# APAA 2026, in Hong Kong
# Trademark Committee
# Group Report - Philippines

## A. Developments

- The Intellectual Property Office of the Philippines (IPOPHL) has released the following Memorandum Circulars in 2025:
    - 2025-005: Continuation of the Youth Intellectual Property Incentive (YIPI) Program
        - Continues the Youth Intellectual Property Incentive Program, which waives fees for "Youth filers" to encourage young inventors, designers, and creators, until December 31, 2025[1] or until 500 Trademark, 200 Invention, 200 Utility Model, and 200 Industrial Design applications are certified under the program, whichever comes first
    - 2025-009: Rules and Regulations for the Declaration and Creation of the Register of Well-Known Marks
        - Creates the official Register of Well-Known Marks[2]
        - Establishes the *ex parte* procedure[3] for declaring a trademark as "well-known," wherein:
            - A "Well-Known Mark" is defined as a "mark declared by the competent authority to be well-known based on the criteria laid down in the IP Code, Supreme Court issuances, and these Regulations"[4]
            - Application for the declaration of a well-known mark requires sending an e-mail to Intellectual Property Office of the Philippines (IPOPHL) Bureau of Trademarks, with:
                - A notarized declaration, accompanied by
                    - Applicant details (namely, name, address, and e-mail address, nationality/domicile, juridical personality)
                    - Specific goods or services covered by the mark
                    - The drawing or representation of the mark

[1] Despite the 2025 cap in this circular, MC No. 2026-003 officially extended the program indefinitely until the conditions stated (500 Trademark, 200 Invention, 200 Utility Model, and 200 Industrial Design applications are certified under the program) are met.

[2] The establishment of the Register of Well-Known Marks makes prior declarations more accessible to IPOPHL examiners, courts, and the public, which can assist in the examination of later applications involving identical or very similar marks.

[3] Since the application is *ex parte*, it allows trademark owners to obtain a declaration of well-known status even without an ongoing opposition, cancellation, infringement, or unfair competition case, giving owners a means of establishing the reputation of their marks even before a dispute arises.

[4] Referring to MC. No. 2025-009.

    - The filing fees Visual and lexical characteristics of the mark
    - A signature by the applicant or representative
    - Pieces of evidence showing the mark is well-known; and
    - An affidavit of no pending case
- A Well-Known Mark is determined based on an account taken of the knowledge of the relevant sector of the public, rather than the public at large, taking into consideration the following criteria, (a), (b), (c), and (d) being mandatory:
    (a) Duration and extent and geographical of use and promotion of the mark
    (b) Market share in the Philippines and other countries of the goods and services to which the mark applies
    (c) Degree of inherent or acquired distinction of the mark
    (d) Quality, image, or reputation of the mark
    (e) The extent to which the mark is registered in the world
    (f) The exclusivity of the attained registration of the mark in the world
    (g) The extent to which the mark has been used in the world
    (h) The exclusivity of use attained by the mark in the world
    (i) The commercial value attributed to the mark in the world
    (j) Record of successful protection of rights over the mark
    (k) Outcome of litigations dealing with the issue of whether the mark is a well-known mark, if any; and
    (l) The presence or absence of identical or similar marks validly registered or used on identical or similar goods other than the claimant of the mark to be "well-known"
- Applicants have two months to respond to an office action, extendible for another two months upon meritorious grounds and payment of fees, failure of which results in abandonment;
- Revival of an abandoned application is available within three (3) months from the mailing date of the Notice of Abandonment;
- When the mark is declaration well-known, it shall be published in the Electronic-Gazette;
- There is a one (1) month observation period from the date of publication for third parties;
- The BOT will issue a certificate of well-known mark declaration if:
    - In case of a third-party observation, there is a finality of a decision declaring the mark as such; or

        - In case there is no third-party observation, the mark is declared as such on the 31st day following the publication date.
    - The effect of a declaration of a well-known mark is prima facie evidence of the well-known status of the mark, with respect to the goods and services stated in the application.
    - The term is ten (10) years, renewable for periods of ten (10) years. Evidence must be submitted within one (1) year from the fifth anniversary of the declaration and upon each renewal.
    - If the mark declared as well-known is registered with the IPOPHL, only the evidence of well-known status shall be required within one (1) year from the fifth anniversary of the declaration and upon each renewal, without prejudice to the submission of the Declaration Actual Use requirements.
    - Such declaration is revocable when the mark is no longer well-known or when continuing proof-of-use requirements are not satisfied;
    - Decisions of the Director of Trademarks are appealable to the Director General, with no Motion for Reconsideration of a refusal is allowed;
    - Previously declared well-known marks may be entered in the Register upon submission of a Manifestation, certain copies of the decision and entry of judgement, and payment of fees; proof of continuous commercial use must be submitted within five years from the Rules' effectivity
- Complies with
    - Article 6*bis* of the Paris Convention[5]
    - Article 16 of the Agreement on Trade-Related Aspects of Intellectual Property Rights as amended (TRIPS Agreement)[6]
    - Section 123.1(e) and (f) of the Republic Act No. 8293 or the Intellectual Property Code of the Philippines (IP Code)[7]

