ASIAN PATENT ATTORNEYS ASSOCIATION
Philippine Group Patent Committee Report

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I. Updates on Legislation and Administrative Issuances

The Philippine Congress did not pass any new laws pertaining to intellectual property rights during the period covered. Nonetheless, there are six bills currently pending before the Philippine Congress, which aim to introduce various amendments to the Philippine Intellectual Property Code ("IP Code").

A. ***Senate Bill No. 959 – An Act Strengthening the Powers and Functions of the Intellectual Property Office of the Philippines, Amending for the Purpose Republic Act No. 8293, As Amended, Otherwise Known as the Intellectual Property Code of the Philippines"***

B. ***Senate Bill No. 1708 – An Act Strengthening the Powers and Functions of the Intellectual Property Office of the Philippines, Amending for the Purpose Republic Act No. 8293 or the "Intellectual Property Code of the Philippines", as Amended***

C. ***House Bill No. 4702 – An Act Strengthening the Powers and Functions of the Intellectual Property Office of the Philippines, amending for the Purpose Republic Act No. 8293, as Amended, Otherwise Known as the "Intellectual Property Code of the Philippines"***

D. ***House Bill No. 4773 – An Act Strengthening the Powers and Functions of the Intellectual Property Office of the Philippines, Amending for the Purpose Republic Act No. 8293, as Amended, Otherwise Known as "Intellectual Property Code of the Philippines"***

E. ***House Bill No. 5944 – An Act Strengthening the Powers and Functions of the Intellectual Property Office of the Philippines, Amending for the Purpose Republic Act No. 8293, as Amended, Otherwise Known as the "Intellectual Property Code of the Philippines"***

The amendments introduced in the bills above focus on modifying the powers and functions of the Intellectual Property Office of the Philippines (IPOPHL) and the Bureau of Legal Affairs (BLA) under the IP Code. These amendments aim to enhance IPOPHL's capacity to address and combat intellectual property infringement, including acts of

infringement committed through online platforms and other digital channels. The bills propose to amend the functions of the IPOPHL to the following:

a. gather intelligence information related to violations of the IP Code and conduct inquiry and investigation
b. conduct visits during reasonable hours to establishments and businesses whose activities are suspected to be in violation of the IP Code in accordance with the procedures prescribed herein;
c. develop a database of pending cases involving violations of the IP Code;
d. undertake any or all of the following enforcement actions:
    1. serve and execute the administrative orders duly issued by the Office of the Director General in accordance with its powers under the IP Code;
    2. issue notice or warning to the respondent/s;
    3. recommend that the concerned local government units and/or other government agencies cancel licenses and business permits of establishments or businesses for engaging in selling or making available to the public counterfeit or pirated goods or file charges against the respondents for violation of applicable laws, rules or regulations;
    4. request the concerned local government unit or other government agencies to implement the decision of the intellectual property rights enforcement pursuant to their respective mandates;
    5. report the result of service and execution of administrative orders; and
    6. such other orders or actions necessary to ensure compliance with the provisions of the IP Code.
e. coordinate with other government agencies and private sector efforts on matters related to intellectual property rights enforcement;
f. assist in the enforcement of orders, writs, and processes issued by the BLA and the Office of the Director General.
g. conduct monitoring activities related or relevant to intellectual property rights enforcement;
h. exercise inter-agency special enforcement coordination functions; and,
i. such other powers and functions as may be necessary or incidental to the attainment of the purposes and objectives of this Act or as may be assigned by the Director General.

Meanwhile, the above bills also aim to introduce the following amendments in relation to the functions of the BLA:

a. The administrative fine which the BLA Director may impose shall be increased from Php5,000 - Php150,000 to Php100,000 - Php1,000,000. Further, an additional fine for each day of continuing violation shall be increased from Php 1,000 to Php 10,000;
b. The decision of the adjudication officer shall be appealable to the Director General;

[Note: Currently, the decision of the adjudication officer is appealable to the BLA Director.]

c. The BLA shall be authorized to establish and administer Alternative Dispute Resolution mechanisms; and
d. The BLA shall provide assistance to other bureaus and offices of the IPOPHIL, including legal reviews, study, and similar tasks.

These amendments aim to strengthen the enforcement powers of the IPOPHL and increase the fines for violations of intellectual property rights to further protect the IP rights holder.

