that featured a concert of popular Broadway hits and Christmas carols.

"A Shopping Art'venture" was a day of history at the Manila American Cemetery and Shrine and the urban art scene at the bustling Bonifacio Global City.

A unique gastronomical adventure at Balé in Pampanga offered a home-cooked Kapampangan feast in the "Strictly for Foodies" tour.

The "Art in the Hills of Antipolo" tour was an artistic and creative journey at the Pintô Art Museum, a vibrant display of paintings, sculptures, installations, and immersive experiences from Filipino contemporary artists.

In "Karaoke Bowl", bowling and billiards games combined with karaoke sessions showcased the singing prowess of the delegates.

The "Wellness Day" tour featured unwinding in a wellness village nestled in the Tagaytay highlands through relaxing "hilot" (local massage) followed by a laughter and dance yoga session.

For the "Trip Back to Time", delegates went to Taal, Batangas which still has semblance of a Spanish colonial town in the 17th–20th centuries.

Two groups travelled to the Masungi Georeserve in Baras Rizal. In "Trees and Teas Forest Walk", delegates embarked on a stroll discovering the diverse local flora and fauna including a tea-tasting activity featuring indigenous plants. The "For Adventure Seekers" tour was a thrilling eco-adventure for immersion in the lush rainforest amid massive limestone formations while navigating the "sapot" (spider's web) and "bayawak" (monitor lizard) rope courses, and the nature scene at "Iiwasan" (plaza).

The Golf tournament was held at the Manila Southwoods Golf and Country Club's Legends Course, an award-winning Jack Nicklaus designed championship course, accentuated by undulating mounds and dog-leg holes.

**Sapalo Velez Bundang & Bulilan Law Offices*

Strategies for Registering Package Designs.

by: *Atty. Angel O. Uy**

Package design, a combination of design elements such as wrapping, containers, labels, and more, is used to package products. These elements play an essential role in promoting product sales and differentiation as a visual aspect of the product.

In the Philippines, the total package-related designs registered with the Intellectual Property Office of the Philippines (IPOPHL) reached 359 or 9.12% of all designs with boxes, cases, containers, tin cans as the most registered category.

Unlike other jurisdictions, the Philippines does not have a double-track system allowing package designs to be registered without examination. However, accelerated examination is available, making design registrations faster than other intellectual property (IP) protections like trademarks or copyrights.

Filing a package as a three-dimensional shape (3D) is the norm in the registrability of designs in the Philippines. Moreover, with respect to the registrability of package designs with visible contents, the contents inside the packaging cannot be part of the registered design in our jurisdiction. Text and trademarks are not considered part of the design unless integrated as patterns. Likewise, the design must comply with the one design per application principle.

Partial design registration allows an applicant to register only a specific part of a product's design rather than the entire design. This is allowed in the Philippines but is not necessary if the client already has a design/trademark registration. A registered partial design (e.g., a hexagonal shape on a bag) can be enforced if copied in other products.

While not completely different from those of the other participant countries, the Philippines has formal examination process for package designs. The filing of both design and trademark applications, when necessary, is highly recommended for better protection of IP rights.

Developments and advance strategies for registering package designs were discussed in the Design Committee sessions of APAA 2024 where members shared their country reports on the special topic: "Think Outside the Box: Strategies for Registering Package Designs."

The committee brainstormed how to address the gaps in current design registration in their respective jurisdictions to enhance the protection of IP rights. Japan was lauded for having the most registered design packages from 2020 to 2023, with 6,579 registrations.

The committee discussed how the requirement for substantial examination of design registration applications affects the application processing period. Most country participants noted that the absence of substantive examination significantly sped up the granting of design registrations. The nuances of each design registration were also explored to determine how design infringement could occur and how to better protect IP rights in packaging designs by understanding the relationship between designs and articles, as well as offering effective application tips specific to each jurisdiction.

