



Newsletter September 2020

Atty. Rowel S. Barba named new IOPPHL Director General

Trade Undersecretary Rowel S. Barba has been named the new director general of the Intellectual Property Office of the Philippines (IOPPHL).

In a statement, IOPPHL said Barba, who was appointed by President Duterte to head the agency, took his oath at the Palace last Feb.6.

Josephine Santiago, who previously served as IOPPHL director general, completed her term of office on Dec.31.

Prior to his appointment to the IOPPHL, Barba was undersecretary for management services group and chief of staff at the Department of Trade and Industry.

Before joining government, Barba was managing partner of Barba & Associates Law Offices.

He also served at listed firm RFM Corp. as vice president and head of the corporate legal and human resources divisions; at the JAKA Group holding several positions before becoming vice president and chief legal counsel; as well as at the Ponce Enrile Cayetano Reyes & Manalastas Law Offices as an associate.

He was likewise governor for Southern Luzon of the Integrated Bar of the Philippines and legal counsel of the Philippine Practical Shooting Association.

Barba earned his Bachelor of Arts degree in Political Science and Bachelor of Laws at the University of the Philippines.

During the turnover ceremony, Barba said there is a need to further accelerate IOPPHL's efforts to deliver high-quality, fast, and efficient services in order to create greater impact in the country.

(<https://www.philstar.com> February 29, 2020)

The Price for Overpricing Essential Medicines and Medical Supplies Amid COVID-19

by: Ma.Sophia Editha Cruz-Abrenica and Jan Eidrienne De Luis, Villaraza & Angangco.

The year 2020 has been off to a rough start for the Philippines. With the eruption of the Taal Volcano in January and the COVID-19 pandemic reaching Philippine shores shortly afterwards, the demand for N95 masks seemed to have reached an all-time high. The increased demand for these particulate respirators resulted in a shortage of supply and a surge in prices up to a level where government price regulation had to be in place.

Since January 31, 2020 a price freeze has been imposed by the Department of Health (DOH) under Department Circular No. 2020-0058 series on certain essential emergency medicines and medical devices in response to the COVID-19 pandemic. The list of essential medical devices included N95 masks among others, with the said mask having an imposed lowest selling price of Forty-Five Pesos (Php45.00) or approximately 90/100 United States Dollars (US\$0.90) and an imposed price ceiling of One Hundred Ninety-Five Pesos (Php105.00) or approximately Two and 10/100 United States Dollars (US\$2.10).

Soon thereafter, other Philippine administrative agencies released respective issuances in conjunction with the price freeze imposed by the DOH. The Food and Drug Administration (FDA) issued FDA Circular No. 2020-005 prohibiting the online selling of medical supplies listed under DOH Circular No. 2020-058 beyond the imposed price ceiling.

On 18 March 2020, after the region of Luzon has been placed under Enhanced Community Quarantine (ECQ) restricting unessential travel, Joint Memorandum Circular No. 2020-01 (JMC No. 2020-01) was issued by the Department of Agriculture (DA), Department of Trade and Industry (DTI) and the DOH. JMC No. 2020-01 reiterate the price freeze on basic necessities, medicines, and medical supplies and imposed the penalties provided under the Republic Act No. 7581 as amended, also known as the Price Act, to all persons who sell or offer for sale basic necessities beyond the price ceiling.

Consumer protection laws like the Price Act and Republic Act No. 9502 or the Cheaper Medicines Act, empower administrative agencies in the Philippines to enact the foregoing directives to regulate the prices of essential medicines in the Philippines. Under Section 19(A) of the Cheaper Medicines Act, the Secretary of Health has the power to determine and recommend for approval of the President the maximum retail prices of drugs and medicines. In conjunction with his power to recommend maximum retail prices of drugs and medicines, the Secretary has the power to order the inclusion of drugs and medicines to the list which may be subject of price regulation whenever public interest requires pursuant to Section 23 of the same law.

