Domestic Approaches of Marks Protection in Digital Trade

Submitted by: Philippines
Domestic Approaches of Marks Protection in Digital Trade

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Director General - IPOPHL

1-30 April
National Intellectual Property Month
Intellectual Property and MSMEs
Our Road to Recovery
IP rights protection

whole-of-government approach

Government

Private Sector
the Philippines maintains good standing in the international community
Safeguarding digital IP rights through a whole-of-nation approach

IPOPHL-IEO and Asia Video Industry Association’s Coalition Against Piracy (AVIA-CAP) meeting on strengthening the fight against piracy through take-down and site-blocking

#IPREnforcement
#AntiPiracyMonth

Campaigns in the Philippines on IP enforcement

recognized as an inspirational model for the ASEAN region
Surge in IP rights violation complaints and reports

95%
January - December 2020

4 years data
2015-2019 vs 1 year data 2020

129 reports total

190 reports total

Counterfeiting: 35.3%

Piracy: 28.4%
Revised Rules of Procedure on Administrative Enforcement of Intellectual Property Rights (IPR)

- explicitly including online counterfeiting and piracy in its enforcement work;
- enhanced coordination with the Telecommunications Commission, the primary regulator for internet service providers, to take down posts that violate IP-rights;
- proactive marketplace monitoring and elevating issues we find to IP rights owners.
Engage e-Commerce Platforms in creating a culture of respect for IP
Webinars to spot counterfeit goods and pirated items as consumers

Bureau of Customs
Food and Drug Administration
IPOPHL Employees
Whole-of-Government approach and buy-in from rights holders and online platforms
MOU between e-commerce platforms and rights holders

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
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<tbody>
<tr>
<td>Agreed Notice and Takedown Procedures (NTD)4</td>
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<tr>
<td>Proactive and Preventive Measures by Rights Owners and Platforms</td>
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<td>Sharing of information by Platforms</td>
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<tr>
<td>Repeat infringer policies</td>
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<td>Assessment period of 12 months after signing</td>
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<td>Signatories to meet biannually under the auspices of the IPOPML</td>
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<tr>
<td>Signatories:</td>
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<tr>
<td>Unilever, GSK, Castrol, Globe, Solar Pictures, Philippine Retailers Association, American Chamber of Commerce, British Chamber of Commerce</td>
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<td>Lazada, Shopee</td>
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Strengthening the legal framework against counterfeiting and piracy.
Amendment of the IP Code

To make the IP law more robust, effective, modern, and forward-looking to further the Philippines’ position as an attractive investment destination.
Salient enforcement-related provisions

A faster blocking system for IP infringing websites and webpages.

The ability to conduct store visits and preventively place in custody IP infringing goods.

Institutionalization of IPOPHL's IP Rights Enforcement Office (IEO) which is the lead unit for enforcement.

Solidary liability for landlords and platforms found to be dealing in trademark infringing goods.

Removal of the minimum amount for a damage claim, which will allow our micro, small and medium entrepreneurs to seek administrative remedies.
We support

The Internet Transactions Act

...will drastically change how e-commerce platforms, merchants, and websites will operate.

...pushes for the solidary liability of e-commerce platforms with erring online merchants.
Our partners

- Department of Justice
- Department of the Interior and Local Government
- Bureau of Customs
- Food and Drug Authority
- Bureau of Investigation
- Philippine Police
- Optical Media Board
- Book Development Board
- Office of the Special Envoy on Transnational Crime
- Telecommunications Commission

11 partners
government agencies

Chair
Department of Trade and Industry

Vice-Chair
Intellectual Property
Office of the Philippines
Enforcement Efforts

- Jumped 69% from 1,565 to 2,644 inspection activities in 10-year data from 2008 to 2018.

Our seizures grow at an average of 55% annually and climbed from P3.52 billion to P23.55 billion worth.

- Growth in counterfeit trade intensified enforcement efforts and heightened awareness.
Strengthening borders
intercepting counterfeit products at the borders

2019

42% were hauled by Customs at various points of entry
Regional cross border enforcement

Philippines continues to be chair of the ASEAN Network of IP Enforcement Experts or ANIEE.

Collaboration with the ASEAN Customs Enforcement Compliance Working Group or CECWG

ASEAN’s 2016-2025 IP Rights Action Plan
ANIEE Long-term enforcement work

ANIEE ACTS Beyond 2020
ANIEE ACTS Beyond 2020

**Awareness**, by bolstering efforts to raise IP enforcement awareness, optimizing physical and digital space displays of IP awareness.

**Capacity**, specifically by building the capacity and skills not only of IP offices but of all IP enforcement stakeholders and players.

**Technology**, by utilizing technologies to further improve IP enforcement in the region especially as technology may allow almost instantaneous coordination and information sharing.

**Synergy**, by building new partnerships and strengthening existing ones.
Embracing Digital Economy
IPOPHL Style
eServices

IPR Enforcement

Filing of Formal Complaint on IP Violations (IP Verified Complaint)
operations@ipo.phil.gov.ph

Invention
- Secure exclusive rights to your invention.
- Apply for grant of a patent.

Trademark
- Protect the visual appearance of your product.
- Register your trademark.

Copyright
- Validate ownership of your creations.
- Deposit your copyrighted work.

Utility Model
- Secure exclusive rights to your innovation.
- Register your utility model.

Industrial Design
- Protect the visual appearance of your product.
- Register your industrial design.

IP Legal Services
- Legal for parties involved in IP disputes.
- Secure legal assistance for IP matters.

Commercial Patent Search
- Secure legal assistance for IP matters.

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Moving forward

...build synergies, strategize enforcement through multi-sectoral cooperation, widen appreciation of IP rights.
2021 Intellectual Property Month in PHL

Intellectual Property and MSMEs

Our Road to Recovery

1-30 APRIL