I. Preliminary Statement

There have been no cases decided by the Philippine Supreme Court from 24 August 2011 to 24 July 2012 on any significant matter involving design or its related rights.

There, however, have been a number of developments that have occurred in the Philippines, towards strengthening design and allied rights’ protection, since the 59th APAA Council Meeting that took place in the Philippines.

II. Recent Developments

IPOPHL JOINS PATENT PROSECUTION HIGHWAY (PPH)

The Intellectual Property Office of the Philippines (IPOPHL) joined the expanding Patent Prosecution Highway (PPH) network. Director General Ricardo Blancafior signed the PPH agreement with JPO Commissioner Yoshiyuki last February 9, 2012 in Tokyo, Japan.

PPH is in general, work-sharing among IP offices. Work products from one IP office can be used as reference by another IP office for substantive examination. Hence, PPH is envisioned to benefit both examiners and applicants as it will increase efficiency of examination and result to faster turn-around time.

The IPOPHL is the latest IP office to join the 24-country PPH organization which includes modern IP offices of more advanced countries such as the United States Patent and Trademark Office (USPTO), European Patent Office (EPO) and Korean Intellectual Property Office (KIPO). In ASEAN, only the Philippines and Singapore are members of the PPH. The PPH program is part of a global effort to initiate work-sharing and reduce redundancy of work in IP offices.
PAVING THE WAY FOR GREATER ACCESS TO RESEARCH INFORMATION

Pursuant to its vision of an Intellectual Property-conscious Philippines in a demystified, development-oriented, and democratized IP System by 2020, the IPOPHL has embarked on the pioneering work of establishing a network of Innovation and Technology Support Offices (ITSOs) or patent libraries all over the country.

To date, there are already forty-two (42) host institutions all over the Philippines serving as knowledge-centers wherein the public may access information regarding patents and inventions that have already been registered in the Philippines and all over the world. The institutions operate as a regular library with patent search facilities and technical staff, which provide general information on patents and the procedure for patenting inventions. Aside from serving as a repository of patent documents and information, the ITSOs also provide skills training in drafting and prosecuting patents, as well as assist inventors on the management of their intellectual property rights and the commercialization of their inventions.

To encourage and support the ITSO members to protect and commercialize their inventions, IPOPHL launched in March the Patent Protection Incentive Package (PPIP). Under this initiative, official fees associated with patent filings, as well as maintenance fees for the first to fifteenth year of the patent are waived. The first to avail of the package was the University of San Carlos, Cebu City, whose patent filings cover the integrated processes in the treatment of mango wastes.

As part of the 2012 commitment of ITSOs under this initiative, ITSOs in the Visayas-Mindanao Network committed to file a total of 69 patent applications; while the Luzon Network committed a total of 103 patent applications.

IPOPHL ENHANCES SKILLS OF PATENT EXAMINERS

The Intellectual Property Office of the Philippines (IPOPHL) coorganized the Introductory Training on Substantive Examination held from 30 July to 3 August 2012 at the IPOPHL Multi-Purpose Hall. The Seminar, which is sponsored by the European Patent Office (EPO), is participated in by patent examiners of the ASEAN IP Offices of Malaysia, Indonesia, and the Philippines.

The two experts from EPO, Director Jacob Kofoed and Mr. Francesco Rinaldi,
have generously shared know-hows and techniques in patent examination and zealously guided participants on examination exercises. The participants are one in saying that the “training will be very useful for them as it will strengthen their professional skills and confidence in carrying out original search and examination on National first filing.”

III. Proposed Legislation

Senator Teofisto Guingona III and Manuel Villar sponsored Senate Bill No. 3071 entitled “An Act Promoting Competitive Filipino Design, Providing for the Purpose a National Design Policy and Re-Engineering and Renaming the Product Development and Design Center of the Philippines (PDDCP) into the Design Center of the Philippines and for Other Purposes” or the “Philippine Design Competitiveness Act of 2011.”

