



INTELLECTUAL PROPERTY
OFFICE OF THE PHILIPPINES

IPOPHL MEMORANDUM CIRCULAR No. 2020-010

Subject : ADVISORY ON DEADLINE FOR THE FILING OF WRITTEN THIRD PARTY OBSERVATION (TPO) FOR INVENTION APPLICATIONS AND ADVERSE INFORMATION (AI) FOR UTILITY MODEL AND INDUSTRIAL DESIGN APPLICATIONS, FOR PERSONAL PROTECTIVE EQUIPMENT, MEDICAL/HEALTH CARE EQUIPMENT/DEVICES, AND PHARMACEUTICAL PRODUCTS

WHEREAS, Rule 803 of the Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs, states that written Observations from Third Parties concerning the patentability of the invention including matters pertaining to novelty, inventive step and industrial applicability while citing relevant prior art must be filed within six (6) months from the date of publication of the application or the request for substantive examination, whichever comes later;

WHEREAS, Rule 1701 of the Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs, states that written adverse information concerning the registrability of utility model or industrial design applications must be filed within thirty (30) days from the date of publication;

WHEREAS, IPOPHL Memorandum Circular 2020-009 dated 07 April 2020 extended the deadlines for filing of all papers, pleadings, documents, and payments falling due from 16 March 2020 to 15 May 2020, for a period of sixty (60) calendar days from the due date;

WHEREAS, an extension of the deadline to file written adverse information against patent, utility model or industrial design applications will cause delay in the processing of applications for Personal Protective Equipment (PPE), medical/health care equipment/devices, and pharmaceutical products urgently needed to contain and address the COVID-19 health situation; and,

NOW THEREFORE, in view thereof, the following guidelines are hereby adopted:

1. This Memorandum Circular shall cover the filing of written Third Party Observation (TPO) for Invention and Adverse Information (AI) on utility model and industrial design applications for PPE, medical/health care equipment/devices, and pharmaceutical products urgently needed to contain and address the COVID-19 health situation.

2. The extension of the period for filing all papers, pleadings, documents, and payments, as stated in IPOPHL Memorandum Circular 2020-009 dated 07 April 2020, shall not apply to the period for filing TPO and AI on above-mentioned invention, utility model or industrial design applications published after the issuance of this Memorandum Circular.

3. In accordance with Rule 803 and Rule 1701 of the Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs, the following deadlines shall be observed:

a. For Invention applications published starting from 21 April 2020, the prescribed 6-month period from publication date shall apply; and,

CERTIFIED TRUE COPY
DATE **MAY 20 2020**
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b. For UM and ID applications published starting from 21 April 2020, the prescribed 30-day period from publication date shall apply.

4. For applications where the deadline for filing of the TPO or AI falls within 16 March 2020 until 21 April 2020, the deadline shall be on May 11, 2020. For those with deadlines falling due from 22 April 2020 until 30 April 2020, an extension period of fifteen (15) calendar days shall be given from the due date prescribed under Rule 803 and Rule 1701.

5. The requirement on verification shall be waived for the purpose of submitting/filing the Adverse Information pursuant to Rule 1701 but must be submitted within five (5) working days once IPOPHL resumes normal operations. However, required evidence and supporting documents pursuant to Rule 803 and Rule 1701 must be included in the TPO or AI to be submitted/filed for these to be given due course.

6. For the duration of the ECQ, written TPO and AI may be submitted/filed through email to **bop@ipophil.gov.ph** with the required evidence and supporting documents. Once IPOPHL resumes operation, the prescribed manner of submission under the Rules shall be observed. To facilitate processing of the email submissions, the following template must be used:

a. Third Party Observation for Invention Applications

Subject of the Email: Third Party Observation Re: Application No. _____

b. Adverse Information for Utility Model/Industrial Design Applications

Subject of the Email: Adverse Information Re: Application No. _____

The full name of the party submitting/filing the TPO and AI must be indicated with full contact details including complete office or residential address, mobile number or telephone number.

7. This Memorandum Circular shall take effect immediately. Memorandum Circulars inconsistent with the foregoing are hereby amended, modified, superseded, or repealed accordingly.

Done on this 20th day of April 2020 in Taguig City, Philippines.


REPUBLIC OF THE PHILIPPINES
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DATE **MAY 20 2020**
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ROWEL S. BARBA
Director General