



PHILIPPINES

INDUSTRIAL DESIGN HANDBOOK

Copyright Reserved © PINTAS IP GROUP

Disclaimer: This IP HANDBOOK is intended to provide general guidelines only and not advice with regard to specific cases. The information given is non-exhaustive. Please also note that the relevant law and its interpretation are subject to change.

You should contact us for advice specific to your own situation. Whilst every effort has been made to ensure the accuracy of the information, Pintas IP Group shall not be responsible for any inaccuracies or omissions, however caused therein. Nor can any responsibility be accepted for any loss or damage to any

Legislation

- R.A. 8293: The Intellectual Property Code, as amended by R.A.s 9150, 9502, and 10372,
- The Revised Implementing Rules and Regulations (IRR) for Patents, Utility Models and Industrial Designs. Recently amended by Memorandum Circular No. 17-013
- Layout-Designs (Topographies) of Integrated Circuits Regulations (2002)

Definition

An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color. Industrial designs are applied to a wide variety of products of industry and handicraft: from technical and medical instruments to watches, jewelry, and other luxury items; from house wares and electrical appliances to vehicles ; from textile designs to leisure goods. To be protected under most national laws, an industrial design must be non-functional. This means that an industrial design is primarily of an aesthetic nature and any technical features of the article to which it is applied are not protected.

Topography of integrated circuits. Similar in nature, **layout designs of integrated circuits** (sometimes referred to as "topography") are defined by the law as "the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit. or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture." In other words, they are the 3D map of the surface on an integrated circuit, composed of elements (at least one should be working) and interconnections among them.

Criteria

Only industrial designs that are new or original shall benefit from protection. Industrial designs dictated essentially by technical or functional considerations to obtain a technical result or those that are contrary to public order, health or morals shall not be protected.

Rule of Priority

Applications for priority have to be made within six months from the earliest filing date of the corresponding foreign application.

Duration and Renewal

A design once registered is valid for a term of 5 years from the date of filing of the application and may be renewed for not more than 2 consecutive periods of 5 years each.

Procedures

▼ Application

Every design application has to be filed with the Intellectual Property of Philippines.

The Office shall accord as the filing date the date of receipt of the application containing indications allowing the identity of the applicant to be established and a representation of the article embodying the industrial design or a pictorial representation thereof.

If the application does not meet these requirements the filing date should be that date when all the requirements are filed or the mistakes corrected.

▼ Examination

A formalities examination will be conducted after the issuance of a filing date to ensure formalities as to the size, quality of the representation and classification are met.

▼ Objections

If there are any amendments or deficiencies spotted in the formalities examination, the examiners will notify the applicant and the applicant would have to correct this non-compliance within a given period.

▼ Registration

Once an application is in order, a registration certificate will be issued and the application will be published in the Design Journal. Once published, the published designs are made available for public inspection. It takes about 12 months from the submission of the application to the successful registration of a design.

Filing Requirements

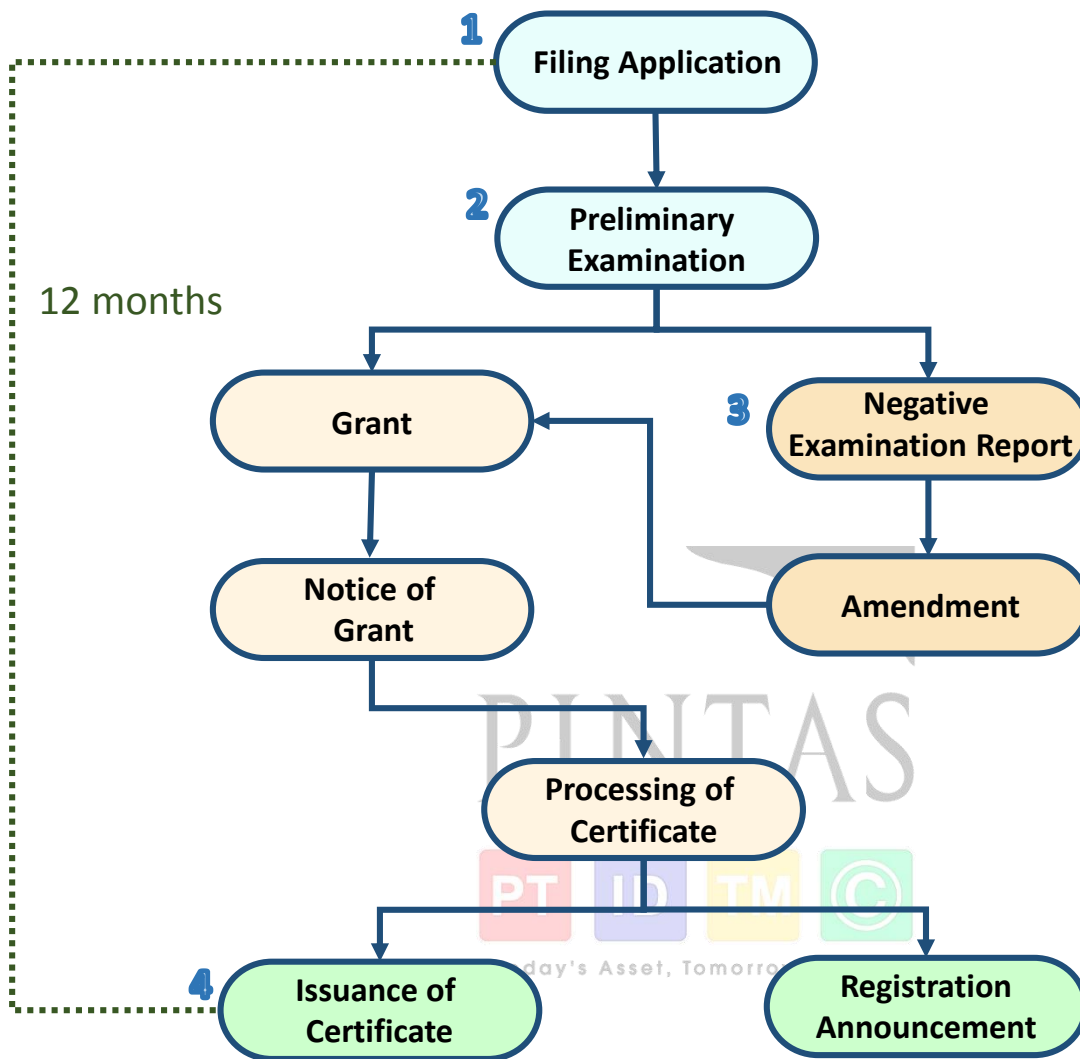
The following information and/or documents are required to file an application for an industrial design application in Philippines:-

