

**[ IPOP HL MEMORANDUM CIRCULAR NO. 16-007,  
July 11, 2016 ]**

**SUBJECT: REVISED RULES AND REGULATIONS ON INTER PARTES  
PROCEEDINGS**

Whereas, Section 10 of Rep. Act No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code"), provides that the Bureau of Legal Affairs shall: *"10.1 Hear and decide opposition to the application for registration of marks; cancellation of trademarks; subject to the provisions of Section 64, cancellation of patents, utility models, and industrial designs; and petitions for compulsory licensing of patents;"* and that *"10.3. The Director General may by Regulations establish the procedure to govern the implementation of this Section."*

Whereas, the Intellectual Property Office of the Philippines ("IPOP HL") has previously amended and revised the Rules and Regulations on Inter Partes Case ("IPC Rules") consistent with its thrust to continuously review and streamline its operations, systems, processes, including administrative procedures, in resolving disputes and controversies involving IP rights;

Whereas, there is a need to further amend the existing rules in order to achieve a more efficient and expeditious resolution of Inter Partes cases in the Bureau of Legal Affairs;

**NOW, WHEREFORE**, pursuant to the authority of the Director General under Sections 7 and 10 of the IP Code, the IPC Rules, are further revised, as follows:

*SECTION 1.* Rule 2, Section 5 is hereby amended, to read:

RULE 2  
GENERAL PROVISIONS; PROCEEDINGS

x x x

Section 5. ***Modes of Service; Applicability of the Rules of Court.***- **(a) Copies of decisions, resolutions, final and interlocutory orders, notices, summons and other processes shall be delivered to the parties via personal service, registered mail, courier service and other similar means as the Director General may deem appropriate. For this purpose, the delivery or service shall be made:**

- (i) to the address of a party's legal counsel of record; or**
- (ii) to the address of a party's representative of**

record, if such party has no legal counsel; or  
(iii) if a party has no legal counsel or representative on record, to the address of a party as appearing in its pleadings or as indicated in other relevant record of the Bureau or the IPOP HL, such as intellectual property rights certificate of registration or applications.

(b) In the absence of any applicable rules, the Rules of Court may be applied in suppletory manner.

SECTION 2. Rule 2, Section 6 is hereby amended, to read:

Section 6. Authority of the Hearing/Adjudication Officers. - The Hearing/Adjudication Officers are authorized to administer oaths and affirmation, issue summons, subpoena *duces tecum* and *ad testificandum*, interlocutory orders and preliminary rulings on questions raised, to conduct preliminary and clarificatory hearings, **to issue and sign decisions and final orders, and perform other functions as may be provided in these Rules.**

SECTION 3. Rule 2, Section 7 is hereby amended, to read:

Section 7. Filing Requirements for Opposition and Petition. x x x

(b) x x x. The verification and certification of non-forum shopping as well as the documents showing the authority of the signatory or signatories thereto, affidavits and other supporting documents, if executed and notarized abroad, must have been authenticated by the appropriate Philippine diplomatic or consular office. The execution and authentication of these documents must have been done before the filing of the **case. For purposes of filing an opposition, however, the authentication may be secured after the filing of the case provided that the execution of the documents aforementioned are done prior to such filing and provided further, that the authentication must be submitted before the issuance of the order of default or conduct of the preliminary conference under Section 13 of this Rule.**

SECTION 4. Rule 2, Section 8(c) is hereby amended to read:

Section 8. Action on the Notice of Opposition or Motion for Extension to File Notice of Opposition, and Petition. - x x x

(c) The opposer, including those who file a motion for extension of time to file notice of opposition, or the petitioner shall be given a period of five (5) days from receipt of the order to complete or to cure any of the following defect:

x x x

**No further extension shall be allowed.**

Failure to complete or cure the defect shall cause the dismissal of the case. **The Director or Assistant Director shall issue the final order of dismissal.**

*SECTION 5.* Rule 2, Section 9 is hereby amended by including a new subsection (e), to read:

Section 9. Answer.-x x x

(b) Upon proper motion founded on meritorious grounds, and the payment of the applicable fees, the Bureau may grant an additional period of 30 days within which to file the answer. **A second motion for extension of 30 days may be granted also on meritorious grounds and upon payment of the applicable fees. A third motion for extension of 30 days may be granted on compelling grounds and upon payment of the applicable fees; Provided, that in no instance shall the filing of the answer exceed one hundred twenty (120) days from the date of the receipt of the copy of the Notice to answer; Provided, further,** that if the last day for filing of the answer or motion for extension falls on a Saturday, Sunday, holiday, non-working day or on a day when the Office or the Bureau is closed for business as may be declared by the Director General, the filing must be done the next succeeding working day.

(d) The respondent shall be given a period of five (5) days from receipt of the order to complete or to cure the following defects:

- (1) Non-payment in full or in part of the applicable fees, for motions for extensions to file answer;
- (2) Failure to attach the originals of the following documents:

- (i) Verification;
- (ii) Special Power of Attorney of representative(s) who signed the pleadings, the verification, and the certification of non-forum shopping; the proof of authority to issue or execute the Special Power of Attorney; and
- (iii) Proof of authentication by the appropriate Philippine diplomatic or consular office, for the foregoing documents executed abroad.

**No further extension shall be allowed.**