F. House Bill No. 3940 – An Act Protecting Traditional Knowledge, Traditional Cultural Expression, and Genetic Resources, Further Amending for the Purpose Republic Act No. 8293, Otherwise Known as the "Intellectual Property Code of the Philippines"

The amendments proposed in the bill provides that indigenous cultural communities or the indigenous peoples have the right to control, develop, and protect their traditional knowledge and genetic resources. It is also proposed that patent applications which involves traditional knowledge and genetic resources must include a document showing the free and prior informed consent of the indigenous cultural communities or indigenous people as well as information on the source of the traditional knowledge and genetic resources.

Additionally, the IPOPHL issued several memorandum circulars relating to patent programs.

A. IPOPHL Memorandum Circular No. 2025-026 – Extension of the Green Technology Incentive Program for Patents, Utility Models, and Industrial Designs

To incentivize local inventors to develop green and sustainable technologies, the Green Technology Incentive Program was first launched by the IPOPHL in November 2024. The program was extended by the IPOPHL to remain in effect until 01 November 2025, unless earlier terminated upon the qualification and filing of 30 Patents, 60 Utility Models, and 60 Industrial Designs.

Said applications must relate to green and sustainable technologies which materially contribute to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) greenhouse gas emission reduction, and pertain to the following categories:

- Alternative Energy Production
- Solar Energy
- Transportation

- Energy Conservation
- Waste Management
- Agriculture/Forestry
- Administrative, Regulatory or Design Aspects
- Nuclear Power Generation

Under the program, fees for early publication or request for substantive examination for inventions and second publication fees for utility models and industrial designs shall be waived. All other fees will be paid by the applicant.

B. IPOPHL Memorandum Circular No. 2026-001 – Extension of the Patent Cooperation Treaty Filing Assistance Program

To further encourage the filing of Filipino and foreign inventions with IPOPHL as the Office of First Filing and promote its services as an International Authority for PCT users, the IPOPHL extended the Patent Cooperation Treaty Filing Assistance Program, which waives the IPOPHL Search Fee and Preliminary Examination Fees for small and big entities until the 100-eligible-application limit is reached. The program remains in effect until the maximum limit of eligible applications has been reached or until sooner revoked, modified, or superseded by the IPOPHL.

Under this program, IPOPHL shall waive the full amount of the prevailing rates for the International Search Fee and the International Preliminary Examination Fee and shall provide information and technical consultation on the PCT system and processes for both small and big entities.

To qualify, the applicant must either be:

(1) an individual Filipino inventor/applicant,
(2) Higher Educational Institutions which are members of the Innovation and Technology Support Offices (ITSO) network or
(3) a Foreign inventor/applicant from countries included in the WIPO List of Eligible Nationals or Residents for 90% Reduction in Certain PCT Fees which designated IPOPHL as a competent International Searching and Preliminary Examining Authority (ISA/IPEA) and where IPOPHL is the Office of First Filing.

IPOPHL will inform its stakeholders by publishing on its website if the maximum limit of eligible applications is reached and the Program is discontinued.

C. IPOPHL Memorandum Circular No. 2026-003 – Extension of IPOPHL's Youth Intellectual Property Incentive (YIPI) Program

IPOPHL extended the effectivity of the Youth Intellectual Property Incentive (YIPI) Program waiving certain fees for youth filers until 500 trademark, 200 invention,

200 utility model, and 200 industrial design applications have been certified under the Program.

The definition of "youth filer" was also previously amended to include 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 of their application.[1]

Under the IPOPHL's Youth Intellectual Property Incentive (YIPI) Program, filing fees for inventions and utility models not exceeding five claims, first (1st) publication fees, substantive examination fees, and annuity fees for inventions for the first and second anniversaries (5th and 6th year annuities) may be waived for youth filers. Youth filers may also avail of technical consultations and capacity building on IP commercialization and management.

D. IPOPHL Memorandum Circular No. 2026-009 – Extension of IPOPHL's Patent Protection Incentive Program for Women MSMEs, the "Juana Patent and Juana Design Program"

To further reaffirm its commitment to promote and encourage women-led MSMEs, the IPOPHL, through Memorandum Circular No. 2026-009, extends the effectivity of the Juana Patent and Juana Design Program until 50 Invention, 150 Utility Model, and 150 Industrial Design applications are certified under the Program, subject to the terms and conditions stated herein. This took effect immediately and shall remain in effect until the maximum limits of eligible applications have been reached, or until sooner revoked, modified, or superseded by another Memorandum.

Under this program, IPOPHL shall waive filing fees for Invention, Utility Model, and Industrial Design, filing fees for claims in excess of five (5) but not exceeding ten (10) for Invention and Utility Model, or filing fees for embodiments not exceeding ten (10) for Industrial Design, first (1st) publication fee, and substantive examination fee. All other fees shall be paid for by the qualified Applicant.