[5] Article 6bis of the Paris Convention provides for the country to undertake to refuse or cancel the registration and prohibit the use of a trademark which constitutes a reproduction, imitation, or translation, liable to create confusion, of a mark considered by the competent authority of a country to be well-known. A period of at least five years from registration shall be allowed for cancellation of such mark, unless the mark was used in bad faith, removing such time limit. The countries of the Union may provide a period for a request of prohibition of use. The language and wording of MC No. 2025-009 mirrors this provision.

[6] Article 16 of the TRIPS Agreement refers to the application of Article 6bis of the Paris Convention *mutatis mutandis* to services. It also indicates that "in determining whether a trademark is well-known, Members shall take account of the knowledge of the trademark in the relevant sector of the public, including knowledge in the Member concerned which has been obtained as a result of the promotion of the trademark." MC No. 2025-009 mirrors this language.

[7] Sections 123.1(e) and (f) bar the registration of a mark that is identical with, confusingly similar to, or constitutes a translation of a mark which is considered by the competent authority of the Philippines to be well-known, whether or not it is registered in the Philippines; this also applies to marks with respect to goods and services not similar to which the registration is applied for, provided that the use of the mark indicates a

- 2025-021: Extension of "youth filer" to 30 Years of Age
  - It amends the definition of "youth filer" in MC No. 2022-019 from 23 years and below to 30 years and below:
    - "xxx as any natural person whose age is thirty (30) years and below at the time of filing of application; or a group of natural persons all of whom are thirty (30) years and below at the time of filing their application."

## B. Statistics

### 1. The number of new applications

| Year | No. of new applications | Increase/Decrease |
|---|---|---|
| 2024 | 44, 530 | .5% Contraction |
| 2025 | 44, 308 | |

Comments and /or additional statistics: Intellectual property filings in the Philippines reached a record 53,231 in 2025, a 2.0% increase from 2024, driven mainly by strong growth in patent (8.3%), utility model (20.6%), and industrial design (30.2%) applications, reflecting increased innovation and greater awareness of IP protection. While trademark filings remained high at 44,308 despite a slight 0.5% decline, copyright deposits also rose by 2.8% as more creators registered their works. The Intellectual Property Office of the Philippines attributed this growth to its innovation programs, expanded IP education, and stronger support for researchers, inventors, and entrepreneurs in protecting and commercializing their intellectual property.[8]

### 2. Average timeframe from filing up to registration

connection between the goods and serves and the the owner of the registered mark, provided that the interests of the owner are likely to be damaged by such use. This is the realized effect of the newly established registration to the Register of Well-Known Marks, executing the intent of the original legislation.

[8] Intellectual Property Office of the Philippines, *Intellectual Property Filings Break New Record in 2025, Signaling Stronger Innovation Activity*, Apr. 1, 2026, https://www.ipophil.gov.ph/news/intellectual-property-filings-break-new-record-in-2025-signaling-stronger-innovation-activity

| Year | Average timeframe from filing up to registration (months) |
|---|---|
| 2024 | **3.99** |
| 2025 | **3.9986** |

Comments and /or additional statistics: According to this data from the Office of Strategy Management of the Intellectual Property Office of the Philippines, there was no substantial deviation in the average timeframe from filing up to registration from 2024 to 2025.[9]

## C. CASES

*(Note: At least two (2) representing cases are advisable)*

**Innolab Industries, Inc. v. United Laboratories, Inc[10]**

Similarity between marks, established through the dominancy test, does not establish a likelihood of confusion; the party opposing registration must present substantial evidence showing that the similarities are likely to confuse ordinary purchasers in the marketplace. The determination of likelihood of confusion is a fact-specific, evidence-based inquiry that requires consideration of all circumstances, and not merely the visual or aural similarities between competing trademarks. The law only presumes a likelihood of confusion in case of identical marks. In similar marks, there is no such presumption, which can only mean that an assertion of likelihood of confusion in similar marks must be supported by evidence and is not proven simply by pointing out similarities.