On the other hand, the Price Act includes price regulation provisions triggered by the occurrence of certain crises in a particular area. Section 6 of the said law automatically imposes a price freeze on basic necessities whenever the following circumstances occur:

- (1) An area is proclaimed or declared a disaster area or under a state of calamity;
- (2) An area is declared under an emergency;
- (3) The privilege of the writ of habeas corpus is suspended in that area;
- (4) An area is placed under martial law;
- (5) An area is declared to be in a state of rebellion; or
- (6) A state of war is declared in that area.

Meanwhile Section 7 of the Price Act grants the president the power to impose a price ceiling on any basic or prime commodity, upon the recommendation of the implementing agency, if any of the following conditions warrants:

- (1) The impendency, existence, or effects of a calamity;
- (2) The threat, existence, or effect of an emergency;
- (3) The prevalence or widespread acts of illegal price manipulation;
- (4) The impendency, existence, or effect of any event that causes artificial and unreasonable increase in the price of the basic necessity or prime-commodity; and
- (5) Whenever the prevailing price of any basic necessity or prime commodity has risen to unreasonable levels.

Crucial in the understanding of the scope and application of the Price Act are the definition of basic necessities and prime commodities. Section 3(1) of the Price Act, as amended by Republic Act No. 10623, defines "**basic necessities**" as:

"...[G]oods vital to the needs of consumers for their sustenance and existence in times of any of the cases provided under Section 6 or 7 of this Act such as, but not limited to, rice, corn, root crops, bread; fresh, dried or canned fish and other marine products; fresh pork, beef and poultry meat; fresh eggs; potable water in bottles and containers; fresh and processed milk; fresh vegetables and fruits; locally manufactured instant noodles; coffee; sugar; cooking oil; salt; laundry soap and detergents; firewood; charcoal; household liquefied petroleum gas (LPG) and kerosene; candles; drugs classified as essential by the Department of Health and such other goods as may be included under Section 4 of this Act;"

Noticeably, the cited provision includes drugs classified as essential by the DOH in the definition of basic necessities. It is arguable that under the rules of statutory construction the said provision also includes medical supplies since these are vital to the needs of consumers for their existence in times of the current Covid-19 pandemic, so as to further advocate the purpose of the Price Act which is to ensure the availability of basic necessities and prime commodities at reasonable prices during emergency situations.

Section 3(8) of the said legislative measure, as amended by Republic Act No. 10623, defines "**prime commodities**" as:

"...[G]oods not considered as basic necessities but are essential to consumers in times of any of the cases provided under Section 7 of this Act such as, but not limited to, flour; dried, processed or canned pork, beef and poultry meat; dairy products not falling under basic necessities; onions, garlic, vinegar, patis, soy sauce; toilet soap; fertilizer, pesticides and herbicides; poultry, livestock and fishery feeds and veterinary products; paper; school supplies; *nipa* shingles; *sawali*; cement; clinker; GI sheets; hollow blocks; plywood; plyboard; construction nails; batteries; electrical supplies; light bulbs; steel wire; all drugs not classified as essential drugs by the Department of Health and such other goods as may be included under Section 4 of this Act."

Both the definitions above are relative to the extraordinary circumstances listed under Sections 6 and 7 of the Price which may affect the needs of consumers and the prices of commodities due to the disruption of normal production and supply of goods.

1- Overpricing Essential Medicines and Medical Supplies Amid COVID-19 Punishable Under the Price Act and the Cheaper Medicines Act

The act of selling or offering for sale of drugs and medical supplies classified as essential by the DOH is characterized as "profiteering", which is considered as one of the illegal acts of price manipulation under Section 5(2) of the Price Act. The said provision penalizes any person habitually engaged in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods who sells or offers for sale any basic necessity or prime commodity at a price grossly in excess of its true worth. It must be noted that the legislation in question does not include a definition or metric to determine whether a person is habitually engaged in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods. The Price Act, however, provides in its Section 5(2) that there is *prima facie* evidence of profiteering whenever a basic necessity or prime commodity being sold has no price tag, is misrepresented as to its weight or measurement, is adulterated or diluted, or whenever a person raises the price of any basic necessity or prime commodity he sells or offers for sale by more than ten percent (10%) of its price in the immediately preceding month. The *prima facie* provision does not apply to agricultural crops, fresh fish, fresh marine products, and other seasonal products.

