

**[ IPO OFFICE ORDER NO. 34, S. 2004, April 26,  
2004 ]**

**AMENDMENTS TO RULES AND REGULATIONS ON TRADEMARKS,  
SERVICE MARKS, TRADENAMES AND MARKED OR STAMPED  
CONTAINERS**

WHEREAS, it is the policy of the Intellectual Property Office (IPO) to streamline administrative procedures in registering trademarks;

WHEREAS, in order to streamline the administrative procedures of registering trademarks responsive to the requirements of the IPO and its clients, there is a need to amend certain provisions of the Trademark Regulations;

NOW, THEREFORE, the Trademarks Regulations are hereby amended, as follows:

*SECTION 1. Rule 405 is hereby amended as follows:*

RULE 405. Drawing. - All Drawings, representations and small facsimiles of the mark may be made on an ordinary bond paper, which must be pure white, calendered and smooth.

*SECTION 2. Rule 409 is hereby amended as follows:*

RULE 409. When sheet may be turned on its side. - When the view is longer than the width of the sheet, the sheet should be turned on its side.

*SECTION 3. Rule 414 is hereby amended, as follows:*

RULE 414. The small facsimiles of the Drawing, how prepared. - The ten small facsimiles of the Drawing must be printed in black ink or in color, if colors are claimed, and must be capable of being satisfactorily reproduced when published in the IPO Gazette. The size of the sheet on which these facsimiles are to be printed must be seventy millimeters (70 mm) long and thirty-five millimeters (35 mm) wide.

*SECTION 4. Rule 700 is hereby amended, as follows:*

RULE 700. Publication in the Official Gazette; end of jurisdiction of the Examiner. - An application for registration is subject to opposition proceeding before issuance of the

certificate of registration. Thus, after examination or re-examination of an application for registration, if it should appear to the examiner in charge of the examination thereof that the applicant is entitled to have his mark registered, the mark will, upon the recommendation of said examiner, be ordered by the Director to be published in the IPO Gazette for opposition, and the applicant notified of such action. The applicant shall, within two (2) months from mailing date of the notice, pay the corresponding fee for the publication of the application in the IPO Gazette; otherwise, the application shall be declared abandoned. The abandoned application, however, may be revived subject to the requirements of these Regulations.

The jurisdiction of the examiner over an application ceases after the Director has ordered the mark to be published for opposition.

*SECTION 5. Rule 703 is hereby amended, as follows:*

RULE 703. Allowance of application and Issuance of Certificate of Registration - (a) When no opposition is filed within thirty (30) days after the publication for opposition, the Director of Bureau of Legal Affairs shall certify to that effect within two (2) months from the date of release of the IPO Gazette where the application was published, or within fifteen (15) days from the deadline of submission of the opposition if an extension was granted and the application is not deficient in any formal matter. The mark shall be deemed registered the date after the expiration of the aforementioned 30-day period for filing of opposition, or if the application is deficient in any formal matter, on the date the applicant has fully complied with the formal deficiencies.

(b) When an opposition is filed a mark shall be considered registered thirty (30) days after receipt by the opposer of a copy of the decision or final order of the Director of the BLA dismissing the opposition. If the opposer files a motion for reconsideration but which was denied, the date of registration shall be the date after the expiration of the balance of the period aforementioned counted from the said party's receipt of a copy of the order denying the motion. But if the opposition is sustained but subsequently reconsidered, the mark shall be deemed registered (30) days after receipt by the opposer of the order granting the motion for reconsideration. In all cases, the BLA Director shall issue certificates stating the date of receipt by the parties concerned of the decision or final order.

Where the decision or the final order of the Director of BLA is appealed to the Director General, the mark shall be deemed