

Navigating Trademark Registration in the Philippines: Experience of Duran & Duran-Schulze Law's Client

The Intellectual Property Office of the Philippines (IPOPHL) defines trademark as a word, phrase, sign, symbol, logo, or a combination thereof that identifies and differentiates the sources of goods or services of one entity from those of others. Trademarks are protected under intellectual property laws and can be registered with the IPOPHL.

Trademark protection is obtained by registering with the national or regional trademark office. For international protection, the applicants can file with either their country's trademark office or use the Madrid System, administered by the World Intellectual Property Organization (WIPO). It is considered to be a convenient and cost-effective way to obtain trademark protection in up to 131 countries.

A registered trademark grants the owner an exclusive right to use the trademark and prevents others from using it. It is protected by the IPOPHL for ten (10) years from the registration date and can be renewed for another ten (10) years, provided that renewal fees are paid and the trademark is maintained.

It is crucial to consult with a law firm or a lawyer who specializes in trademark and intellectual property law. Seeking legal assistance has numerous benefits compared to managing the process independently. With the lawyer's assistance, they can enforce your trademark rights, monitor and address infringement issues, and streamline the application process.

At **Duran & Duran-Schulze Law**, we offer services regarding intellectual property and trademark concerns. We are committed to provide valuable assistance and legal representation throughout the trademark registration process. Our experienced lawyers can give advice on the registrability of your desired trademark, identify potential problems throughout the process, and provide solutions to address them effectively.

Challenge Faced by Client

On February 15, 2023, our client applied for a trademark registration. They desire to have a phoenix with outspread wings in colors of red, pink, and orange, intended for the design and development of their computer hardware and software. However, the application was denied by the World Intellectual Property Organization (WIPO) due to conceptual similarity to an existing registered mark.

Solution

With the assistance of **Duran & Duran-Schulze Law**, our client's application was processed for six (6) months. To address the issue of conceptual similarity, we suggested adding two (2) extra wings to the phoenix figure to differentiate it from existing marks and increase the chances of approval.

However, our client rejected this suggestion as it contradicted the traditional representation of a phoenix. After reviewing the options, we advised our client to abandon their mark.

Result

Following our suggestion, our client agreed and let the mark be abandoned. On October 23, 2023, they decided to file a word mark instead of figurative with word mark. This was approved by the Intellectual Property Office of the Philippines (IPOPPL), and the trademark was officially registered on March 18, 2024. Our client is granted a ten (10) years trademark protection from the IPOPPL.

Conclusion

At **Duran & Duran-Schulze Law**, we applied a strategic approach to assist our client on registering their desired trademark. Through this experience, we gained valuable insights that will enable us to better serve our future clients.

For business owners and entrepreneurs, registering your trademark is essential to protect your brand and to allow your customers or clients to identify your company's products or services apart from your competitors. The Intellectual Property Office Philippines (IPOPHL) applies the first-to-file rule, meaning that the first individual who files for registration of the mark will be the one to have the exclusive right to use the mark and prevents others from using or creating a mark that is identical or similar to their mark.

Furthermore, the owner of a registered trademark possesses the legal right to seek civil or criminal action from the IPO's Bureau of Legal Affairs in case of infringement. In addition, it is important to remember that a registered mark is protected by the IPOPHL for ten (10) years from the registration date and can be renewed for another ten (10) years of protection.

For individuals who are planning to register their desired trademark registration, we highly advise consulting with a lawyer or law firm that specializes in intellectual property and trademark law. Understanding the importance of a trademark and seeking legal expertise can streamline the process, prevent delays, and help you identify the potential problems throughout the process.

If you need further information and assistance regarding the **Trademark Registration in the Philippines**, talk to our team at **Duran & Duran-Schulze Law** to know more about the requirements and process. Contact us at **(+632) 8478 5826** or **+63 917 194 0482**, or send an email to **info@duranschulze.com** for more information.