In consonance with the Price Act, Section 24 of the Cheaper Medicines Act likewise sanctions any manufacturer, importer, trader, distributor, wholesaler, retailer, or any person engaged in any method of disposition of

drugs and medicines who commits any of the illegal acts of price manipulation under the Price Act, such as hoarding, profiteering, or illegal combination or forming a cartel, as well as other acts committed in restraint of trade.

In view of the scope of the Price Act and the relevant provisions of the Cheaper Medicines Act, it seems that profiteering or overpricing of basic necessities and prime commodities is only punishable in the Philippines when the following elements are present:

- a. *The perpetrator is a person habitually engaged in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods;*
- b. *The perpetrator is selling or offering for sale of any basic necessity or prime commodity at a price grossly in excess of its true worth; and*
- c. *The act is committed during any of the exigencies listed in Section 6 or 7 of the Price Act.*

Penalties for Profiteering

Under Section 15 of the Price Act, any person habitually engaged in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods who are liable for profiteering of basic necessities and prime commodities shall suffer the penalty of imprisonment for a period of not less than five (5) years nor more than fifteen (15) years, and shall be imposed a fine of not less than Five thousand pesos (P5,000) nor more than Two million pesos (P2,000,000).

On the other hand, under the Cheaper Medicines Act, any manufacturer, importer, trader, distributor, wholesaler, retailer, or any person engaged in any method of disposition of drugs and medicines liable for profiteering drugs and medicines shall suffer the penalty of imprisonment for a period of not less than five (6) years nor more than fifteen (15) years or shall be imposed a fine of not less than One hundred thousand pesos (Php100,000.00) nor more than Ten million pesos (Php10,000,000.00), at the discretion of the court. The court may also order the suspension or revocation of its license to operate (LTO), professional or business license.

Potential Overreach of JMC No. 2020-01

Undoubtedly, the enabling legislation for the issuance of JMC No. 2020-01 is the Price Act as indicated in the whereas clauses of the said circular. While the Price Act only holds liable for profiteering those **habitually engaged** in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods, JMC No. 2020-01 seemed to have stretched the scope of the enabling law by stating that its provisions apply to “all persons natural or juridical, including those using the internet platform or other medium, who sell or offer for sale all basic necessities”(Sec. 2, JMC) and that “any person or entity found violating the Price Act” shall be held liable accordingly.

Under the Price Act alone, isolated transactions of persons not habitually engaged in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods are not punishable. However, JMC No. 2020-01 seemed to have included these isolated transactions by virtue of its sweeping scope to include all persons selling or offering for sale basic necessities under the purview of the Price Act.

2- Unfair or Unconscionable Sales Act or Practice under the Consumer Act of the Philippines

Republic Act No. 7394, also known as the Consumer Act of the Philippines (the “Consumer Act”) includes a punitive measure against unfair or unconscionable sales practices which may include the act of overpricing products.

Under Article 52 of the Consumer Act, an act or practice shall be deemed unfair or unconscionable whenever the producer, manufacturer, distributor, supplier or seller, by taking advantage of the consumer's physical or mental infirmity, ignorance, illiteracy, lack of time or the general conditions of the environment or surroundings, induces the consumer to enter into a sales or lease transaction grossly inimical to the interests of the consumer or grossly one-sided in favor of the producer, manufacturer, distributor, supplier or seller.

In the same article, the following circumstances shall be considered in determining whether an act or practice is unfair or unconscionable:

- a. *The producer, manufacturer, distributor, supplier or seller took advantage of the inability of the consumer to reasonably protect his interest because of his inability to understand the language of an agreement, or similar factors;*
- b. **When the consumer transaction was entered into, the price grossly exceeded the price at which similar products or services were readily obtainable in similar transaction by like consumers;**
- c. *When the consumer transaction was entered into, the consumer was unable to receive a substantial benefit from the subject of the transaction;*

- d. *When the consumer was entered into, the seller or supplier was aware that there was no reasonable probability or payment of the obligation in full by the consumer; and*
- e. *The transaction that the seller or supplier induced the consumer to enter into was excessively one-sided in favor of the seller or supplier.*

Considering the aforesaid provisions the Consumer Act, it is possible that selling products with exorbitant prices with the view of taking advantage of the consumer or the general conditions of the environment may be considered an unfair or unconscionable sales practice. This is punishable under Article 60 of the Consumer Act by the imposition of a fine of not less than Five Hundred Pesos (P500.00) but not more than Ten Thousand Pesos (P10,000.00) or imprisonment of not less than five (5) months but not more than one (1) year or both, upon the discretion of the court.