*Facts*

Innolab Industries, Inc. filed an application with the Intellectual Property Office (IPOPHL) to register the trademark "INNOLAB" for pharmaceutical products. United Laboratories, Inc. (Unilab) opposed the application, arguing that "INNOLAB" was confusingly similar to its long-established "UNILAB" trademark. The IPO Bureau of Legal Affairs sustained the opposition, finding that the marks were aurally similar and likely to cause confusion among consumers. Innolab appealed, but its appeal was dismissed on procedural grounds after it failed to pay the required appeal fees. The IPO Office of the Director General and, subsequently, the Court of Appeals upheld the denial of Innolab's trademark application. Both tribunals agreed that the similarities in the marks' pronunciation, spelling, and structure justified refusing registration under the Intellectual Property Code. Innolab then elevated the case to the Supreme Court.

[9] This is juxtaposed to an increase in speed reflected in last year's report (4.36 months to 3.99 months for an increase in speed of around 18 days).

[10] Innolab Industries, Inc. v. United Laboratories, Inc., G.R. No. 257075, August 5, 2025.

*Decision*

The mere similarity of two trademarks does not automatically justify the refusal of registration. Although INNOLAB and UNILAB share visual and phonetic similarities, the Court held that confusing similarity is only one component of the analysis. The decisive inquiry is whether those similarities are likely to cause ordinary consumers to believe that the goods originate from the same source or are commercially connected.

Further the likelihood of confusion is a question of fact that must be established through substantial evidence. Rather than relying on assumptions or subjective impressions, the party opposing registration bears the burden of presenting evidence demonstrating that consumers are likely to be deceived. Such evidence may include consumer surveys, market studies, proof of actual confusion, testimony regarding consumer perception, or other evidence showing how the relevant public views the marks in the marketplace. Because Unilab failed to present this type of evidence, the Court found that there was no sufficient factual basis to deny Innolab's application.

While reaffirming the continued application of the Dominancy Test, the Court explained that it should not be treated as the sole determinant of registrability. The test remains useful in identifying the dominant features of competing marks and determining whether they are visually or aurally similar. However, once similarities are identified, the analysis must proceed further to determine whether those similarities are actually likely to confuse consumers under real market conditions. Thus, the Dominancy Test serves only as an analytical tool and must be accompanied by evidence establishing actual likelihood of confusion

Likewise, trademark law should be applied from the perspective of the ordinary purchaser and with due regard to marketplace realities. Since trademarks exist to protect consumers from deception and confusion, courts and the Intellectual Property Office must consider how consumers actually encounter products in commerce rather than engage in abstract comparisons of words. Factors such as the nature of the goods, purchasing conditions, marketing channels, packaging, and the sophistication of buyers are all relevant in determining whether confusion is likely. This approach ensures that trademark disputes are resolved based on commercial realities rather than mere visual or phonetic similarities.

Addressing the issue of product classification, the Court held that the Nice Classification is not conclusive in determining whether goods are related for purposes of trademark law. Although both parties' products were classified under Class 5, the Court explained that the Nice Classification exists primarily for administrative convenience in the registration process. Products falling within the same class are not automatically considered related, nor does their classification alone establish a likelihood of confusion. Instead, the actual nature, purpose, use, and market of the goods must be examined to determine whether consumers are likely to associate them with a common source.

The Court also ruled that there was no evidence showing an intent to imitate Unilab's branding or capitalize on its established goodwill. Although the absence of bad faith is not, by itself, sufficient to warrant registration, it reinforced the conclusion that Innolab did not seek to mislead consumers or create an association with Unilab. Good faith served as an additional circumstance supporting the registrability of the mark.

It held that the mere similarity between two trademarks does not automatically establish a likelihood of confusion, as confusing similarity must be supported by substantial evidence rather than subjective impressions. The Court emphasized that while the Dominancy Test remains applicable, the analysis cannot be confined to comparing how the marks sound or appear, but must also consider the overall circumstances surrounding consumer perception and the marketplace. It further ruled that the fact that both products belonged to the same Nice Classification was insufficient to prove that the goods were legally related, reiterating that product classification alone does not determine relatedness. The Court also noted that Unilab failed to present evidence, such as consumer surveys, market studies, or proof of actual confusion, to establish that ordinary purchasers would likely mistake INNOLAB for UNILAB, while Innolab's own logo application demonstrated its good-faith effort to distinguish its products. Accordingly, because Unilab failed to prove by substantial evidence that the similarities between the marks were likely to confuse consumers, the opposition was denied and Innolab's trademark application was allowed.[11]

Ultimately, the SC granted Innolab's petition, reversed the rulings of the IPOPHL and the CA, and ordered the registration of the "INNOLAB" trademark.

