WHAT YOU SEA
IS WHAT YOU GET

INTRODUCTION TO TRADEMARK REGISTRATION

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BUREAU OF TRADEMARKS

INTELLECTUAL PROPERTY
OFFICE OF THE PHILIPPINES

WHAT IS A MARK?

Any **visible** sign capable of **distinguishing** the goods or services of an enterprise and shall include a stamped or marked container of goods

(Sec. 121.1, IP Code)





TRADEMARKS

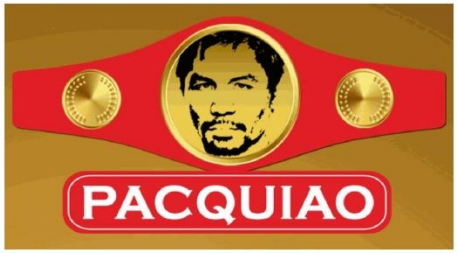
WORD



SLOGAN



PORTRAIT



LETTER



LOGO



NUMBER/S



TRADEMARKS



THREE-DIMENSIONAL MARKS



COLOR MARKS

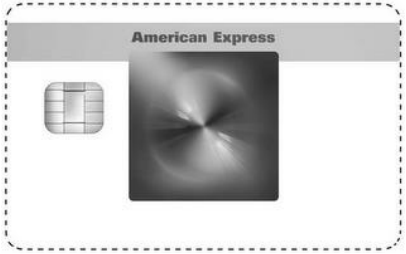


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PATTERN MARKS



MOTION MARKS



HOLOGRAM MARKS

COLLECTIVE MARK

- A **visible sign** capable of distinguishing the origin or any other common characteristics, including the quality of **goods or services of different enterprises** which use the sign under the **control of the registered owner** of the mark
- Owner is usually a **"collective"**
- **Used by members** to distinguish their products from non-members
- Regulations / Conditions of Use
- 10 years, subject to renewal

BIKOL PILI



Orgullo Kan Bikol Association Inc..

WHY DO TRADEMARKS MATTER IN BRANDING?

BRAND vs TRADEMARK

WHY DO TRADEMARKS MATTER IN BRANDING?

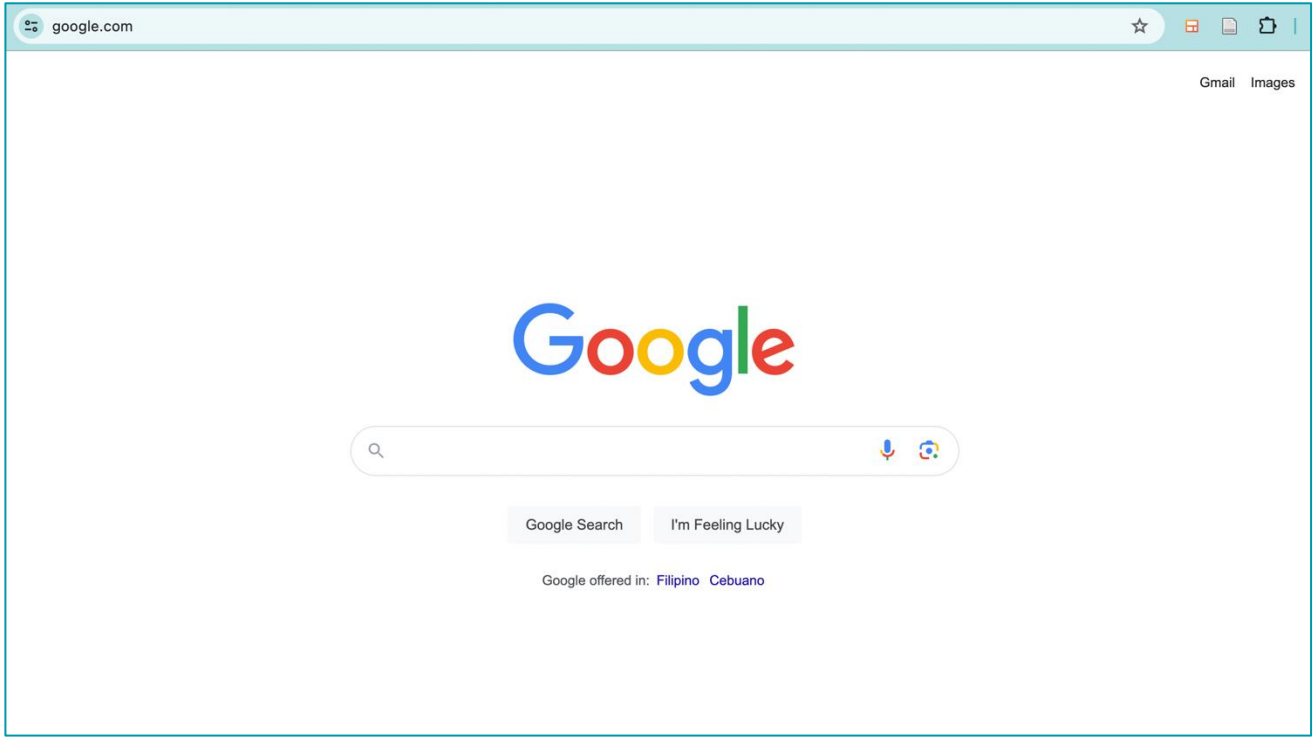
- ✓ **Legal Protection** – Grants exclusivity and prevents copycats
- ✓ **Differentiation** – Helps customers identify and remember you
- ✓ **Trust & Reputation** – Signals consistent quality
- ✓ **Business Asset** – Can be franchised, licensed, or sold
- ✓ **Growth & Expansion** – Supports scaling locally and internationally