Unlike the provisions of the Price Act which are limited to those habitually engaged in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods and only during extraordinary circumstances listed under its Sections 6 and 7, the provisions on unfair or unconscionable sales practices under the Consumer Act holds liable any person under any circumstance whether during times of calamity or emergency or under normal conditions.

3- Possible Liability Under Philippine Intellectual Property Laws

The doctrine of exhaustion of intellectual property ("IP") rights scattered in the different provisions of Republic Act No. 8293 as amended, also known as the Philippine Intellectual Property Code (the "IP Code"), limits the commercial exploitation of the IP of an already sold product. While this doctrine and the definitions of trademark and patent infringement under the IP Code bar any action of IP rights enforcement on the mere act of overpricing essential medicines and medical supplies, it is hypothesized that price gouging of essential medicines and medical supplies may be a means of committing unfair competition under the IP Code.

There are many ways through which an individual may be deemed guilty of unfair competition. Under Section 168.3(c) of the IP Code, a person may be held liable for unfair competition if he shall commit any act contrary to good faith of a nature ***calculated to discredit the goods, business or services of another***. A key element of unfair competition in the Philippines is the violator's ***intent*** to engage in actions constituting unfair competition. Thus, if price gouging of essential medicines or medical supplies is done with the intention to discredit the goods, business or services of the IP owner of the products being sold then the seller may face legal actions for unfair competition in addition to other actions arising from violations of the Price Act or the Consumer Act whenever applicable. An illustrative example would be when a competitor commits price gouging in order to make it appear that the IP owner is unduly taking advantage of a crisis situation through opportunistic pricing, thereby discrediting the business of the IP owner.

With the Philippines placed under a State of Calamity as of March 16, 2020 through Presidential Proclamation No. 929, the automatic price freeze on basic necessities, which includes essential medicines and medical supplies, under the Price Act is currently at play. This automatic price freeze in addition to the DOH imposition of price ceilings puts to light relevant provisions of the Price Act and the Consumer Act, as well as unfair competition laws, which may zap the hands of unscrupulous sellers of exorbitantly priced medicines and medical supplies.

Note: The above article expresses views of the author only and not those of Villaraza & Angangco. This article has been prepared for informational purposes only and should not be considered as legal advice.

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Tradenames and Trademarks in the Time of COVID-19

by: Atty Bayani B. Loste, Partner Fortun Narvasa & Salazar, Intellectual Property Practice Group head

In this time of COVID-19 when all of the world's economies are reeling from the effects of the pandemic and have instituted various forms nationwide quarantine to control the infection from further spreading, people have come to rely more and more on quicker ways of transmitting funds without even personally meeting the other party. The usual method is by online banking, whether using a personal computer or, of late, the ubiquitous smartphone. But in countries where cash is still king like the Philippines, once electronic money transfers have been made and funds are already available, there is only one way that individuals (specially the salaried personnel), can get hold of their moolah: through the automated teller machine (ATM). A quick review of a 2018 IP case comes to mind: CITIGROUP, Inc., vs. Citystate Savings Bank, Inc. (G.R. No. 205409, June 13, 2018).

CITIGROUP, better known to everyone as CITIBANK, is one of the bigger American multinational banking companies with a corporate footprint in all livable continents. In the Philippines, CITIBANK started offering ATM services to its clients in 1984 under the registered trademark CITICARD. CITIBANK used the prefix "CITI" in almost all of its

banking services and financial products like CITIBANKING, CITICORP, CITIFINANCIAL, CITIGOLD, CITIGROUP, CITIPHONE BANKING, and CITISERVICE.

