



Newsletter August 2026

Atty. Teodoro C. Pascua was appointed as the new Director General of the Intellectual Property Office of the Philippines (IPOPHL)

Following his appointment by President Ferdinand R. Marcos, Jr., DG Pascua brings over 15 years of executive public service experience to the role, having previously served as Deputy Director General at the Technical Education and Skills Development Authority (TESDA) from 2010 to 2016 and as Undersecretary for Consumer Protection at DTI's Consumer Protection Group (CPG) from 2016 to 2018.

Prior to this, he was engaged in law practice at Yulo Aliling Pascua & Zuñiga Law Offices, where he had returned as a partner following his departure from public office. He was also Chairman of the Board of Trustees at Wesleyan University – Philippines in Cabanatuan City.

The appointment marks a homecoming for DG Pascua, who served in the agency as Deputy Director General for Policy and Management Services from 2018 to 2022. DG Pascua oversaw three bureaus at IPOPHL, namely the Documentation, Information and Technology Transfer Bureau (DITTB), the Management Information Service (MIS) and the Financial Management and Administrative Service (FMAS). He also supervised the IP Academy, Policy and International Affairs Division and IP Enforcement Office.

"I am honored to come back home to IPOPHL and work alongside the dedicated men and women who are advancing innovation and creativity in the country. This we do at a critical juncture when products of the mind have been increasingly shaping our economy. We will build on the agency's strong foundation to ensure that IP is responsive, inclusive and supportive of the Filipino dream," DG Pascua said.

DG Pascua's return signals a steady and forward-looking chapter for IPOPHL, bringing with him deep institutional knowledge of the office's work. His leadership is expected to reinforce the agency's commitment to strengthening IP protection, advancing innovation and enhancing services for stakeholders across the Philippines.

**From the IPOPHL website*

Identity is Currency

*by: Atty. Jan Abigail Ponce**

Despite its ubiquitous presence, it is not really known how sports originated. Ancient cave paintings, stone slabs, and figurines have been found depicting wrestlers. The Odyssey mentions a ball game and javelin throwing. While we may not know how the very first athlete came about or what necessity spurred people to kick a ball or pin a rival to the ground, sports continue to hold captive the hearts of people across the globe. These days, however, they have evolved beyond mere competition. Beyond the game, sports are now also revenue-generating machines.

In the history of boxing so far, Manny Pacquiao is the only eight-division world champion. His twelve major world titles place him squarely as one of the greats. A household name, he became an economy unto himself: with multimillion-dollar sponsorships, countless endorsements, and a popularity that turned even his boxing shorts into prime advertising space. It would be safe to say that his fame was not lost on him because according to the IPOPHL, Pacquiao has registered his name as a trademark for a variety of goods. Through trademark protection and laws, athletes could safely organize how their names and imagery would be used while reaping the benefits of their hard work.

Just like any brand name, an athlete's identity can become an asset. Mention the word "gymnastics" to a Filipino and they'll think of Carlos Yulo. Say "women's tennis" and expect Alex Eala to come up in the conversation. Let us remember that one of the key concepts of trademarks is Distinctiveness. If you have not been living under a rock, you'd recognize that the woman with her arms raised in a V beneath a gargantuan barbell is Hidilyn Diaz. That pose is identifiable and, even in layman's terms, counts as her "trademark". Brands like Summit and Milo have capitalized on Diaz's reputation and victory, using that image of triumph and strength in their commercials, thereby signifying that they share the same values as Diaz: excellence, determination, and discipline. In turn, Diaz, and other athletes whose reputations have gained commercial value, are able to benefit financially from allowing the use of their name and image.

Trademarks grant athletes significant control over how their identities are used. With a trademark, they can sell merchandise, sign endorsement deals, and build a consistent public image. In 2025, Nike sold a series of limited-edition apparel that included t-shirts, caps, and tote bags inspired by Alex Eala. It reflected the brand and the rising star's shared drive towards excellence. Eala's persona as a young Filipina tennis player determined to rise to the top of the global rankings sets the tone for any material that their name and image will appear in. It is this recognition associated with the athlete that brands will benefit from as the athlete herself receives her due compensation and increased exposure from the use of her image. This way, identity as intellectual property is currency.

In this age of mass media and fandoms, athletes are no longer mere competitors; they are also brands. By trademarking their names and the imagery that their fans have come to recognize them by, they stand to benefit financially outside of their respective courts. Now that sports have become commercialized, it is intellectual property that provides a framework for managing not just brand identities but also the patents, designs, and copyrights that comprise the entire ecosystem for all players involved. In a game where innovation is encouraged and protected, everyone wins.