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SEARCH
ESTABLISH
APPLY

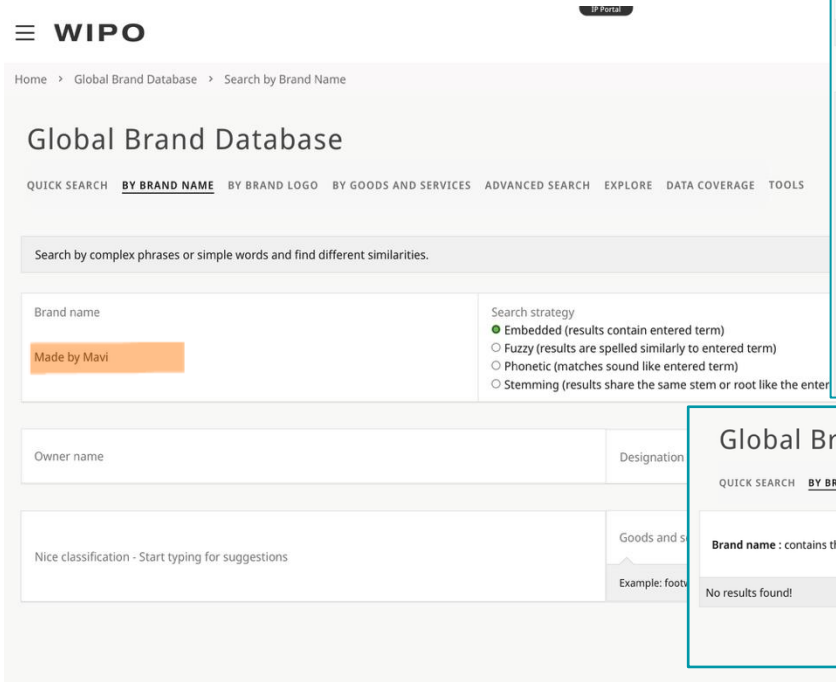
SEARCH

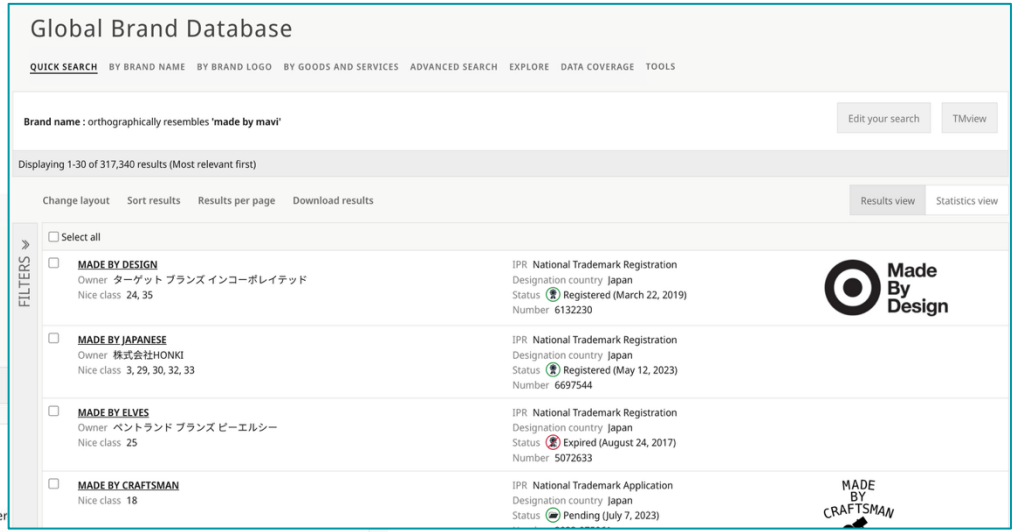
GOOGLE IT!