To qualify, the following requirements must be met:

(1) there must have at least one female Applicant, Co-Inventor, Co-Maker, or Co-Designer who is a Philippine national, or if the Applicant is an MSME, it must be a woman-led or woman-owned Philippine enterprise domiciled in the Philippines,

(2) A registered Business Name with the DTI, or the enterprise is registered with the Securities and Exchange Commission (SEC) or the Cooperative Development Authority (CDA),

(3) Total assets not exceeding P100 Million pursuant to Section 3 of Republic Act No. 6977 as amended by Republic Act No. 9501,

[1] IPOPHL Memorandum Circular No. 2025-021, 23 September 2025.

(4) No more than twenty (20) employees in said business or enterprise, and

(5) Not availed of funding under Republic Act No. 7459 otherwise known as the Inventors and Inventions Incentive Act of the Philippines.

E. New/Updated Examination Guidelines

In the second half of 2025, the IPOPHL, through its Bureau of Patents, issued updated examination guidelines to reflect developments in its patent examination procedures and to provide additional guidance on the examination of emerging technologies, such as artificial intelligence.

(1) 2025 Revised Manual for Patent Examination Procedure (Revised MPEP)

The IPOPHL issued the *Revised MPEP* to align its examination procedures with the 2022 Revised Implementing Rules and Regulations (IRR) for Patents, Utility Models, and Industrial Designs. The revision reflects procedural updates introduced by the 2022 Revised IRR, including online filing and electronic correspondence, as well as measures intended to expedite the grant and registration of Philippine patent and utility model applications. The *Revised MPEP* covers updates to examination procedures relating to the filing and accordance of filing dates, formality examination, publication, grant and post-grant procedures for patents, utility models, and industrial designs, Patent Cooperation Treaty (PCT) procedures, and the Community Review Process. It is intended to promote uniformity in the procedures and practices of IPOPHL Examiners and Administrative Officers and to provide stakeholders with clearer guidance on the procedural policies and examination practices adopted by the IPOPHL.

(2) Examination Guidelines of Inventions, Utility Model, and Industrial Design Applications Relating to Artificial Intelligence (PH AI Examination Guidelines)

The IPOPHL issued the *PH AI Examination Guidelines* to supplement the existing patent examination guidelines, including the *Revised MPEP* and the *Patent Examination Guidelines for Information Communications Technology and Computer Implemented Inventions (ICT and CII Guidelines)*. The *PH AI Examination Guidelines* aims to address key issues arising from AI-related inventions, including inventorship, patentability, disclosure and enablement, and claim clarity. It also clarifies that AI cannot be identified as an inventor, maker, or designer, while recognizing AI as a tool that may assist human inventors. For patentability assessment, AI-related inventions are treated as a sub-category of computer-implemented inventions and must demonstrate technical character or a technical effect beyond the mere execution of a computer program or mathematical calculation. The *PH AI Examination Guidelines* further distinguish between Core AI Technologies and Applied AI Technologies and prescribe corresponding disclosure and enablement requirements, including sufficient information on the AI system, training data, models or algorithms, implementation, and resulting technical effect. Lastly, it is

emphasized that claims of AI-related inventions must clearly and precisely define the technical features and implementation of the invention and avoid ambiguous or undefined AI terminology.

II. Recent Jurisprudence

For the period covered, there were no decisions issued by the Philippine Supreme Court or Office of the Director General (ODG) of the IPOPHL pertaining to or involving patents. Nonetheless, discussed below is a relevant decision from the Court of Appeals ("CA") issued during the period covered.

1. Electronic Transfer and Advance Processing, Inc., (ETAP) and Perseverando M. Hernandez v. Manila Express Payment System (MEPS), CA-G.R. SP No. 180914, 30 June 2025 (Decision); 19 December 2025 (Resolution)

Manila Express Payment System's (MEPS) is the assignee of Utility Model Registration No. 2-2014-000453 for "A Method for Remitting Payment through an Automated Payment Machine", which protects the system flow used by its Touch Pay machines. MEPS filed a complaint for infringement and unfair competition against Electronic Transfer and Advance Processing, Inc., (ETAP) and Perseverando M. Hernandez ("ETAP and Hernandez" or "Petitioners"), alleging that the latter distributed Pay and Go machines which were similar to its Touch Pay machines and used MEPS' system process and business flow.

