

A Patent is a grant issued by the government through the Intellectual Property Office of the Philippines (IP Philippines). It is an exclusive right granted for a product, process or an improvement of a product or process which is new, inventive and useful. This exclusive right gives the inventor the right to exclude others from making, using, or selling the product of his invention during the life of the patent.

A patent has a term of protection of twenty (20) years providing an inventor significant commercial gain. In return, the patent owner must share the full description of the invention. This information is made available to the public in the form of the Intellectual Property Official Gazette and can be utilized as basis for future research and will in turn promote innovation and development.

Patentable inventions offer a technical solution to a problem in any field of human activity. However, theories, mathematical methods, methods of treatment and artistic creations are Non-Patentable inventions.

PATENTABLE INVENTIONS

- A Technical Solution to a Problem
- In any field of human activity
- It must be NEW
- It must involve an INVENTIVE STEP
- It must be INDUSTRIALLY APPLICABLE

Statutory Classes of Invention

- A useful machine
- A product or composition
- A method or process, or
- An improvement of any of the foregoing
- Microorganism
- Non-biological & microbiological process

Non-Patentable Inventions

- Discovery
- Scientific theory
- Mathematical methods
- Scheme, rule and method of performing mental act
- playing games
- doing business
- program for computer
- Method for treatment – human or animal body by surgery or therapy & diagnostic method
- Plant variety or animal breed or essentially biological processes for the production of plants and animals
- Aesthetic creation
- Contrary to public order or morality (Sec. 22, IP Code)

REQUIREMENT FOR PATENTABILITY

- NOVELTY
- INVENTIVE STEP
- INDUSTRIAL APPLICABILITY

INVENTIVE STEP

An invention involves an inventive step, if having regard to prior art

- it is not obvious to a person skilled in the art

OBVIOUSNESS

- Not beyond normal progress of technology
- Follows plainly or logically from the prior art
- Does not require any skill or ability beyond that to be expected of the person skilled in the art

SKILLED PERSON

- Ordinary practitioner who is Aware of common general knowledge in specific art
- Has access to everything disclosed as the state of the art
- Observes developments in related technical field

Who may apply for a Patent?

- Natural person
- Juridical person
- a body of persons, a corporation, a partnership, or other legal entity recognized by law

Requirements for Filing a Patent

1. Request for the Grant of Patent
2. Description of the Invention (Specification and Claim/s)
3. Drawings necessary for the Invention (if any)
4. Filing Fee

CONTENTS OF THE SPECIFICATION

1. Title of the Invention
2. Abstract of the Disclosure
3. Background of the Invention
4. Summary of the Invention
5. Brief Description of the Drawings
6. Detailed Description
7. Claim/s

Who prepares the Patent Application?

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- Applicant or Inventor

- See more at: <http://www.ipophil.gov.ph/index.php/services/patents/about-patents#sthash.9XD34dFi.dpuf>

How to Apply for Patent Registration

1. Submit the following requirements to the Bureau of Patents (BOP) of the Intellectual Property Office (IPO):

- Accomplished Request Form
- Name, address and signature of applicant(s); for non-resident applicant, the name and address of his/her/their resident agent; and
- Description of the invention and one or more claims.
- Payment of filing fee (for big or small entities) which may be paid during application filing or within one month from the date of filing
- Drawing(s) necessary to understand the invention;
- An abstract; and
- If the priority of an earlier filed application is being claimed, the details of the claim, (i.e. filing date, file number and country of origin).

Note: It is advised that any drawing/s necessary to understand the subject invention should be submitted at the time of filing so that there would not be a possible change in filing date due to late submission/filing of said drawing/s.

2. If the application satisfies the requirements, then a filing date is granted. The date of filing is very important under the present “first-to-file” system because it serves to determine who has the right to the patent in case of a dispute with another applicant for the same invention.

3. The application together with the list of published patent applications or issued patents for inventions identical to those claimed by the application, will be published in the IPO Gazette (after the expiration of 18 months from the filing date or priority date). After publication, any person may present observations in writing concerning the patentability of the invention.

4. A request for substantive examination of application must be filed within six (6) months from the date of the publication. The application is considered withdrawn if no request is made within that period.

5. If the examiner finds reason to refuse the registration of the application, i.e. the application is not new, inventive or industrially applicable, the Bureau shall notify the applicant of the reason for refusal/rejection giving the applicant the chance to defend or amend the application. If the examiner finds no reason for refusal of the application, the examiner issues a decision to grant the patent registration.

6. The grant of a patent together with other information shall be published in the IPO Gazette within six (6) months. Any interested party may inspect the complete description, claims, and drawings of the patent on file with the Office.

7. When refused a patent grant, an applicant may appeal to the Director of Patents within two

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(2) months from the mailing date of the final refusal.

Filing Fees (in Philippine pesos)

Small Entity* Php 1,380.00

Big Entity** Php 2,760.00

Small Entity. Any natural or juridical person whose assets are worth Twenty Million Pesos (P20M) or less; or, any entity, agency, office, bureau or unit of the Philippine government including government-owned or controlled corporations, state universities and colleges and government-owned or government-run schools.

Big Entity. Any natural or juridical person other than small entity, is presumed to be a big entity unless a written statement to the contrary is submitted by such natural person or the duly authorized representative of such juridical person.

Bureau of Patents

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