** J. Ponce Law*

The Patent Applicant's Right to Amend: How Far Can You Amend Before It Becomes New Matter?

*by: Atty. Criszus V. Ibon, ECE, ECT**

Patent applications are rarely allowed without amendment. During examination, Examiners may raise objections to the claims, description, or drawings, requiring applicants to amend their applications. These amendments help clarify the invention and distinguish it from the prior art.

The right to amend, however, has its limits. Once an application is filed, applicants cannot add information that was not originally disclosed. They may clarify or narrow the original disclosure, but they cannot expand it by introducing new matter.

This principle is embodied in Section 49 of the Intellectual Property Code, which provides: *"An applicant may amend the patent application during examination: Provided, That such amendment shall not include new matter outside the scope of the disclosure contained in the application as filed."*

The 2022 Revised Implementing Rules and Regulations implement this requirement. Every amendment must identify its basis in the application as originally filed. Applicants must specify the proposed amendments and indicate where support for them can be found in the original specification.

The Manual for Patent Examination Procedure (MPEP) further provides that Examiners must deny amendments that introduce new matter and require Applicants to remove the impermissible material.

Not every amendment, however, introduces new matter. The MPEP allows factual references to prior art when necessary to place the invention in its proper technical context. It also allows replacement drawings that improve clarity or comply with formal requirements, provided they do not broaden the original disclosure.

The question is simple: Was the amended subject matter already disclosed, either expressly or inherently, in the application as originally filed? If not, the amendment cannot be admitted, regardless of its technical merit.

What Constitutes "New Matter" Under Philippine Patent Practice?

While Section 49 prohibits the introduction of new matter, it does not define the term. New matter refers to information that a person skilled in the art could not directly and unambiguously derive from the application as originally filed.

A narrowing amendment is not always permissible.

Narrowing a claim does not necessarily avoid a new-matter objection.

For example, if the original specification discloses a composition containing 5% to 20% polymer, amending the claim to 10% to 15% polymer is generally permissible because the narrower range is supported by the original disclosure.

By contrast, if the application merely states that the composition contains polymer, introducing a limitation such as 12% polymer during prosecution may constitute new matter because the original application did not disclose that value.

The same principle applies to temperatures, pressures, concentrations, dimensions, reaction times, electrical parameters, and other technical limitations. Values introduced for the first time during prosecution may be objected to if they are not supported by the original disclosure.

New embodiments cannot be introduced after filing.

Again, by way of example, an applicant who originally disclosed a rechargeable lithium-ion battery cannot later amend the specification to claim a lithium-sulfur battery if that embodiment was never disclosed. Although both technologies perform similar functions, the amendment changes the technical disclosure. If the later embodiment itself is a new technical contribution, the proper course is to file a separate patent application.

Newly discovered advantages must also be supported.

Inventors often continue testing their inventions after filing, and additional experiments may reveal new technical benefits. These later discoveries, however, do not automatically become part of the pending application.

To illustrate, the original specification may only state that the invention improves filtration efficiency. The applicant cannot later add that it also doubles membrane lifespan unless the original disclosure supports that technical effect.

Drawings may clarify, but not expand, the disclosure.

Replacement drawings are generally acceptable when they improve clarity or comply with formal requirements. They become objectionable if they introduce structural elements that were never shown or described in the original application. The issue is not the drawing itself, but the additional technical disclosure it introduces.

The original specification defines the permissible scope of amendment.

Applicants sometimes attempt to overcome novelty or inventive-step objections by relying on laboratory records, foreign applications, technical reports, or later publications. While these materials may accurately describe the inventor's work, they do not form part of the Philippine application unless they were disclosed at the time of filing. The permissible scope

of any amendment is therefore determined by the original application, not by information developed or obtained after filing.

Drafting a Patent Application with Future Amendments in Mind

The solution to most new-matter objections begins long before the first Office Action. Once an application is filed, the applicant is limited to what was originally disclosed. If an important technical feature has been omitted, it generally cannot be added later.

For this reason, the specification should therefore disclose not only the preferred embodiment, but also reasonable alternatives contemplated by the inventor. It should also distinguish between essential and optional features. Disclosing alternative embodiments or components from the outset gives applicants more options if prior art is later cited against the broader claims.

