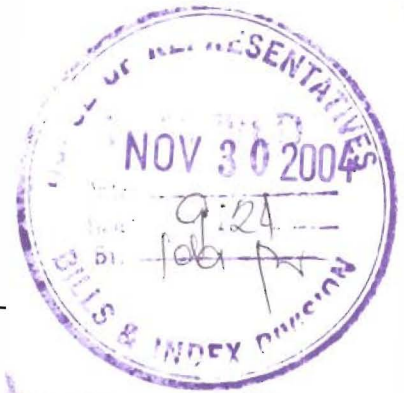


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3368



Introduced by HONORABLE LUIS R. VILLAFUERTE

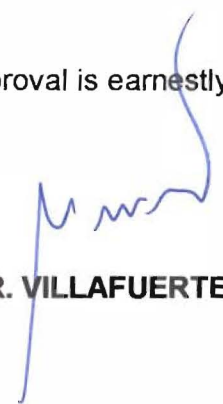
EXPLANATORY NOTE

In the past many firms, both foreign and local, have complained that trademarks and tradenames in which they have invested substantial amounts of time, effort and money, are registered by the Philippine Patent Office in the name of other parties. In many cases, what are involved are brand names which are quite well known abroad but almost unknown in the Philippines. These brands are wittingly or unwittingly adopted by other companies and registered with the Patent Office.

In most instances those with valid grounds to object to the registration of trademarks and trademarks previously in use in commerce are unable to do so due to lack of notice. Consequently, the Patent Office is misled into allowing registration in favor of the new claimant. This anomalous situation frequently arises due to the fact that applications for registration of brand names are at present published only in the Official Gazette the publication of which is sometimes delayed and which hardly anyone reads.

For this reason, the present Bill proposes to supplement the existing requirement to publish such applications in the Official Gazette, by making it mandatory to publish a summary listing of such applications in a newspaper of national circulation at regular intervals. It is not proposed that the entire application, including drawings, be published in the newspapers inasmuch as the added cost may prove too burdensome. The publication of the summary listing appears to be sufficient for the purpose as it will adequately alert other claimants of the filing of the application for registration of trademarks and tradenames belonging to them and lead them to make the proper verification and inquiries.

In view of the merits of this proposed bill, its early approval is earnestly requested.



LUIS R. VILLAFUERTE

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HOUSE BILL NO. 3368

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**AN ACT
TO AMEND SECTION SEVEN OF REPUBLIC ACT NUMBERED ONE
HUNDRED SIXTY-SIX, OTHERWISE KNOWN AS THE LAW ON
TRADEMARKS, TRADENAMES AND UNFAIR COMPETITION FOR THE
PURPOSE OF REQUIRING THE PUBLICATOIN OF A LISTING OF
APPLICATIONS FOR REGISTRATION IN A NEWSPAPER OF NATIONAL
CIRCULATION AND FOR OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives in Congress assembled:

SECTION 1. The first paragraph of Section 7 of Republic Act No. 166 is hereby amended to read in its entirety as follows:

"SECTION 7. *Examination and Publication.* Upon filing of an application for registration and payment of the required fee, the Director shall cause an examination of the application to be made, and, if on such examination, it shall appear that the applicant is entitled to consideration for registration, the Director, upon payment of the required fee, shall cause the mark or trade name to be published in the Official Gazette. IN ADDITION, THE DIRECTOR SHALL CAUSE TO BE PUBLISHED QUARTERLY IN SUCH FORM AS HE SHALL PRESCRIBE, A SUMMARY OF ALL APPLICATIONS FOR REGISTRATION RECEIVED BY HIS OFFICE DURING THE PRECEDING QUARTER IN A NEWSPAPER OF NATIONAL CIRCULATION, THE COST OF SUCH PUBLICATION TO BE APPORTIONED AMONG APPLICANTS CONCERNED."

SECTION 2. This Act shall take effect immediately upon its approval.

APPROVED,