

**[IPO OFFICE ORDER NO. 40-02, MAY 28, 2002,
May 28, 2002]**

**AMENDING THE TRADEMARK REGULATIONS SUPPLEMENTAL
REGISTER**

WHEREAS, Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines (IP Code) abolished the Supplemental Register;

WHEREAS, there were applications for registration of trademarks in the Supplemental Register which were allowed and which complied with the requirements for issuance of the certificate of registration prior to the effectivity of the IP Code; however, the certificates of registration of the said applications were withheld upon the effectivity of the IP Code;

WHEREAS, there is a need to amend the Final Provisions of the Trademark Regulations particularly Section 3.6 to recognize rights that were already existing as of the effectivity of the IP Code;

Section 3.6 of the Trademark Regulations is hereby amended to read as follows:

SECTION 3.6. (a) Abolition of the Supplemental Register. — In compliance with the state policy declared in the IP Code, the IPO shall endeavor to issue certificates of registration that can stand up to scrutiny in infringement and other cases. Considering that (i) marks or trade names that are not registrable on the principal register under Republic Act No. 166 are registrable in the Supplemental Register; (ii) marks or trade names not registrable on the said principal register are not registrable under the IP Code; and , (iii) the Supplemental Register was abolished by the IP Code, all applications for registration in the Supplemental Register pending upon effectivity of the IP Code shall be examined in accordance with the IP Code and such applications which do not meet requirements for registration under the IP Code shall be rejected.

3.6(b) Release of Certificates of Registration of Applications in the Supplemental Register Allowed Prior to Effectivity of the IP Code. A Certificate of registration may be released covering an application for registration in the Supplemental Register provided that all the following requirements occurred prior to the effectivity of the IP Code, i.e. on or before 31 December 1997 : (1) such application had been allowed and the allowance was approved by Atty. Rosario N.E. Macatangay, Chief of the Trademark Examining Division of the then Bureau of Patents Trademarks and Technology Transfer as evidenced by the original copy of the Allowance in the file wrapper of the application; (2) Notice of Issuance of Certificate of Registration had been issued as evidenced by the original copy of the Notice in the file wrapper of the application or the applicant's original copy thereof, and (3) all the required fees were fully paid for by the applicant as evidenced by the original copy of the Official Receipt, a photocopy of which shall be submitted by the applicant to the Bureau for