

Leaflet Trademarks in the Republic of the Philippines

Duration

The duration is 10 years from the date of registration, indefinitely renewable for periods of 10 years.

Compulsory use

Working the trade mark is compulsory. A registered mark must be used in the Philippines within 3 years from registration. The use may not be discontinued for a period of 3 consecutive years or longer. Any person who believes they will be damaged by the registration of the mark can petition the Philippine Intellectual Property Office to cancel the registration if the mark is not in use without valid reason.

Evidence of an actual use of the mark or of valid reasons for non-use must be shown to the Philippine Intellectual Property Office within three years from the filing date of the application and within the fifth year from the date of registration. Failing to do so will automatically result in removal of the mark from the register without further notice of the proprietor of the trademark.

Marking

In order to be able to claim for damages in case of a infringement litigation it is required that the infringement was committed with knowledge that it was likely to cause confusion or mistake or to deceive. Such knowledge is assumed present if notice of the registration of the mark is given by displaying with the mark the words "Registered Mark" or the symbol "®".