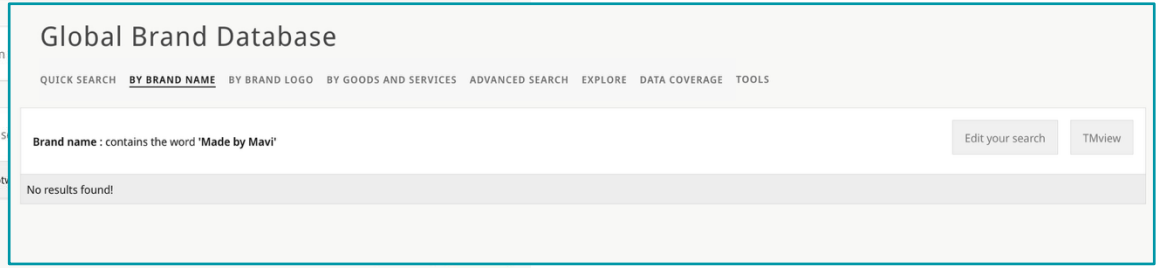


SEARCH

PUBLIC SEARCH DATABASE



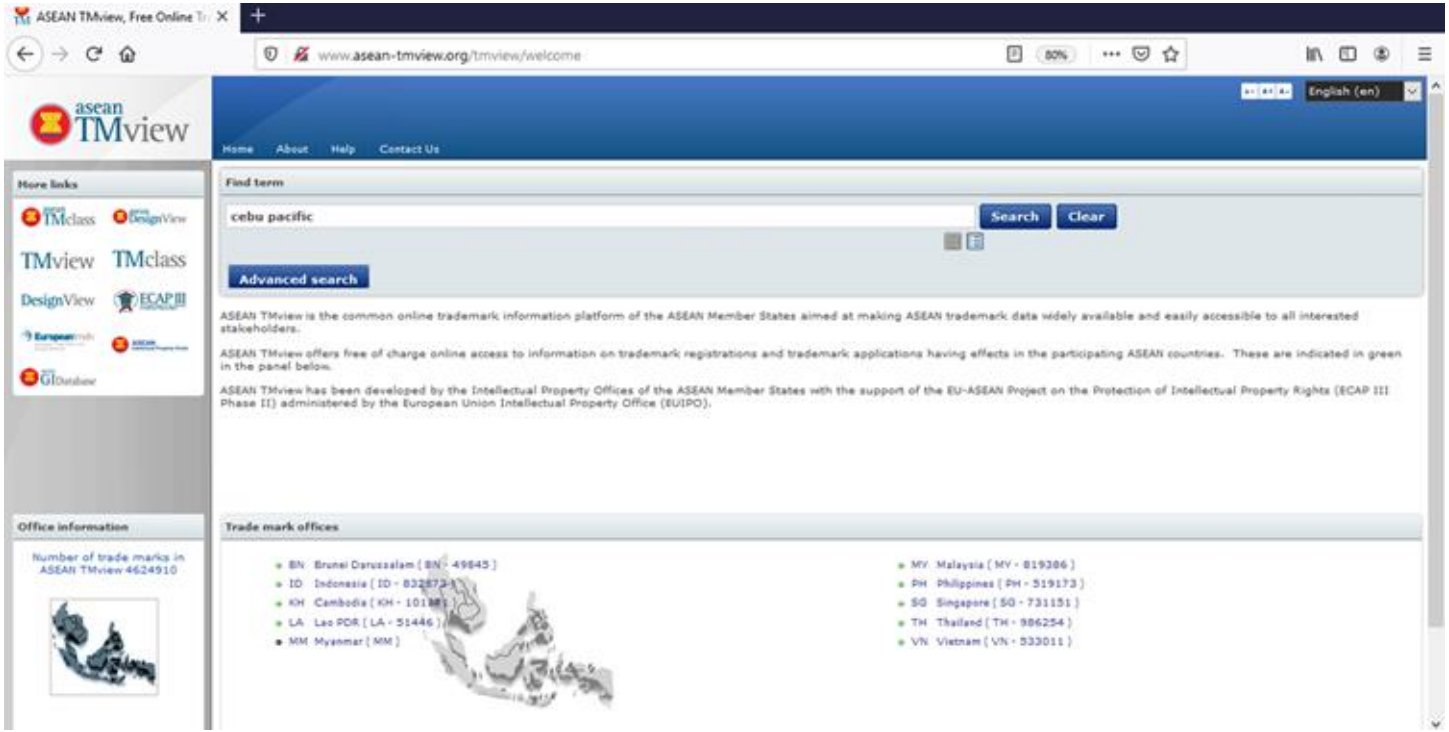




Link: https://branddb.wipo.int/en/IPO-PH/quicksearch?by=brandName&v=&start=0&_=1674106143688

SEARCH

PUBLIC SEARCH DATABASE



Link: www.asean-tmview.org/tmview

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APPLY

ESTABLISH

SPECTRUM OF DISTINCTIVENESS











GENERIC DESCRIPTIVE SUGGESTIVE ARBITRARY FANCIFUL

✗ CANNOT BE REGISTERED

✓ REGISTRABLE

INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

SIGNS THAT CANNOT BE USED AS TRADEMARKS (SEC. 123.1)

IMMORAL, DECEPTIVE OR SCANDALOUS MARKS, OR MATTER WHICH MAY DISPARAGE OR FALSELY SUGGEST A CONNECTION WITH PERSONS, LIVING OR DEAD, INSTITUTIONS, ETC.