[11] This case has gives the impression that proof of actual confusion is required before an opposition to an application may be granted. This is because it prescribes forms of proof of likelihood of confusion, such as market surveys & studies, which appear to require an existing confusion among consumers. However, the court is clear that this evidence is used to determine the likelihood of confusion and not actual or certain confusion. The court has consistently affirmed that absolute certainty of confusion or even actual confusion is not necessary to be afforded protection as a registered trademark. The likelihood of confusion of goods or business remains to be the standard that must be met. *See the* 2026 case of Starwood Hotels & Resorts Worldwide, LLC v. Oceanic Empire Limited.

**ISCO Holding Corp. v. Nikon Corp[12]**

A well-known trademark registered in the Philippines is protected not only against use on identical or similar goods, but also against use on dissimilar goods when such use would create a connection with the trademark owner and likely damage its interests under Section 123.1(f) of the Intellectual Property Code. In determining confusing similarity between trademarks, the Dominancy Test governs, giving greater weight to the dominant feature of the marks rather than minor differences in design, color, or other nonessential elements.

*Facts*

ISCO Holding Corporation applied for the registration of the trademark "NIKON & DESIGN" (  ) for use on home and household goods, featuring the word "NIKON" together with an anchor design. Nikon Corporation opposed the application, claiming that it was the prior registrant and owner of the well-known NIKON trademark used for its camera products and that ISCO's proposed mark was confusingly similar to its own. Nikon further argued that the registration of ISCO's mark would mislead the public, dilute its well-known trademark, and unlawfully appropriate its protected trade name. ISCO countered that the opposition was barred by *res judicata*, relying on earlier IPO decisions that had allowed the use of the NIKON mark for household appliances because Nikon's products were limited to cameras. The Bureau of Legal Affairs of the Intellectual Property Office sustained Nikon's opposition, holding that the marks were confusingly similar, that the NIKON mark was well known, and that ISCO's mark is likely to cause deception or confusion.. On appeal, the IPO-Office of the Director General reversed the ruling, finding that although res judicata did not apply, the parties' products were unrelated and the differences between the marks were sufficient to avoid confusion. The CA later reversed the Director General's decision and reinstated the Bureau of Legal Affairs' ruling. It found that Nikon Corp. sufficiently established that ISCO's mark cannot be registered because it is identical with, or confusingly similar to, Nikon Corp.' s registered and well-known mark. The application must be denied since the NIKON mark comprises Nikon Corp.'s trade name. ISCO elevated the case to the SC.

*Decision*

The SC denied ISCO's petition and affirmed the Court of Appeals' decision disallowing the registration of ISCO's NIKON trademark. It held that Nikon Corporation's NIKON mark is a well-known trademark registered in the Philippines and is entitled to protection even against its use on dissimilar goods under the Intellectual Property Code. Applying the Dominancy Test, the Court found that the dominant feature of both marks was the identical word "NIKON," making them confusingly similar despite ISCO's anchor design and color variations. The Court further ruled ISCO's trademark need not be used for goods similar or identical to those of Nikon Corp. in order to bar its registration. Due to the well-known status of Nikon Corp.'s NIKON trademark used for its cameras, consumers, when they hear the word "NIKON," will think about Nikon Corp.'s cameras, and not ISCO's household appliances ISCO's use of the mark would likely lead consumers to believe that its household goods were connected with Nikon Corporation, resulting in trademark dilution and damage to Nikon's interests. Finally,

[12] ISCO Holding Corp. v. Nikon Corp., G.R. No. 256002, November 17, 2025

the Court held that ISCO's proposed mark also unlawfully appropriated Nikon Corporation's protected trade name, making its registration prohibited under the Intellectual Property Code.[13]

**Campbridge Waterproofing Systems, Inc. v. Greenseal Products[14]**

Ownership of a trademark is generally acquired through valid registration, but a certificate of registration is only *prima facie* evidence of ownership and may be cancelled if the registration was obtained in bad faith or contrary to the IP Code. A trade name is protected even without trademark registration, and the subsequent use or registration of another's trade name as a trademark is unlawful when it is likely to mislead the public.

