

## Proposed Amendments to the IP Code-Trademark

By Editha R. Hechanova, Hechanova & Co., Inc., Philippines

The Intellectual Property Office of the Philippines (IPOPHL) has submitted to the Philippine Congress its proposed amendments to the IP Code (Republic Act No. 8293). Some of the major amendments affecting the law on trademarks are as follows:

- 1) Expanding the functions and express powers of the Bureau of Legal Affairs (BLA) which is the adjudication arm of the IPOPHL to include: (a) to declare marks as well-known, as well as the power to revoke said declarations, (b) declaration of ownership or having the right to intellectual property, (d) having original and exclusive jurisdiction over administrative complaints for violation of intellectual property laws, e.g., trademark infringement, unfair competition, false designation of origin, false description or representation, (e) awarding of damages;
- 2) Removing the requirement that a mark has to be visible to be registrable, giving way to possible recognition of non-visible marks such as scent or sound marks;
- 3) Defining who may apply for registration of a mark, as any person who intends to use or uses a mark in commerce;
- 4) Expressly stating that goods or services that are in the same class are not necessarily similar; and that goods or services that are in different classes are not necessarily dissimilar;
- 5) Expanding the authority of the court to order the donation in lieu of destruction of counterfeit goods, except those that pose a threat or harmful to health, safety and security; provided, that the disposition is outside the channels of commerce to avoid causing harm to the right holder, and minimizing the risks of further infringement;
- 6) Expressly stating that a certificate of registration shall remain in force for 10 years from the filing date;
- 7) Allowing the registration of a certification mark, provided it is designated as such and accompanied by a copy of the standards set by the certifier governing the use of the certification mark.

***For more information, please contact:***



Editha R. Hechanova  
Hechanova & Co., Inc.  
Philippines  
[mail@hechanova.com.ph](mailto:mail@hechanova.com.ph)  
[www.hechanova.com.ph](http://www.hechanova.com.ph)