This Proposed Law seeks to create integrated, forward-thinking and long-range direction and strategy for the design industry; provide long-term guidance to promote national awareness on the use of design as a strategic tool for economic competitiveness and social innovation; integrate design into other industries and aspects of society in order to create a demand for good design, and to extend its impact economically, socially and environmentally; incorporate design as a priority component in national planning and development; and ultimately, encourage and drive innovation in order to leverage Philippine raw materials, natural resources, and creativity to stay ahead of the curve.

It also seeks to reengineer and rename the Product Development and Design Center of the Philippines (PDDCP) into the Design Center of the Philippines (Design Center), which is mandated to promote design as a creative tool for improving the quality and competitiveness and branding of Filipino products in the global market; as a strategic tool of value creation for sustainable economic growth and development; and as an innovative tool for enhancing the quality of human life.

The Design Center shall exercise the following powers and functions:

a. Formulate the National Design Policy (NDP), aligning it with the Government's economic agenda;
   b. Continuously formulate 5-year-plans that are in line with the general NDP, but reflective of the changing conditions in both the domestic and international environments;
   c. Coordinate, monitor, and assess the implementation of the NDP, and, when necessary, update the NDP in the light of changing market conditions
in both the domestic and international environments;

d. Establish an evaluation system through which the results of the NDP (as well as singular projects and programs) could be assessed and improved;

e. Collaborate internationally with similar design policy advisory bodies of other countries and gain insights and investigate on how successful design practices in other countries can be transferred and adapted in the context of Filipino Creative and Knowledge-based industries as well as in transition to the Conceptual-based economy;

f. Establish dialogue with designers to encourage them to actively engage with the implementation of design policy;

g. Provide a forum for design stakeholders on current and emerging issues in the design profession;

h. Promote the Design profession and the value of design;

i. Build awareness of the importance of design to the public, through local and international exhibitions, conference, competitions, community and school activities, and other design related events;

j. Promote awareness on protection of intellectual property rights;

k. Establish more public creative zones and environments in Metro Manila and other central hubs in different regions across the country;

l. Create networks and establish venues where all industries could interact in design dialogues and workshops, thereby promoting knowledge exchange, capability development and collaborative content creation;

m. Identify and encourage public and private collaborations regarding design, competitiveness, governance, and innovation to promote networking, business, and partnership opportunities;

n. Conduct design-led approaches and competitions for the design industry to help government solve socioeconomic and environmental challenges;

o. Actively push for the use of design and innovation in government offices and departments, with the objective of coming up with programs and processes that will enable the government to simplify and streamline systems, so it can deliver its services more effectively and efficiently;

p. Maintain a standard of sustainable design in all projects that are undertaken by the Design Center;

q. Employ design as a fundamental tool for communicating a strong, singular identity of the country;

r. Create a skill development, mentoring and support system for individuals, corporations, partnerships or associations, particularly Small and Medium-sized Enterprises (SMEs), who want to benefit from the strategic use of good design in business administration, commerce, trade and other enterprises; and
s. Undertake research and development on the different design strengths and assets of the Philippines (i.e. manipulation and development of raw materials that are indigenous to the country) in order to come up with globally relevant yet uniquely Filipino innovations.

The proposed legislation also aims to create a Design Advisory Council (DAC), which shall be a public-private partnership that will serve as an Advisory Council to the Design Center. The DAC shall advise the Design Center in the formulation and implementation of policies that will enhance the quality and competitiveness of Philippine products and services and shall support the Philippine Government in its efforts to enhance the level of innovation and creativity in Philippine industries.

The NDP shall serve as the state’s strategy in promoting design as a driving force towards a sustainable economic growth and development and a catalyst for increasing the competitiveness of the country in the global market. The NDP shall be created to meet the following goals:
A. Global Competitiveness;
B. Institutionalization and Promotion of Design Culture Nationwide;
C. Creation of an Environment to Cultivate a Constant Demand for Good Design;
D. Design Protection;
E. Design Education and Professional Development; and
F. Institutionalization of Design as an Effective Problem-Solving Tool.

The Philippine Design Competitiveness Act of 2011 substituted Senate Bill 2930 (“Design Council of the Philippines Act of 2011”). It is currently being heard before the Senate Committee on Trade and Commerce. On 06 June 2012, the Committee declared the period of amendments closed.

We sincerely hope that this proposed law gets enacted in order to further the development of design in our country.