ETAP and Hernandez argued that MEPS' model was not patentable as it involves a computer program, and it lacks novelty as there exists prior art that precluded the registration of MEPS' utility model, citing a US patent application which offered the same process and service as that of MEPS' Touch Pay machines. Petitioners also deny infringement and claim that their process flow has marked differences from that of MEPS'. In particular, they claim that ETAP's Pay & Go machines use an aggregator wallet and requires internet access, both of which are not features of MEPS' Touch Pay machine. Petitioners also relied on their separate utility model registration which was granted in 2025.

The Regional Trial Court ruled that ETAP and Hernandez were liable for utility model infringement and awarded MEPS with exemplary damages, considering that ETAP's machines are basically the same as those of MEPS in process or system design, program code, and that the automated payment machines performed the same functions.

On appeal, the CA affirmed the lower court's Decision. The CA ruled that MEPS' utility model is registrable, and that ETAP and Hernandez committed infringement of MEPS' utility model. However, the CA deleted the award of exemplary damages.

As to the registrability of MEPS' utility model, the CA ruled that the prior art cited by ETAP was substantially different from the subject utility model, as it did not disclose specific claim elements such as choosing a service provider, providing details of payment, and validating the payment details, as it instead used a real time payment card.

As to the claim of infringement, the CA noted that MEPS' utility model covered the provision of 24/7 payment remittance services to customers, while the petitioners' utility model relates to payments for service utilities, loans, credit cards, among others, by electronic means to ensure the prompt payment on or before the due date. Both parties' machines share a common background and purpose to create an automated mechanism of payment that ensures faster, convenient and efficient financial transactions. They also perform substantially same functions to achieve substantially the same result. Thus, applying the doctrine of equivalents, the CA ruled that the petitioners' machines infringed MEPS' utility model registration.

MEPS filed a Motion for Reconsideration seeking to reverse the CA's Decision and recover exemplary damages or reasonable royalties on the ground of the unauthorized use of its utility model by Petitioners. However, the CA denied the Motion, ruling that exemplary damages are imposed by way of example or correction only if moral, temperate, liquidated or compensatory damages have already been established and granted. In this case however, the lower court had already denied its plea for actual or temperate damages as no evidence was adduced on the level of financial losses sustained by MEPS on account of the infringement, and respondent failed to appeal the same.

III. Patent Filing Statistics[2]

A. Filings

Patent	Applicant	2021	2022	2023	2024	2025	2026 (until August 2026)
Patent	Non-Resident	3,590	3,910	3,806	3,336	3,476	2,350
	Resident	453	496	723	805	1007	517
	Total	**4,043**	**4,406**	**4,529**	**4,141**	**4,483**	**2,867**
Utility Model	Non-resident	53	72	101	56	71	53
	Resident	1,596	1,478	1,826	1,548	1,848	857
	Total	**1,649**	**1,550**	**1,927**	**1,604**	**1,919**	**910**

B. Grants

Patent	Registrant	2021	2022	2023	2024	2025	2026 (until August 2026)
Patent	Non-Resident	1,286	1,787	1,520	2,084	1,589	1,824
	Resident	45	63	63	110	67	77
	Total	**1,331**	**1,850**	**1,583**	**2,194**	**1,656**	**1,901**
Utility Model	Non-resident	75	62	22	76	85	35
	Resident	1,121	714	360	964	903	697
	Total	**1,196**	**776**	**382**	**1,040**	**988**	**732**

The trends in intellectual property filings and registrations in the Philippines show an overall increase in patent filings, with the increase in invention patent filings mostly from non-resident applicants. On the other hand, utility model filings are largely driven by resident applicants. For the earlier half of 2026, patent applications and registrations increased while utility model applications and registrations decreased, suggesting an overall shift to patent filing, largely driven by non-resident activity.

From 2024 to 2025, patent and utility model applications in the Philippines increased by 8% and 18% respectively, while registrations declined by 25% and 5% respectively,[3] likely reflecting the stabilization of processing rates after backlog reductions.

[2] Data obtained from the Office of Strategic Management of the IPOPHL. Data is updated as of 21 September 2026.
[3] IPOPHL 2025 Annual Report.

The emerging picture is that patent activity remains largely foreign-driven and is showing higher filings but weaker registrations, and utility models remain the preferred tool of resident innovators despite mixed filing trends.

C. Turn-Around Time Between Filing and Registration

In 2025, the average turn-around time ("TAT") between filing and grant is 51.51 months or 4.29 years for invention patents, and 9.46 months for utility models.[4]

– End –

[4] Data obtained from the Office of Strategic Management of the IPOPHL.