JESUS JUICE (and logo)
for fruit juices and alcoholic beverages



Beers and spirits





KOKAINE KOFFEE

Coffee beans



SIGNS THAT CANNOT BE USED AS TRADEMARKS (SEC. 123.1)

FLAG, COAT OF ARMS, OTHER INSIGNIA



Goods:

Class 29 : EDIBLE OIL

Genevian

- Class 14: Watches.
- Class 16: Paper, cardboard and goods made from these materials, not included in other classes; Printed matter; Bookbinding material; Photographic material; Stationery.
- Class 18: Leather and imitations of leather, and goods made of these materials and not included in other classes; Animal skins, hides; Trunks and traveling bags; Umbrellas, umbrellas (large) and walking sticks; Whips, harnesses and saddlery.

RA 10530

NAME, PORTRAIT, OR SIGNATURE OF A LIVING INDIVIDUAL (WITHOUT HIS/HER CONSENT) OR A DECEASED PRESIDENT (WITHOUT WIDOW'S / WIDOWER'S CONSENT)

SIGNS THAT CANNOT BE USED AS TRADEMARKS (SEC. 123.1)

MISLEADING

- ABC Banana Chips for Potato Chips
- PEPITA – CAFÉ DO BRASIL for Batangas Coffee
- Swisstime for China-made watches

EXCLUSIVELY GENERIC



MAHKINAH
for engines

CUSTOMARY TO TRADE



MERELY DESCRIPTIVE

SIGNS THAT CANNOT BE USED AS TRADEMARKS (SEC. 123.1)

- Consists of SHAPES that may be necessitated by technical factors or by the nature of the goods themselves or factors that affect their intrinsic value;
- Consists of COLOR alone, unless defined by a given form; or
- Contrary to public order or morality.

RELATIVE GROUNDS FOR REFUSAL

Sec. 123.1 (d) Identical with a registered mark belonging to a different proprietor or a mark with an earlier filing or priority date, in respect of:

(i) The same goods or services, or

(ii) Closely related goods or services, or

(iii) If it nearly resembles such a mark as to be likely to deceive or cause confusion.

