

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9079



INTRODUCED BY REP. MAXIMO JR. Y. DALOG

EXPLANATORY NOTE

The proposed amendment to Republic Act No. 8293 or the Intellectual Property Code of the Philippines aims to modernize the country's trademark system by paving the way for the registration of non-traditional marks, to include sound marks and scent marks. Allowing the registration of these non-traditional marks provides local businesses with more tools to protect their brand identity and prevents competitors from misappropriating unique, non-visual identifiers that also carry significant commercial value.

Beyond the domestic benefits of expanded brand protection, this amendment is a critical step in fulfilling the Philippines' international obligations, in particular to our commitments highlighted under the Regional Comprehensive Economic Partnership (RCEP), specifically in Chapter 11, Article 11.19, which encourages or requires member states to permit the registration of sound marks. In the end, this legal development represents a progressive strategy that would encourage innovation and guarantee that Filipino business owners will be able to compete fairly in the international market.

In view of the foregoing, the passage of this bill is earnestly sought.


MAXIMO JR. Y. DALOG

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AN ACT
AMENDING REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE
INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES, TO ALLOW THE
REGISTRATION OF NON-VISIBLE MARKS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines Congress assembled.

SECTION. 1. Amendment to Section 121.1 (Definition of "Mark"). – Section 121.1 of Republic Act No. 8293 is hereby amended to read as follows:

121.1. "Mark" means any ~~visible~~ sign capable of distinguishing the goods (trademark) or services (service mark) of an enterprise and shall include a stamped or marked container of goods; (Sec. 38, R.A. No. 166a)

SECTION. 2. Implementing Rules and Regulations. – The Intellectual Property Office of the Philippines (IPOPHL) shall, within ninety (90) days from the effectivity of this Act, promulgate the rules and regulations necessary for the registration and examination of non-visible marks.

SECTION. 3. Repealing Clause. – All Acts and parts of Acts inconsistent herewith, are hereby repealed.

SECTION. 4. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,