In the mid-1990s, a group of Singaporean and Filipino companies established CITYSTATE SAVINGS BANK (CSB) and by 1997, began its banking operations in the Philippines. For its ATM services, CSB used the trademark entitled CITY CASH WITH GOLDEN LION'S HEAD and represented by an image of Singapore's national symbol, the merlion, with the words CITY CASH.



Citystate Savings Bank's CITY CASH WITH GOLDEN LION'S HEAD trademark

CSB tried to register its trademark with the Intellectual Property Office of the Philippines (IPOP HL) in 2005 but CITIBANK opposed the application, arguing that CSB's mark is confusingly similar to its CITI trademarks. While the Bureau of Legal Affairs (BLA) of the IPOP HL granted the opposition of CITIBANK and concluded, using the Dominancy Test, that part of CSB's trademark "CITY" was the same as CITIBANK's "CITI," the Director General set aside the BLA's Decision and found that it was the image of the merlion that was the dominant feature of the trademark being assailed. There was no likelihood of confusion or deception if CSB was allowed to use the entirety of the trademark as CITIBANK's marks lack this dominant element, according to the Director General. The tediousness of the process of securing the services of either bank also limits the probability of mistaking the ATM of CITIBANK from that of CSB.

The Court of Appeals affirmed the findings of the Director General and applied the definition of the hypothetical "ordinary purchaser," who is not the "completely unwary consumer" but is the "ordinarily intelligent buyer" considering the type of product or service subject of the case. For the "ordinary intelligent buyer" of ATM services, the appellate court explained the public would necessarily notice the association with the banking institution that provides said service. Moreover, a bank's clients must first open an account before they could avail of the ATM service. Given that the name of the bank was written and posted either inside or outside the ATM booth and that the name of the bank operating the ATM is constantly flashed at the screen of the ATM itself were considered by the Court of Appeals make the "ordinary intelligent buyer" clearly distinguish CITIBANK from CSB.

CITIBANK proposed a different view of banks' ATM services in assailing the findings of the Court of Appeals before the Supreme Court and argued that these services are being marketed to ordinary consumers and, if marketed outside the bank's premises such as over the radio, newspapers and the internet, a merlion's head would not be needed for differentiation.

The High Court agreed with the Court of Appeals (and the Director General), declaring that the "main, essential, and dominant" feature of CSB's trademark is the merlion and not the word "CITY." The limited context where ATM services offered by CSB, according to the Supreme Court, also negates the likelihood of confusion. ATM services, like other bank services, are generally not marketed as independent products but part of the main deposit service provided by a bank. ATM services must be secured at the bank's premises so any marketing campaign for an ATM service must focus first and foremost on the offering bank, concluded the High Tribunal. No confusion would result in the registration of CSB's trademark and it could now proceed with the application.

If ATM services of banks and banking in general require an "ordinary intelligent purchaser" to make calculated decisions before availing of these products and services, and thus removing the likelihood of confusion, how is it that the Supreme Court, in an earlier case, affirmed the decision of the Securities and Exchange Commission (SEC) to disallow the use by GSIS Family Bank (GSIS) of the word FAMILY as part of its corporate name based on the complaint of BPI Family Bank (BPI) when both parties are also banks (GSIS Family Bank - Thrift Bank [Formerly Inc.] vs. BPI Family Bank, G.R. NO. 175278, September 23, 2015)?

BPI, the prior user of the word FAMILY in its corporate name BPI FAMILY BANK since 1985, asked the SEC to stop GSIS from using the same word as part of the latter's business name. BPI also claimed that it had already registered with the IPOP HL its trade name BPI FAMILY BANK.

GSIS, on the other hand, argued that the word FAMILY is generic or descriptive, so BPI should not be allowed to appropriate the term exclusively for itself.

The Supreme Court upheld the findings of the SEC and used the Corporation Code prohibition on the use of corporate names that are "identical or deceptively or confusingly similar" to existing names. Two elements were considered by the High Tribunal in resolving the GSIS case: (i) existence of prior right on the part of BPI, and (ii) whether the name in question is identical, deceptive or confusingly similar to that of BPI's. And the High Court confirmed the existence of these elements in the case of the use of GSIS of the word FAMILY in its trade name.