Sec. 123.1 (e) and (f) Conflict with an earlier well-known mark

Sec. 165 Conflict with prior trade names, corporate names

Sec. 148 Conflict with prior geographical indications

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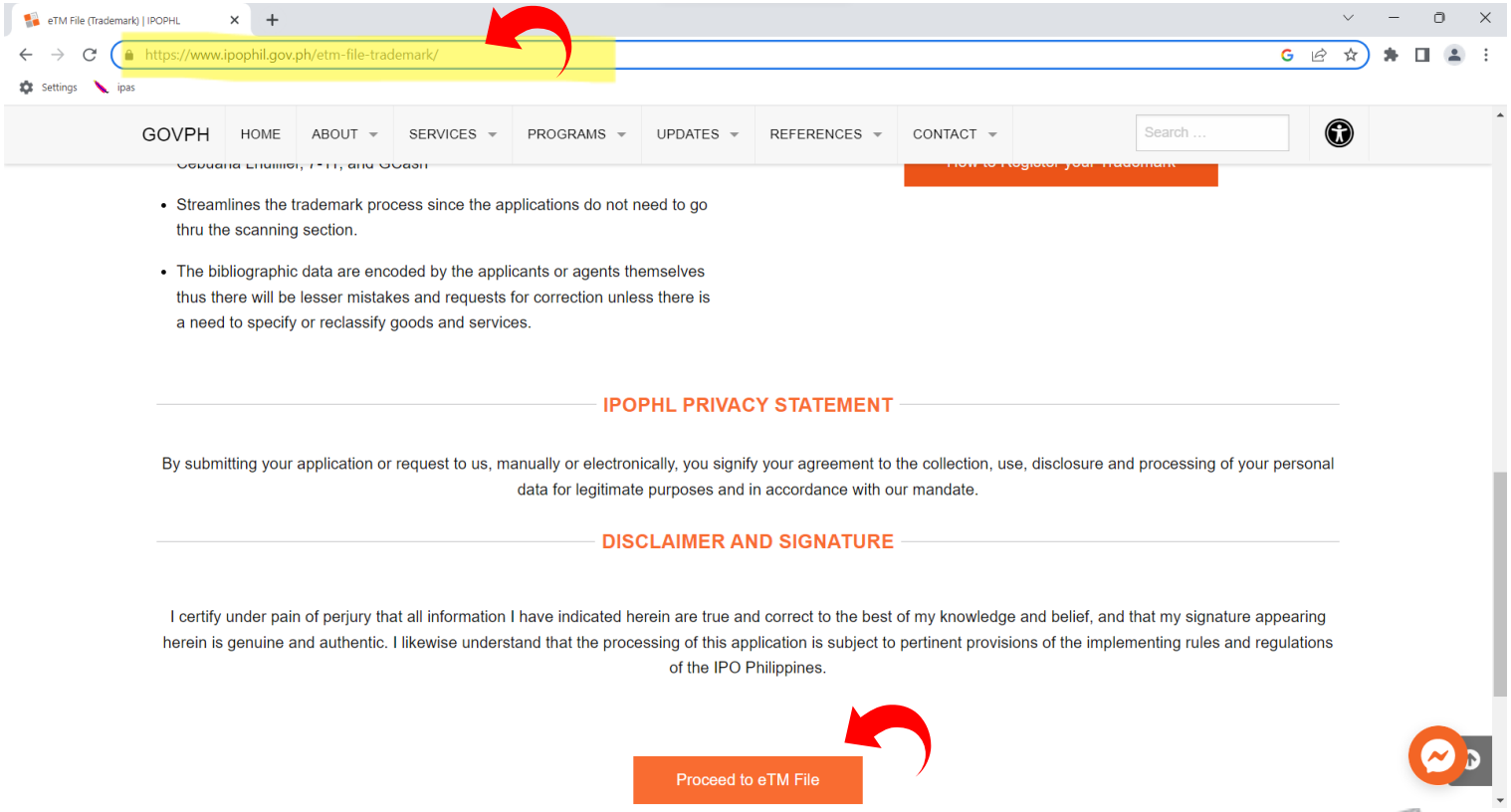
SEARCH
ESTABLISH
APPLY

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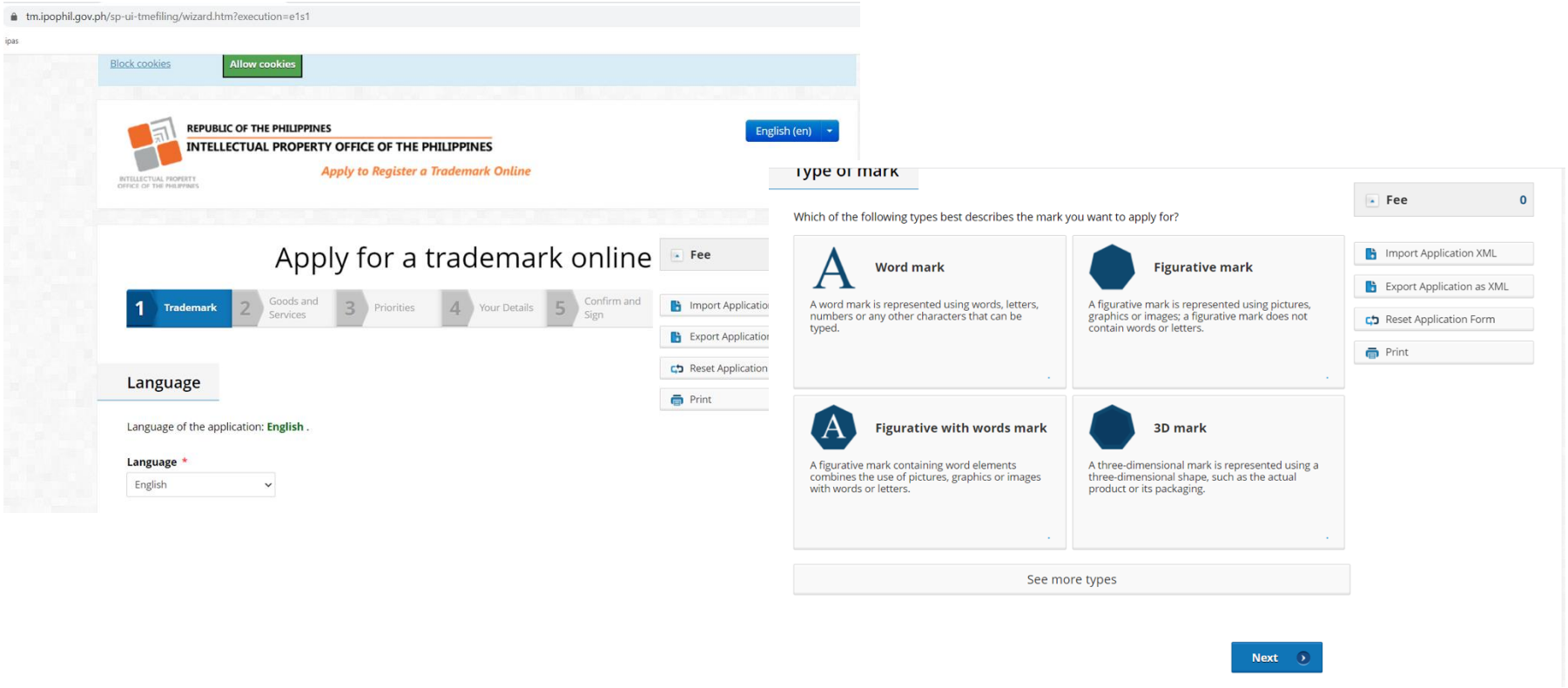
APPLY