*Facts*

Greenseal Products (M) Sdn. Bhd. filed a petition to cancel Campbridge Waterproofing Systems, Inc.'s registration of the GREENSEAL trademark for elastomeric sealants, claiming that it was the prior adopter and user of the mark. Greenseal asserted that it had registered the GREENSEAL mark in Malaysia in 1993, had been using it internationally since 1986, and had distributed its products in the Philippines since 2004 through its exclusive distributor, Greenseal Philippines Corporation. Campbridge denied these claims, arguing that Greenseal failed to prove prior use in the Philippines, that its mark was not well-known, and that Campbridge had independently adopted the GREENSEAL mark after changing the name of one of its sealant products in the mid-2000s. The IPO Bureau of Legal Affairs found that Greenseal had established prior use of the mark and trade name, while Campbridge failed to substantiate its alleged earlier use, and therefore ordered the cancellation of Campbridge's trademark registration. The IPO Office of the Director General reversed the ruling, holding that Campbridge's registration was valid because Greenseal had no prior Philippine trademark registration or pending application, and there was no impediment to Campbridge's registration. Greenseal elevated the case to the CA, whichCA reinstated the cancellation of Campbridge's trademark registration, ruling that Greenseal had superior rights over the mark and that Campbridge had unlawfully appropriated Greenseal's protected trade name. It ruled that conferring ownership of the marks through registration did not apply in cases where both conflicting marks have been used and/or registered prior to the effectivity of the Intellectual Property Code on January 1, 1998. Campbridge then sought relief before the SC, arguing that upon the application of the first-to-file rule, it had acquired ownership of its mark in 2009 upon registration.

*Decision*

The SC denied Campbridge's petition and affirmed the cancellation of its GREENSEAL trademark registration. It held that although ownership of a trademark is generally acquired through valid registration under the IP Code, the certificate of registration

[13] *Note: this case may currently be in the process of a motion for reconsideration.*

[14] Campbridge Waterproofing Systems, Inc. v. Greenseal Products [M] Sdn. Bhd., G.R. No. 269302, January 22, 2025.

remains only *prima facie* evidence of the validity of registration, thus the registrant's ownership of the mark a registration may still be cancelled if it was obtained contrary to law. The Court ruled that Campbridge's registration was unlawful because it appropriated Greenseal's protected trade name, which had been used in the Philippines and registered with the SEC before Campbridge applied for its trademark. The Court further clarified that although there was insufficient evidence to conclude that Campbridge acted in bad faith, as bad faith requires clear proof that the registrant knowingly copied another's mark or made false claims regarding ownership or use, the registration was still contrary to law as there was a violation of trade name protection. Furthermore, the Court corrected the portion of the ruling of the CA on marks used and/or registered prior to the effectivity of the Intellectual Property Code on January 1, 1998. It explained that Greenseal's 1993 Malaysian registration did not give it priority rights in the Philippines because it failed to file a Philippine trademark application within the six-month priority period under the Paris Convention.

*Cases where trademarks are mentioned incidentally:*

**Subic Bay Yacht Club, Inc. v. Gomeco Metal Corp.**[15]

Trademark infringement is an example of a tort where the nature of the obligation may require solidary liability among those responsible, although that principle did not apply to the contractual dispute in this case.

*Facts*

Gomeco Metal Corporation entered into contracts to supply and install kitchen equipment for a project involving Subic Bay Yacht Club, Inc. (SBYC) and Subic Bay Waterfront Development Corporation (SBWDC). After the project was completed, Gomeco sought payment of the unpaid balance and later argued that both corporations were solidarily liable because they dealt with it as a single entity. The Court was called upon to determine whether solidarity existed between the two corporations and whether Gomeco's claim against SBYC had prescribed.

*Decision*

The Supreme Court held that SBYC was not solidarily liable with SBWDC because neither the contracts nor the law expressly imposed solidarity, and the nature of the contractual obligation did not require it. In explaining when the nature of an obligation may require solidarity, the Court cited trademark infringement, along with copyright infringement, patent infringement, and unfair competition, as examples of joint torts where solidarity may arise because of the nature of the wrongful act rather than by agreement. Accordingly, the Court ruled that the contractual dispute before it did not fall within those exceptions, reinstated the RTC's decision, and held that Gomeco's claim against SBYC had already prescribed.

[15] Subic Bay Yacht Club, Inc. v. Gomeco Metal Corp., G.R. No. 265921, July 7, 2025.