Republic of the Philippines

Section 61 of the Intellectual Property Code[1] provides for an administrative invalidation mechanism. Any interested person may, upon payment of the required fee, petition to cancel the patent or any claim thereof, or parts of the claim, on any of the following grounds: (i) what is claimed as the invention is not new or patentable; (ii) the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art; or (iii) the patent is contrary to public order or morality. The petition for cancellation shall be in writing, verified by the petitioner or by any person on his behalf who knows the facts, specify the grounds upon which it is based, include a statement of the facts to be relied upon, and filed with the Office. Copies of printed publications or of patents of other countries, and other supporting documents mentioned in the petition shall be attached.

Upon filing of a petition for cancellation, the Director of Legal Affairs shall notify the filing thereof to the patentee and all persons to whom licenses or any other right or title have been granted or who have interest in and to the patent and the invention covered thereby, as appears in the Office's record, and notify the date of hearing thereon on such persons and the petitioner. The notice of the filing of the petition shall be published in the IPO Gazette. In cases involving highly technical issues, on motion of any party, the Director of Legal Affairs may order that the petition be heard and decided by a Committee composed of the Director of Legal Affairs as chairman and two members who have the experience or expertise in the field of technology to which the patent sought to be cancelled relates.

If the Committee finds that a case for cancellation has been proved, the patent shall be invalidated or amended. The rights conferred by the patent or any specified claim or claims cancelled shall terminate. Notice of the cancellation shall be published in the IPO Gazette. Unless restrained by the Director General, the decision of invalidation may be immediately executed, despite any potentially pending appeal.[2]

The Intellectual Property Office of the Philippines (IPOPHL) has implemented IPOPHL Memorandum Circular No. 2022-013: Amendments to the Rules and Regulations on Inter Partes Proceedings (IRR) which cover revocation and invalidation mechanisms for patents.[3]

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1 Intellectual Property Code of the Philippines of June 6, 1997, (Republic Act No. 8293).
2 Section 65 Intellectual Property Code of the Philippines.
3 The most recent amendments to the IRR can be accessed on the IPOPHL website, at: www.ipophil.gov.ph