Meaningful dependent claims are equally important because they provide narrower claim limitations that may later be incorporated into the independent claims. Applicants should also disclose supported numerical ranges. The specification should explain the technical problem, how the invention solves it, and the resulting technical effect. These disclosures often provide the basis for later amendments.

Applicants should also avoid incorporating improvements developed after filing, as these generally belong in a separate patent application. A well-prepared specification makes it easier to respond to Office Actions without introducing new matter.

Section 49 of the Intellectual Property Code allows patent applications to be amended during examination, but only within the bounds of the original disclosure. The ability to amend an application therefore depends largely on the quality of the specification filed at the outset. A complete and well-supported specification gives applicants the best opportunity to respond to Office Actions without introducing new matter.

In this context, retaining a duly licensed attorney during the drafting stage and at all stages of the patent application process is good practice.

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New Data Classification and Residency Framework for Government Data

*by: Atty. Divina Ilas-Panganiban**

On 13 July 2026, the President of the Philippines issued Executive Order No. 119 (“Order”), updating the government data classification framework and introducing a new data residency regime for government data. The Order took effect on 15 July 2026 immediately upon its publication in a newspaper of general circulation.

While the Order primarily governs government data, it expressly extends to private entities that process or store such data on behalf of government agencies. As a result, organizations providing cloud, outsourcing, or other data-related services to government clients must ensure that their operations comply with these new classification, security, and localization requirements.

Key takeaways

Government agencies must adopt a unified, risk-based classification framework and ensure that service providers handling government data comply with corresponding requirements.

Data residency obligations are linked to classification levels and may affect where government data can be stored or processed, including in outsourced or cloud environments.

Cross-border data transfers involving government data containing personal information require protections comparable to those under the Data Privacy Act of 2012.

Government agencies remain accountable for compliance but must implement safeguards that may flow down to private service providers.

A three-year phased implementation period provides time for affected organizations to review and align their infrastructure, contracts, and controls.

In more detail

Executive Order No. 119 introduces a comprehensive update to the Philippine government’s data classification system and establishes a structured data residency framework. While focused on government data, the Order is relevant to private sector organizations that provide data processing, storage, or cloud services to government agencies.

In particular, the Order creates classification-based obligations that government agencies must enforce, including through their engagements with private sector providers.

Scope of application

The Order applies to all government data in digital or hybrid form that is owned, processed, or controlled by national government agencies and related entities. While it does not apply directly to private sector data, it expressly covers government data that is processed or stored by private entities on behalf of government agencies, including in public-private partnerships, public services, and outsourced arrangements. Government agencies remain accountable for compliance and must implement appropriate safeguards when engaging service providers.

Updated data classification framework

The Order establishes a unified, risk-based classification system for government data, categorized into Restricted Access Data¹ and Open Access Data². Restricted Access Data is further divided into Top Secret, Secret, Confidential,

and Restricted. Classification is based on potential harm from unauthorized disclosure, including national security, economic, or reputational risks.

For private sector providers, this framework determines the level of control, protection, and infrastructure requirements that may apply to data they handle.

Data residency requirements

The Order prescribes storage rules tied directly to classification levels. In summary:

Top Secret and Secret data must be stored within Philippine territory or areas under Philippine jurisdiction.

Confidential data must generally be stored within Philippine jurisdiction, although offshore storage or processing may be permitted on an exceptional basis subject to prior approval and safeguards.

Restricted data may be stored on secured cloud-computing platforms, subject to encryption and cybersecurity measures.

Open Access Data may be stored on secure cloud platforms regardless of physical location, subject to appropriate safeguards.

These classification-based requirements are likely to shape how private cloud and hosting providers structure their service offerings to government clients.

Cross-border data transfers

Cross-border transfers of government data are permitted but must align with the classification framework and forthcoming implementing guidelines. Where such data includes personal or sensitive personal information, the transferring entity must ensure a level of protection comparable to that required under the Data Privacy Act of 2012.

This framework may be relevant for organizations that provide offshore processing, regional service delivery, or global infrastructure supporting government operations.

Risk-based governance and security requirements

Government agencies are required to adopt a risk-based classification methodology, including data inventories, risk and impact assessments, and ongoing review processes. They must also maintain records in a central registry system and implement information security measures aligned with classification levels.

To the extent that data processing or storage functions are outsourced, private entities may be required to support these governance processes, including implementing appropriate controls, enabling auditability, and aligning with classification-driven safeguards.

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