On the matter of determining "confusing similarity," the Supreme Court used a slightly different test from the "ordinary intelligent buyer" that trademark scholars are familiar with. In determining the existence of confusing similarity in corporate names, the High Court explained that the test is whether the similarity is such as to mislead a person using "ordinary care and discrimination." Also, no proof of actual confusion is needed, according to the High Tribunal; the likelihood of confusion would suffice. And because GSIS and BPI are involved in the same industry, the likelihood of confusion is more "accentuated," said the Supreme Court citing Ruben Appalo's *The Law on Trademark, Infringement and Unfair Competition*.

Although there is no definitive statement whether "ordinary person using care and discrimination" is the same as "ordinary intelligent buyer," it appears that the High Court was stricter in the GSIS Family Bank case compared to CITIGROUP case. While the word FAMILY is neither generic or descriptive but rather is fanciful or arbitrary when used in banking, the Supreme Court stopped short in discussing the specialized nature of banking processes the way that it later did in the CITIGROUP case.

As banking clients undertake more social distancing measures in light of COVID-19 and rely on online banking, intricate procedures will become apparent and these will be considered, hopefully, in future cases exploring the different characters of the "ordinary intelligent buyer."

(Atty Bayani B. Loste, Partner Fortun Narvasa & Salazar, Intellectual Property Practice Group head

Data Privacy Guidelines for Reopening Establishments

by: *Quisumbing Torres*

Data privacy is a form of data security that deals with the protection of information, starting from its collection and processing, to its storage and distribution, keeping in mind the individual's right to privacy.

Responding to a public health crisis requires the cooperation between government and citizens built on mutual trust. Data privacy is of key importance during a pandemic considering the value of collecting trustworthy and reliable data as a tool for adequate response and intervention measures. The collection of such personal data is crucial for diagnosis, policy-making, contact tracing, and the over-all containment of the disease. Data privacy serves as an enabler as it safeguards the public from misuse of collected information and encourages individuals to come forward and relay transparent and truthful information. The National Privacy Commission (NPC) emphasizes that protecting privacy rights is tantamount to protecting lives.

The main issue arising from the present pandemic is the need to balance the data subject's rights with pressing public health concerns. This particularly concerns the private sector when it comes to disclosure internal and external procedures, as a means to address concerns of both employees and customers/clients.

Starting February 2020, the NPC has been regularly issuing public health emergency (**PHE**) bulletins in response to data privacy issues which have arisen in relation to COVID-19 testing and contact-tracing efforts of the Philippine government.

On 8 July 2020, the NPC released NPC PHE Bulletin No. 15 to guide establishments on the proper handling and protection of personal data collected from customers and visitors of barbershops, salons, restaurants, and fast-food businesses, in relation to the guidelines covering such establishments issued by the Department of Trade and Industry (DTI).

- 1. Collect only what is necessary.** Collection of personal data should be limited to only such information as required under existing government issuances and the processing of such should be proportional to the purpose of contact tracing. Establishments may adopt sample health checklist forms issued by government agencies.
- 2. Be transparent.** Establishments should inform their customers and visitors of the collection of their personal data and the reasons for such collection. This can be done by posting a privacy notice which is readily visible within the establishment's premises or, if electronic means is used, posted in the platform prior to collection. The privacy notice should be easy to access and understandable, and must use clear and plain language.
- 3. Use information only for the declared purpose.** Repurposing the use of personal data collected for purposes other than contact tracing and storing data for speculative use is not allowed. Establishments are responsible for reminding their employees and third-party service providers, such as security personnel, that doing is punishable under the Data Privacy Act of 2012 (**DPA**).
- 4. Implement security measures.** Establishments have the obligation to implement reasonable and appropriate safeguards (organizational, physical, and/or technical security measures) to protect the personal data of their customers and visitors against any accidental or unlawful processing, alteration, disclosure, and destruction.
- 5. Keep the data only for a limited period.** All personal data collected for the purpose of contact tracing shall be retained only for a period allowed by existing government issuances. After which, all personal data should be disposed of in a secure manner.