ONLINE FILING



APPLY

ONLINE FILING



SCHEDULE OF TRADEMARK-RELATED FEES

FEES

Type of Fee	Small Entity	Big Entity
Filing fee (per class)	1,200.00	2,592.00
Claim for Convention Priority (per class)	860.00	1,800.00
Claim of color, claim distinctiveness (per class)	280.00	600.00
Request for Priority Examination	2,990.00	6,240.00
Examination		
Extension of time to me response[9]	340.00	720.00
Divisional application[10]	280.00	600.00
Revival of Abandoned Application	570.00	1,200.00
Suspension of examination by examiner	460.00	960.00
Suspension of examination by Director (1st)	570.00	1,200.00
Extension of Time to Submit		

Type of Fee	Small Entity	Big Entity
Registration		
Issuance of Certificate of Registration (COR)[14]	570.00	1,200.00
Publication of Registration (2nd Publication)	900.00	960.00
1st Assignment of application from small to big entity	3,000.00 plus publication fee	
1st Assignment of registered mark from small to big entity	5,500.00 plus publication fee	
Correction (Without fault of Office)[15]	570.00	1
Voluntary Cancellation	280.00	6
Voluntary Disclaimer	280.00	6
Division of Registration	570.00	1
Renewal of Registration		
Renewal of Registration		

Type of Fee	Small Entity	Big Entity
Registered under RA 166 and expiring after June 3, 2004		
5th year DAU (per class)	1,100.00	2,400.00
10th year DAU (per class)	2,300.00	4,800.00
15th yea r DAU (per class)	3,100.00	6,600.00
Other motion/ petition/ request	300.00	600.00

Amendment Fee[11]	400.00	840.00
Extension to file an appeal to the Director	1,800.00	1,800.00
Voluntary Surrender/Abandonment	280.00	600.00
Allowance / Publication for Opposition	900.00	960.00
Revival - unpaid 1st Publication	570.00	1,200.00
Revival - unpaid 2nd Publication	570.00	1,200.00
Reconstitution of records	860.00	900.00

Filing of Declaration of Actual Use (DAU)		
3rd year DAU (per class)	900.00	1,920.00
5th year DAU (per class)	1,100.00	2,400.00
Renewal DAU (per class)	1,100.00	2,400.00
Mid-Renewal DAU (per class)	1,100.00	2,400.00
Single Extension to File 3rd year DAU	1,800.00	3,840.00
Declaration of Non-use 3rd year, per class	900.00	1,920.00
Declaration of Non-use 5th year, per class	1,100.00	2,400.00

APPLY

APPLICATION DETAILS

- Identity of the applicant
- Resident agent or representative
- Mark
- Claim of color
- Translation/transliteration
- Disclaimer
- Convention Priority Claim
- Specification of goods/ services
- Fees

IDENTITY OF THE APPLICANT



- **Complete name:**
  - Natural person – first and last name
  - Juridical person – entity designation (Inc., Corp.)
- Country of **residence or incorporation** indicated
- With **address**, **telephone number**, and **email** address

RESIDENT AGENT OR AUTHORIZED REPRESENTATIVE



If the applicant is not domiciled in the Philippines, a resident agent should be appointed with the complete address and email indicated.

