



IPOPHL MEMORANDUM CIRCULAR NO. 2020-041

Subject: Revised Uniform Rules on Appeal in the Office of the Director General

Whereas, the Office of the Director General (ODG) manages and directs all functions and activities of the Intellectual Property Office of the Philippines (IPOPHL);

Whereas, the ODG exercises exclusive appellate jurisdiction over all decisions rendered by the Bureau Directors in the IPOPHL;

Whereas, the Intellectual Property Office of the Philippines (IPOPHL) has shifted to the mandatory online filing and payment of transactions;

Whereas, the ODG is enhancing its electronic platform system in adjudicating the cases filed pursuant to the appellate jurisdiction of the ODG;


Whereas, there is a need to revise the Uniform Rules on Appeals in line with these initiatives in the IPOPHL;

Now, therefore, the following Revised Uniform Rules on Appeal in the Office of the Director General is hereby promulgated.

Section 1. Title and Coverage. – These Rules shall be known as the “Revised Uniform Rules on Appeal.” These Rules shall cover decisions or final orders rendered by the Director of Bureau of Copyright and Other Related Rights (BCRR), Director of Documentation, Information and Technology Transfer Bureau (DITTB), the Director of Bureau of Legal Affairs (BLA), the Director of Bureau of Patents (BOP) and the Director of Bureau of Trademarks (BOT).

Interlocutory orders shall not be appealable to the Director General.

Sec. 2. Appeal to the Director General. – The appeal to the Director General is taken by filing in the Office of the Director General an Appeal Memorandum within thirty (30) days from notice of a decision or final order appealed from. The appeal shall be filed through the electronic mail address of the Office of the Director General at odgappeals@ipophil.gov.ph. Upon proper motion citing meritorious reasons and the payment of the full amount of appeal fee and other applicable fees before the expiration of the reglementary period to file the Appeal Memorandum, the Office of the Director General may grant an additional period of fifteen (15) days within which to file the appeal. No further extension of the period to file the appeal shall be

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DATE: **OCT 05 2020**

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allowed. The motion for extension of time to file the appeal shall be filed through the electronic mail address of the Office of the Director General at odgappeals@ipophil.gov.ph

Sec. 3. The Appeal Memorandum. – The Appeal Memorandum shall:

3.1 State the full name or names, capacity and address or addresses of the parties including their electronic mail addresses;

3.2. Indicate the material dates showing that it was filed on time;

3.3. Set forth concisely a statement of the matters involved, the issues raised, the specification of errors allegedly committed by the Bureau Director and the reasons or arguments relied upon for the allowance of the appeal;

3.4. Be accompanied by legible copies of the decision or final order of the Bureau Director and of the material portions of the record as would support the allegations of the appeal; and

3.5. Be in portable document format (“PDF”) provided that any attachment must not exceed 25 megabytes (“MB”).

Sec. 4. Perfection of Appeal. – The appeal shall be perfected by filing in the Office of the Director General the following:

4.1. Appeal Memorandum;

4.2. Proof of service of a copy of the Appeal Memorandum on the Appellee and the Bureau Director concerned; and

4.3. Proof of payment of the appeal fee and other applicable fees.

Sec.5. Action on the Appeal. – 5.1. If the Appeal Memorandum is filed on time and complies with the jurisdictional and formal requirements under these rules, the Office of the Director General shall order the Appellee or the Bureau Director concerned to file comment to the appeal within 30 days from receipt of a copy of the order. The Appellee or the Bureau Director concerned must furnish the Appellant a copy of the comment to the appeal. The Bureau Director shall also be ordered to forward the records of the case to the Office of the Director General. Upon proper motion citing meritorious reasons and the payment of applicable fees before the expiration of the reglementary period to file comment to the appeal, the Office of the Director General may grant an additional period of fifteen (15) days within which to file the comment to the appeal. No further extension of the period to file the comment to the appeal shall be allowed. The Bureau Director concerned acting as the Appellee shall be exempted from paying the applicable fees.

5.2. The appeal shall be dismissed outright on any of the following grounds:



5.2.1. the Appeal Memorandum is filed out of time;

5.2.2. the subject of the appeal is an interlocutory order, or is not a decision or final order; or

5.2.3. the appeal fee and other applicable fees are not paid within five (5) days from notice to pay the required fees.

5.3. If the Appeal Memorandum is filed and the appeal fee and other applicable fees have been paid on time, but there is no proof of service of a copy of the Appeal Memorandum to the adverse party and the Bureau Director concerned, the Office of the Director General shall order the Appellant(s) to submit within five (5) days from receipt of the Order the required proof of service. Failure to comply with the Order may cause the dismissal of the appeal.

Sec. 6. Submission of Memoranda. – After the Appellee has filed the comment to the appeal, the Office of the Director General shall order the parties to submit their respective memoranda within 15 days from receipt of the order. The parties may attach to their respective memoranda draft decisions if so desired.

Sec. 7. Submission for Decision. – The case is deemed submitted for decision upon the filing of the memoranda and draft decisions, if any, of the parties or the filing of the last pleading required by these Rules or by the Director General. The case is also deemed submitted for decision after the lapse of the period prescribed by these rules or by the Director General whether or not the parties submitted the last pleading required.

Sec.8. Clarificatory Hearing and Conferences. – At any time before the promulgation of the decision, the Office of the Director General motu proprio or upon proper motion by any party, may call the parties for a clarificatory hearing or conference to take up any matter pertinent to the resolution of the case including the possibility of amicable settlement.

Sec. 9. Decision. – The decision or order of the Director General shall be final and executory fifteen (15) days after receipt of a copy thereof by the parties unless appealed to the Court of Appeals in case of appeals from decisions or final orders of the BCRR, BLA, BOP and BOT, or to the Secretary of the Department of Trade and Industry in case of appeals from the decisions or final orders of the DITTB. No motion for reconsideration of the decision or order of the Director General shall be allowed.

Sec. 10. Filing of Motions. – All motions filed by the parties shall require the payment of the applicable fees. Motions are deemed submitted for resolution once filed. Motions for extensions of periods within which to file any pleading or to comply with orders issued by the Office of the Director General shall be granted on meritorious reasons.



Sec. 11. Amendments. – All other rules and regulations, office order, memoranda, circulars and parts thereof inconsistent with these Rules are hereby amended: Provided, That all cases on appeal to the Director General filed prior to the effectivity of these Rules, shall continue to be governed by the applicable Rules under which said appeals were filed.

Sec. 12. Furnishing of Certified Copies and Publication. – The IPOPHL Financial Management and Administrative Service is hereby directed to immediately file three (3) certified true copies of this circular with the Office of the National Administrative Register of the University of the Philippines Law Center and to ensure the publication of these Rules in a newspaper of general circulation.

Sec. 13. Posting in the IPOPHL Website. – The Management Information Service is hereby directed to ensure the posting of these Rules in the IPOPHL website.

Sec. 14. Effectivity. – These Rules shall take effect fifteen days after publication in a newspaper of general circulation.

Done this 22nd of September 2020, in Taguig City.



A large, stylized signature in black ink, consisting of a large loop and a horizontal stroke.

ROWEL S. BARBA
Director General