Covered establishments are advised to strictly comply with the guidelines to prevent any data privacy and security issues from arising. The bulletin is also a helpful guide for businesses who may not be engaged in the aforementioned industries, but have reopened their establishments or are planning to reopen in the near future. Companies must review their current data privacy and security measures and protocols to ensure that these are up-to-date.

As clarified by the NPC in several issuances, the new normal has not affected the rights of data subjects under the Data Privacy Act and its implementing rules and regulations. These rights must remain respected as they have been prior to the pandemic. The NPC reiterates that there are sufficient safeguards in the DPA to allow contact tracing, treating patients, and addressing threats, while guaranteeing the privacy of data subjects.

Online Oathtaking of IPAP Board of Directors and Executive Officers for 2020-21

Due to the COVID 19 pandemic, the new IPAP Board of Directors and Executive Officers for 2020-21 had their oath taking online last July 27, 2020 before IPO director general Rowell Barba.



The present board is led by Atty. Enrique T. Manuel as its chairperson:

The members are:

Atty. Abelaine T. Alcantara

Atty. Alonzo Q. Ancheta

Atty. Antonio Audie Z. Bucoy

Atty. Katrina V. Doble

Atty. Arturo T. Del Rosario, Jr.

Atty. Rico V. Domingo

Atty. Alex Ferdinand S. Fider

Atty. Pablo M. Gancayco

Atty. Lorna Patajo-Kapunan

Atty. Augusto S. San Pedro

Atty. Joaquin V. Sayoc

Atty. C. Risel G. Castillo-Taleon

Atty. Dino Vivencio A. Tamayo

Atty. Maria Trinidad P. Villareal



IPAP Officers:

President/	Maria Trinidad P. Villareal
Vice President (Internal)/	Abelaine T. Alcantara
Vice President (External)	Alex Ferdinand S. Fider
Vice President (AIPPI)	Aleli Angela G. Quirino
Treasurer	C. Risel G. Castillo-Taleon
Assistant Treasurer	Maria Teresa M. Trinidad
Secretary	Abelaine T. Alcantara
Assistant Secretary	Dennis R. Gorecho
Assistant Secretary	Katrina V. Doble
Auditor	Augusto S. San Pedro
Public Relations Officer	Dino Vivencio A. Tamayo

IPAP as the premier national organization of IP lawyers

by: Atty. Aleli Quirino, ACCRA Law

SO, WHO ARE WE ?

IPAP is the premier national organization of IP lawyers. Founded 43 years ago, on 4 April 1977, with 11 Members, we have grown to 123 individual members and 52 corporate members. IPAP is the national group of IP lawyers recognized by international sister IP organizations like AIPPI, APAA and ASEAN IPA. Our Members take leading roles in these sister IP organizations.

For APAA, IPAP has contributed one Filipino President in the person of Al Ancheta. Ambo Gancayco sits currently as a Senior Vice President and is expected to be elected as President in 2024 when the Philippines hopes to host the APAA General Assembly. We have hosted Council Meetings in Manila in 1980 and 2011, and a General Assembly in Cebu in 1990.

For ASEAN IPA, we have contributed two lady Presidents - Lorna Kapunan and myself - and we have hosted AGMs and international conferences in 2003, 2008 and 2017. The AIPA Philippine Group President Rico Domingo and Lew Llanillo are current Philippine Councillors.

For AIPPI, we are represented in almost all of the Standing Committees, foremost of which is the Trademark Committee with Nick Joaquin, the Copyright Committee with Tess Trinidad, and the Anti-Piracy and Counterfeiting Committee with Bong Somera.

AND, WHAT DO WE DO ?

In its efforts to increase IP awareness, IPAP sponsors lectures and participates in seminars on IP laws.

It lends full support to IPOPHL in all its activities. It participates in congressional hearing on proposed IP legislation and amendments to the IP Code. During the term of then DG Emma Francisco, IPAP took on the lead role in drafting the IRR for the implementation of the then recently passed IP Code.

IPAP also helps the Supreme Court in crafting and amending Rules of Court affecting IP laws and practice. Until the change in the SC rules, IPAP was an accredited MCLE provider.