MARK

- Must be clear and legible
- No unnecessary symbols
  - Remove (encircled R, TM or C)



MARK (TRANSLATION/TRANSLITERATION)

- If the mark or parts of the mark has foreign characters/words, give the transliteration and/or English translation.
- **EXAMPLE:**

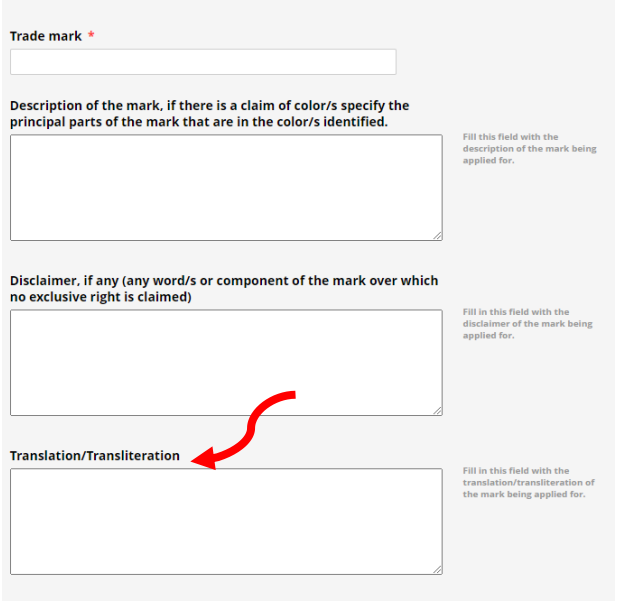
(1) かわいい

- **TRANSLITERATION: KAWAII**
- **TRANSLATION: CUTE**

(2) mt 水貼りテープ

- **TRANSLITERATION: MIZU HA RITEPU**
- **TRANSLATION:**

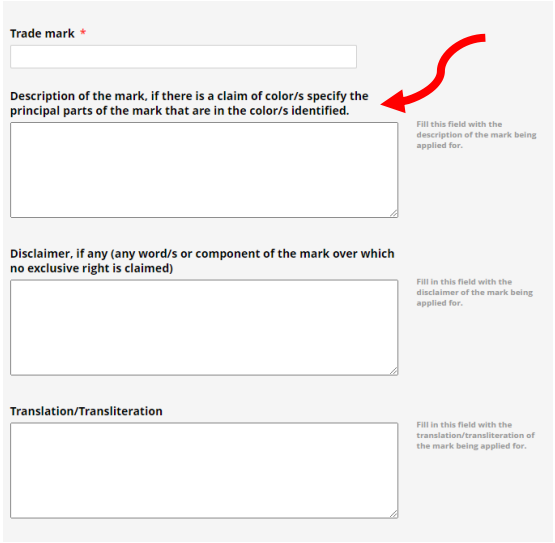
  Tape to be attached by wetting the adhesive surface with water.



MARK (CLAIM OF COLOR)

- Indicate common color names and pay the fee if mark is colored.
- Pantone, RGB, or other color codes are not acceptable (but may be included for clarity)

- **ACCEPTABLE:**
  - Red
  - Red (Pantone 19-1664)
  - Red (Hex #EF3340)
- **NOT ACCEPTABLE**
  - Pantone 19-1664
  - Hex #EF3340
  - Cerise



SPECIFICATION OF GOODS AND/OR SERVICES

- G/S must be properly specified. As much as possible, follow the wording of the Nice Classification
- Broad and incomprehensible terms are not acceptable
- Trademarks must not be included in the description of goods (Band-Aid → Adhesive bandages)

