



OFFICE ORDER NO. 121

Series of 2008

SUBJECT: Amendment to the Rules and Regulations on Inventions

Pursuant to the policy of the State to protect and secure the exclusive rights of scientists, inventors and patent rights owners to their inventions and innovations, particularly when beneficial to the people, and to streamline administrative procedures, and in accord with Sec. 7 in relation to Sec. 55 of Rep. Act No. 8293, also known as the Intellectual Property Code of the Philippines (IP Code), the Rules and Regulations of Inventions are hereby amended, as follows:

Sec.1. Part 1, Rule 100 (f) is hereby amended, as follows:

(f) "IPO Gazette" means the Intellectual Property Office's own publication, **including the e-Gazette accessible to the public via the IP Philippines website address <http://www.ipophil.gov.ph>**, where all matters required to be published under the IP Code shall be published;

Sec. 2. Rule 1100 shall become Rule 1004, under Part 10, to read, as follows:

Rule 1004. Term of Patent.- The term shall be twenty (20) years from the filing date of the application. However, a patent shall cease to be in force and effect if any prescribed annual fees there for is not paid within the prescribed time or if the patent is cancelled in accordance with the provisions of the IP CODE and these regulations."

Sec. 3. The title of Part 11 of the Rules is changed from TERM OF PATENT to ANNUAL FEES and the provisions there under are renumbered and amended to read as follows:

PART 11

ANNUAL FEES

Rule 1100. *Annual Fees.* - The first annual fee on patent shall be due and payable on the expiration of four (4) years from the date the application is published, and on each subsequent anniversary of such date. Payment may be made within three (3) months before the due date. The obligation to pay the annual fees shall terminate should the application be withdrawn, refused, or cancelled.

Rule 1101. *Date application is published.* - The application is published on the date that the IPO Gazette containing the applications is released from circulation. For example, if the IPO Gazette containing the application is released for circulation on January 15, 1999, then the first annual fee shall be due and payable on January 15, 2003.

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Rule 1102. *Non-payment of annual fees; Grace period.* - If an annual fee is not paid within the prescribed time, a notice of non-payment shall be published in the IPO Gazette. After publication, the notice shall also be immediately mailed to the patent owner, applicant, or the resident agent.

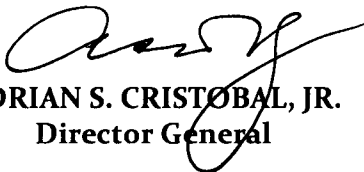
Within a grace period of six (6) months from the publication of the notice of non-payment in the IPO Gazette, the annual fee plus the prescribed surcharge for delayed payment and the publication fee must be paid in full. Upon failure to pay the annual fees, surcharges, and the publication fee within the grace period, a notice that the application is deemed withdrawn or that the patent considered lapsed as of the date following the expiration of the original period within which the annual fee was due, shall be issued and published in the IPO Gazette and recorded in the appropriate register of the Office.

Sec. 4. *Separability Clause.* All rules and regulations and office orders inconsistent with this Office Order are hereby repealed.

Sec. 5. *Filing of Certified Copies and Posting in the IP Philippines website.* Three (3) certified copies of this Office Order shall be filed with the University of the Philippines Law Center, and one (1) certified copy each to the Department of Trade and Industry, the Senate of the Philippines, the House of Representatives, the Senate of the Philippines and The National Library. This Office Order shall also be posted immediately in IP Philippines website.

Sec. 6. *Effectivity.* These amendments shall take effect fifteen (15) days after publication in a newspaper of general circulation.

13 August 2008.


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Director General