IPAP prides itself in sponsoring scholarship in the country's leading law schools. Initiated in 2005 under the presidency of Bong Somera, we have to date sponsored 22 scholars who all eventually became lawyers - 12 from UP, 7 from San Beda and 3 from Ateneo.

So there you have it - IPAP, the premier national association of IP lawyers !

IPO 2020- 2025 agenda¹

by: IPO Director General Rowel S. Barba

Good afternoon, everyone. Thank you very much for inviting me this afternoon. And of course congratulations to the new officers led by my good friend Atty. Leny as incoming President and the entire IPAP board. I am honored and pleased to have spent the afternoon with you.

An effective partner in influencing reforms in our strategies and services, IPAP helps ensure that IP policy directions are mapped out to be the most effective in serving the needs of IP rights holders. Your insights are always valuable in IPOPHL's work of laying the legal and technical frameworks to foster innovation, creativity and businesses in the country.

Your continuous growth as an organization is testament to the rising demand for expert assistance in IP protection. I laud you for your unwavering commitment in leading more individuals to the fulfilling vocation of practicing IP law. Together with our IP Academy we, can both forge on in honing more IP experts in the Philippines.

As an important ally, I'm glad to have IPAP be the first organization outside of IPOPHL to hear my 2020 - 2025 plans. Currently, we're still in the planning stage to flesh out the specifics but my agenda has five priority areas:

First, is going back to basics. This means strengthening the foundations for IPOPHL to deliver its core mandate, that is strengthening the protection of IP rights in the country and securing the exclusive rights of scientists, inventors, artists and gifted citizens to their intellectual property and creation. IPOPHL should continue to innovate and find ways on how to streamline its processes and discontinue programs outside of its mandate.

Second, is being a fully digital office by 2021. While modernization efforts have begun as early as in the time of former DG Blancaflor, and efforts were accelerated by my predecessor, DG Santiago, I commit to make it a fulfilled ambition by year-end. The challenges brought about by the crisis has left us no choice but to fast-track our digital transformation project. So by year-end, we hope a fully-digital IPOPHL will bring ease to and assure the safety of our innovators, creators, businesses, and of course, of you IP lawyers who fight for their cause.

¹ Delivered at IPAP's Board of Directors/Officers Virtual Courtesy Call July 27, 2020

We just adopted the following improvements in our system:

1. Deployed eDocc during the ECQ
2. Started virtual mediation and hearings in BLA
3. Electronic registration and deposit of copyrighted works
4. Online system for filing of requests for commercial patent services

Currently, we are working on improving our online payment system by inviting more payment platforms to join us.

Soon we will be launching a mobile app where you can track the status of your applications using your mobile phone.

Third, is raising the ante on customer service. As customer service quality is today one of the make-or-breaks in seeing a client succeed to the end of a conversion journey, IPOPHL will work on how to improve our service to customers. Definitely, customer service will be one of the priority areas in our digital transformation agenda.

Fourth, is integrating IP awareness, education and guidance wherever relevant to and helpful in the realization of programs and projects of pertinent national agencies.

As you may all know, IPOPHL is an attached agency of the Department of Trade and Industry. And as such, we would like to deepen our engagement with DTI so as to ensure alignment our goals and efforts since we share common goals. Stronger collaboration will ensure that redundancies are avoided and that there is truly a need for such a program in the bigger scheme of things.

Partnering with DTI, the main agency tasked to bolster business's growth, we hope to embed in society the understanding of IP's role in businesses and that IP is not only for the giants but can, with the right planning and management strategies, benefit even MSMEs.

Aside from the DTI, IPOPHL will work closely with the DOST on innovation related programs, and also with CHED and DepEd for our goal of mainstreaming IP through injecting IP subjects in the educational curricula.

Fifth, is collaboration with private sector partners

Beyond our government network, IPOPHL will also strengthen partnerships with private sector partners and we hope to build new ones altogether. There will be no one working in silos within and outside of IPOPHL. It also goes without saying that the bond between IPOPHL and IPAP will continue to be strengthened in the next five years.

Thank you very much again and good luck to the new officers and trustees!

Intellectual Property Association of the Philippines

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