TOOLS: G/S CLASSIFICATION

- **WIPO NICE Classification**

https://www.wipo.int/classifications/nice/nclpub/en/fr/

- **Madrid Goods and Services Manager (MGS)**

https://webaccess.wipo.int/mgs/

- **ASEAN TM Class**

http://www.asean-tmclass.org/ec2/

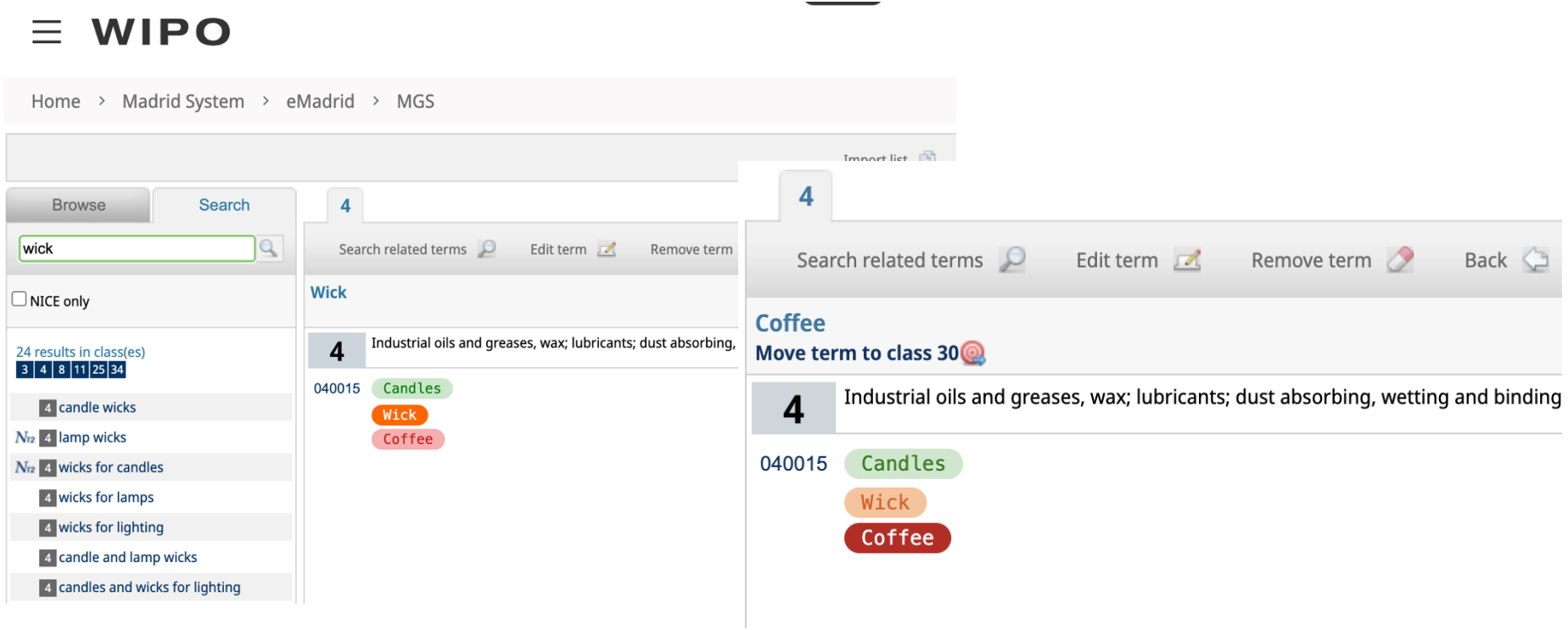
- **USPTO**

https://idm-tmng.uspto.gov/id-master-list-public.html

- **EUIPO TM Class**

http://euipo.europa.eu/ec2/

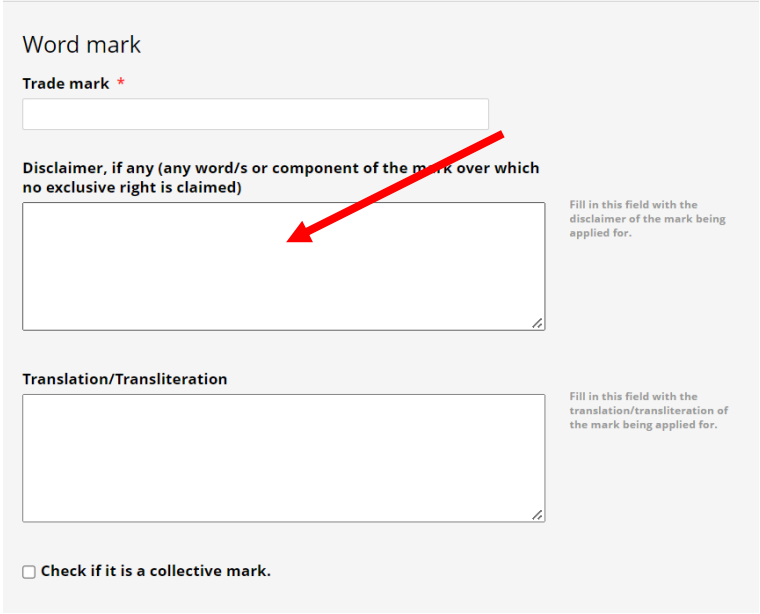
TOOLS: G/S CLASSIFICATION



Madrid Goods and Services Manager (MGS): https://webaccess.wipo.int/mgs/

DISCLAIMER

- A disclaimer is a statement made by the applicant that protection is not sought for one or more non-distinctive elements of a mark.
- A disclaimer operates as a qualification that the applicant renounces or gives up exclusive rights over one or more particular element/s of a mark.
- A disclaimer of the word/s does not mean removal of the same from the mark.
- Disclaimer does not apply only to WORDS but also VISUAL ELEMENTS of the mark.
- You can already include the disclaimer during application.



DISCLAIMER

Generic	Descriptive	Customary	Any element which cannot function as a mark; functional
• TELEPHONE for telecommunication apparatus • Representation of coffee beans for coffee	• FRESH for vegetables • Representation of real prepared dish for restaurant services	• VCO for virgin coconut oil • Red, Blue and White bars for barber shop	• TLDs, domain names • metadata# • Since 1987 • Laudatory terms • Entity Designation, e.g., corporation

IMPORTANT: Always look at the MARK vis-à-vis the GOODS/SERVICES INVOLVED

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GUARANTEED
EXCLUSIVE RIGHT
TEN YEARS

* To forever

INTELLECTUAL PROPERTY
OFFICE OF THE PHILIPPINES

MARAMING SALAMAT!

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