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Legislative efforts and enforcement actions to combat counterfeiting.

by: *Atty. Jermile Ed Salor**

The Philippines continues to be recognized as a regional leader in Intellectual Property (IP) enforcement and remains off the USTR and EU IP Watchlists, reflecting its commitment to strengthening anti-counterfeiting measures.

The Philippine Country report on Anti-Counterfeiting highlighted the country's legislative efforts and enforcement actions in protecting intellectual property.

While the Intellectual Property Code has not been amended, several pending bills aim to enhance enforcement, recognize non-traditional and certification marks, and increase penalties for counterfeiting.

The Internet Transactions Act (ITA), enacted in December 2023, mandates e-marketplaces and digital platforms to actively prevent counterfeit sales, with penalties for non-compliance.

On enforcement, the Intellectual Property Office of the Philippines (IPOPHL) has strengthened administrative measures, including amendments to IP rights enforcement rules and the successful implementation of site-blocking regulations against pirate websites.

Collaborations between government agencies, internet service providers, and industry players have significantly improved the response against counterfeiting, with the National Committee on Intellectual Property Rights (NCIPR) seizing counterfeit goods worth PHP 35.28 billion as of September 2024.

APAA 2024 attendees from various jurisdictions during the Anti-Counterfeiting Committee meeting discussed the latest developments and challenges in combating counterfeiting.

Key discussions revolved around the increasing liability of e-commerce platforms for counterfeit goods and the complexities of IP enforcement in the Metaverse.

Participants debated the applicability of current IP laws in virtual spaces, jurisdictional challenges, and whether trademark classifications should be updated to accommodate virtual goods and services.

The meeting underscored the need for global cooperation and legal adaptations to address emerging threats in both physical and digital marketplaces.

**Alcantara Joaquin Alcantara Law (AJA Law)*

Patent legislation, regulatory updates, and notable jurisprudence.

*by: Atty. Cheza Marie Biliran**

In terms of patent filing trends, the Intellectual Property Office of the Philippines (IPOP HL) reported a total of 2,616 invention patent applications as of August 2024, with 2,196 filed by non-residents and 420 by residents. The number of granted patents reached 1,577, with the vast majority awarded to foreign applicants. The average turnaround time between filing and grant remained 4.34 years, reflecting ongoing efforts to improve efficiency in patent prosecution.

While no new patent laws were enacted by Congress, IPOP HL introduced several administrative reforms to improve patent application procedures and enforcement. Among the key developments was the implementation of the Revised Philippine Rules on Patent Cooperation Treaty (Pro-PCT) of 2024, which introduced stricter payment guidelines, reinforced electronic filing requirements, and clarified procedures for national phase entry of PCT applications.

Another important reform was the issuance of the Rules on Recognition System for Patent Representatives, which established accreditation requirements for patent agents and representatives, ensuring compliance with professional standards. The amendments to IPOP HL's mediation rules were also discussed, particularly the change that made mediation in appeals before the Office of the Director General optional rather than mandatory. Further, IPOP HL revised its procedures for filing administrative complaints involving IP violations, allowing greater use of electronic filings and video conferencing to streamline case resolution. New examination guidelines for patents involving biodiversity, genetic resources, and indigenous knowledge were also introduced, requiring applicants to disclose the use of indigenous materials and obtain prior informed consent when necessary.

A recent patent jurisprudence by the Supreme Court in *Phillips Seafood v. Tuna Processors* (G.R. No. 214148, 06 February 2023) introduced a new standard called the "all elements test" in determining patent infringement, which requires that the doctrine of equivalents be applied to each individual element of a patent claim, rather than assessing the entire invention as a whole. This standard is supported by Section 75.2 of the Intellectual Property Code.

The Philippine Group Patent Committee Country Report was presented during the Patent Committee Meeting of APAA 2024 that discussed recent developments in patent legislation, regulatory updates, and notable jurisprudence. The Report emphasized the evolving patent landscape in the Philippines and the role of the IPOP HL in strengthening administrative and enforcement mechanisms.