- A request for registration of the design:-
 - Δ information identifying the applicant;
 - Δ indication of the kind of article of manufacture of handicraft to which the design shall be applied;
 - Δ the name and address of the creator; and
 - Δ where the applicant is not the creator, a statement indicating the origin of the right to the industrial design registration according to intellectual property protection in the Philippines.
- Power of Attorney signed by the applicant.
- A representation of the design (drawings, photographs or other adequate graphic representation of the design).
- Priority documents and certified English translation of the priority document.

Documents To Be Furnished For Filing An Industrial Design Application in Philippines

Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	Signed; Notarization is not required. To be translated to English (if necessary).	Two months from filing date
Description of Design	A specification containing the following: <ul style="list-style-type: none"> • title; • brief description of the different views of the drawings; • characteristic-feature description of the design; and • claim. To be translated to English (if necessary).	On filing date
Drawings	Drawings or photographic of the different views of the design showing the complete appearance thereof including the signature of the applicant or representative. To be translated to English (if necessary)	On filing date
Deed of Assignment	(if applicable) Notarized. To be translated to English (if necessary).	<ul style="list-style-type: none"> • anytime during the pendency of the formality examination of the design application; or • anytime while the design registration is still active status.
Priority documents	To be translated to English (if necessary).	Within six months from filing

Industrial Design Application Process in Philippines (Formality Examination Regime)



- 1** Every design application has to be filed with the Intellectual Property of Philippines.

The Office shall accord as the filing date the date of receipt of the application containing indications allowing the identity of the applicant to be established and a representation of the article embodying the industrial design or a pictorial representation thereof.

If the application does not meet these requirements the filing date should be that date when all the requirements are filed or the mistakes corrected.

- 2** A formalities examination will be conducted after the issuance of a filing date to ensure formalities as to the size, quality of the representation and classification are met.

- 3** If there are any amendments or deficiencies spotted in the formalities examination, the examiners will notify the applicant and the applicant would have to correct this non-compliance within a given period.

- 4** Once an application is in order, a registration certificate will be issued and the application will be published in the Design Journal. Once published, the published designs are made available for public inspection. It takes about 2 to 3 months from the submission of the application to the successful registration of a design.

**MALAYSIA
OFFICE**

Kuala Lumpur / Corporate Office

Pintas Consulting Group Sdn Bhd (461057-W)

Adds: Suite 2B-21-1, Level 21, Block 2B, Plaze Sentral,
Jalan Stesen Sentral 5, KL Sentral, 50470 Kuala Lumpur,
Malaysia.

Selangor / Correspondence Operation Office

Adds: No.19, Jalan SS 1/36, 47300 Petaling Jaya, Selangor.

Tel: +603-7876 5050

Fax: +603-7876 2678

H/P: +6012-797 5077

Email: marketing@pintas-ip.com

**SINGAPORE
OFFICE**

Pintas Pte Ltd (20010467111)

Adds: Suite 12-14, Manhattan House, 151 Chin Swee Road,
Singapore 169876.

Tel: +65-6250 2070

Fax: +65-6737 1805

H/P: +65-9747 2579

Email: pintas.sg@pintas-ip.com

**CHINA
OFFICE**

Pintas Inc (Customer Service Office)

Adds: Room1811, 18th Floor, Far East Tower,
No. 1101 Pudong Road (s) Pudong, Shanghai,
200120, China.

Tel: +86-21 32180770

Fax: +86-13 022176477

Email: pintas.china@pintas-ip.com

**USA
OFFICE**

Pintas LLC (Customer Service Office)

Adds: P.O. Box 190943, Boise, Idaho
83719-0943, United States of
America.

Tel / Fax: +1 208 899 8528

Email: pintas.usa@pintas-ip.com

**BRUNEI
OFFICE**

Pintas Consulting Group (Customer Service Office)

Adds: P.O.Box 18, Anggerek Desa Complex,
BB3780 Brunei Darussalam.

Tel: +673-873 8478

Fax: +673-245 2112

Email: pintas.brunei@pintas-ip.com