The APAA Patent Committee Meeting reaffirmed the Philippines' commitment to enhancing its patent system to align with global intellectual property standards. The discussions highlighted IPOP HL's efforts to modernize patent procedures, promote transparency in examination, and strengthen enforcement mechanisms to ensure a robust patent framework for innovation and technological advancement.

**Alcantara Joaquin Alcantara Law (AJA Law)*

Latest development and challenges in copyright protection and enforcement.

*by: Atty. Samantha Famae Feril**

The Philippines continues to strengthen its copyright enforcement measures, as reflected in its record-breaking 76% increase in copyright registrations in 2023 and its continued exclusion from global IP watchlists.

With proposed legislative amendments aimed at bolstering copyright enforcement, expanding IP protection, and addressing digital copyright challenges, the country remains committed to adapting its copyright framework to the evolving digital landscape.

The Philippine Country Report on Copyright last APAA 2024 highlighted major legal and policy developments aimed at strengthening copyright protection.

One of the most notable initiatives is the implementation of site-blocking regulations, which led to the country's first voluntary administrative site-blocking request in May 2024. This resulted in the successful blocking of YTS, a major piracy website, in collaboration with the Intellectual Property Office of the Philippines (IPOP HL), internet service providers (ISPs), and the National Telecommunications Commission (NTC). IPOP HL has since partnered with the WIPO Alert Data Sharing Platform to enhance its ability to monitor and act against piracy sites.

The Supreme Court issued a recent copyright jurisprudence, *Filipino Society of Composers, Authors and Publishers, Inc. Vs. Andrey, Inc* (G.R. No. 233918 August 9, 2022) reaffirming that playing copyrighted music in commercial establishments through loudspeakers constitutes public performance and requires a proper license.

The IPOPHL also issued new Fair Use Guidelines, clarifying statutory exemptions and the limits of fair use in the digital space. Furthermore, new regulations on performers' and producers' rights ensure equitable remuneration under the Single Equitable Remuneration (SER) system.

The Philippine Country Report on Copyright also focused on the challenges posed by AI, particularly in the use of copyrighted materials for training AI models and generating AI-assisted works. While the Philippines currently lacks specific AI regulations, IPOPHL is working on guidelines that may clarify whether AI-generated works are subject to copyright protection and how AI developers should navigate copyright compliance.

The APAA 2024 Copyright Committee Meeting brought together copyright experts and stakeholders from various jurisdictions to discuss the latest developments and challenges in copyright protection and enforcement.

The meeting covered key issues, including the rise of digital piracy, the evolving application of fair use in the digital era, and the growing impact of artificial intelligence (AI) on copyright law. Participants also explored the effectiveness of voluntary site-blocking measures and the need for stronger legislative frameworks to address copyright enforcement in online spaces.

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IPAP board of directors elected during 2025 Annual General Membership Meeting.

The following were elected as members of Board of Directors at the Annual General Membership Meeting held last February 4, 2025: Abelaine T. Alcantara, Alonzo Q. Ancheta, Antonio Audie Z. Bucoy, Arturo T. Del Rosario, Jr., Katrina V. Doble, Alex Ferdinand S. Fider, Dennis R. Gorecho, Pablo M. Gancayco, Lorna Patajo-Kapunán, Vida M. Panganiban-Alindogan, Joaquin V. Sayoc, Dino Vivencio A. Tamayo, Maria Teresa M. Trinidad, Rico V. Domingo as immediate past president is the chairman of the board.

The officers are Dino Vivencio A.A. Tamayo as President, Katrina V. Doble as Internal Vice-President, Joaquin V. Sayoc as External Vice-President, Maria Teresa M. Trinidad as Treasurer, Maria Patricia P. Cruz as Assistant Treasurer; Vida M. Panganiban-Alindogan as Secretary; Abelaine T. Alcantara as Public Relations Officer and Dennis R. Gorecho as Communications Officer.

Disclaimer: The views and opinions expressed in the articles are those of the authors and do not necessarily reflect the official policy or position of IPAP.

Intellectual Property Association of the Philippines

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