



INTELLECTUAL PROPERTY
OFFICE OF THE PHILIPPINES

Institutional and Cooperation Best Practices in the ASEAN Region

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PRESENTATION OUTLINE

- 1. The Philippines' National Committee on IP Rights (NCIPR)**
- 2. Coordination and collaboration under the NCIPR**
- 3. Whole of Nation and Holistic Approach on Enforcement**
- 4. Coordination and collaboration in the region**
- 5. Conclusion**

IN
OF



THE NATIONAL COMMITTEE ON IP RIGHTS (NCIPR)



NCIPR



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- **The National Committee on Intellectual Property Rights (NCIPR) is a government inter-agency body that formulates and implements plans and policies, as well as strengthen the protection and enforcement of intellectual property rights in the country.**
- **Created in 2008 by virtue of a Presidential Executive Order (No.736), the Mandates of the order are the following:**
 - A. Intensify public information and education campaign on the importance of IPR to national development and global competitiveness;
 - B. Intensify regular and effective enforcement against IPR violations, and to allocate sufficient resources to ensure effective prosecution of pirates and counterfeiters;

- C. Maintain appropriate coordination with the Judiciary to ensure that courts are adequately skilled in intellectual property cases, and improve the adjudication of IP cases;
- D. Provide the Executive and the Legislative with policy and legislative proposals on IP laws, ensuring that these are in compliance with the country's existing international obligations embodied in treaties and other agreements;
- E. Maintain a database and enforcement monitoring system, consolidate information and reports from other agencies, and submit quarterly reports to the President, and provide copies to the Executive Secretary and the Cabinet Secretary.

NCIPR Member Agencies



Chaired by the **Department of Trade and Industry** with **IPOPHL** as its **vice chair** and **secretariat**.

The **NCIPR** is also composed of the following:



- ☐ Department of Justice
- ☐ Bureau of Customs
- ☐ Food and Drug Authority
- ☐ National Bureau of Investigation
- ☐ Philippine National Police
- ☐ Optical Media Board
- ☐ National Book Development Board
- ☐ Office of the Special Envoy on Transnational Crime
- ☐ Department of the Interior and Local Government
- ☐ National Telecommunications Commission
- ☐ Department of Information and Communications Technology
- ☐ Bureau of Internal Revenue
- ☐ Bureau of Immigration



Why 15 agencies? Why work together as a National Committee?



The model is to have a holistic and whole of government approach in the Protection, Promotion and Enforcement of IP Rights.

Strength in Numbers.

Strength in Diverse Expertise. Strength in moving as a one Committee.



COORDINATION AND COLLABORATION UNDER THE NCIPR

Roadmap - NCIPR Enforcement Plan 2021-2025

Policy, Legislative and International Relations

- **Establish policies, create new agreements and actively participate in international fora by strengthening existing and creating new IP partners and advocates in both the public and private sector against counterfeiting and piracy.**



2021-2025 IEO/NCIPR Enforcement Plan

Information and Awareness Campaign



- Intensify public and education campaign using all forms of media such as traditional and social media platforms against counterfeiting and piracy, specifically on the dangers of counterfeit goods to public health and safety and the economic impact of protecting intellectual property rights;
- Maximize the use of Public Information Agency (PIA) and government-owned network, including public affairs shows paid for by the government.
- Mainstream IPR education and awareness in the curriculum, and mobilize the Department of Education (DepEd), Commission on Higher Education (CHED), and TESDA to spearhead the organization of IP Advocates in schools and universities and include students in regular trainings and seminars on IP.

2021-2025 IEO/NCIPR Enforcement Plan

Enforcement



- Zero notorious markets by 2025
- Develop and implement a case monitoring system that includes data on all enforcement activities
- Intensify monitoring, enforcement, and prosecution of IP violations committed through online marketplace platforms

SNAPSHOTS of COLLABORATION UNDER NCIPR



CONDUCT OF REGULAR and SPECIAL MEETINGS/PLANNING

- ✓ To update the body on the different initiatives of each member including enforcement operations, discuss issues and concerns
- ✓ To plan and identify strategic next steps of the NCIPR with regards to its vision and mission
- ✓ To assess strengths and gaps in terms of the implementation of NCIPR action plans

SNAPSHOTS of COLLABORATION UNDER NCIPR



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COLLABORATION ON INFORMATION AWARENESS CAMPAIGN



MALL/MARKET VISITS



DESTRUCTION OF SEIZED GOODS



USE OF SOCIAL MEDIA

SNAPSHOTS of COLLABORATION UNDER NCIPR



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COLLABORATIONS IN OPERATIONS/RAIDS



NCIPR MEMBERS SEEK ASSISTANCE FROM FDA IN OPERATIONS RELATING TO COUNTERFEIT MEDICINES, MEDICAL DEVICES, COSMETICS AND FOOD PRODUCTS

SNAPSHOTS of COLLABORATION UNDER NCIPR



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SHARING OF INFORMATION



Reports at IPOPHL lead to seizure of nearly \$2-million allegedly counterfeit Louis Vuittons at live selling event

SNAPSHOTS of COLLABORATION UNDER NCIPR



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CAPACITY BUILDING INITIATIVES



PRODUCT IDENTIFICATION
SEMINARS



CAPACITY BUILDING FOR REGULATORY
ENFORCEMENT UNIT (REU) OF FDA



IP Enforcement Workshop and ACAP Campaign in partnership with the
UNIVERSITIES AND INNOVATION TECHNOLOGY SUPPORT NETWORK

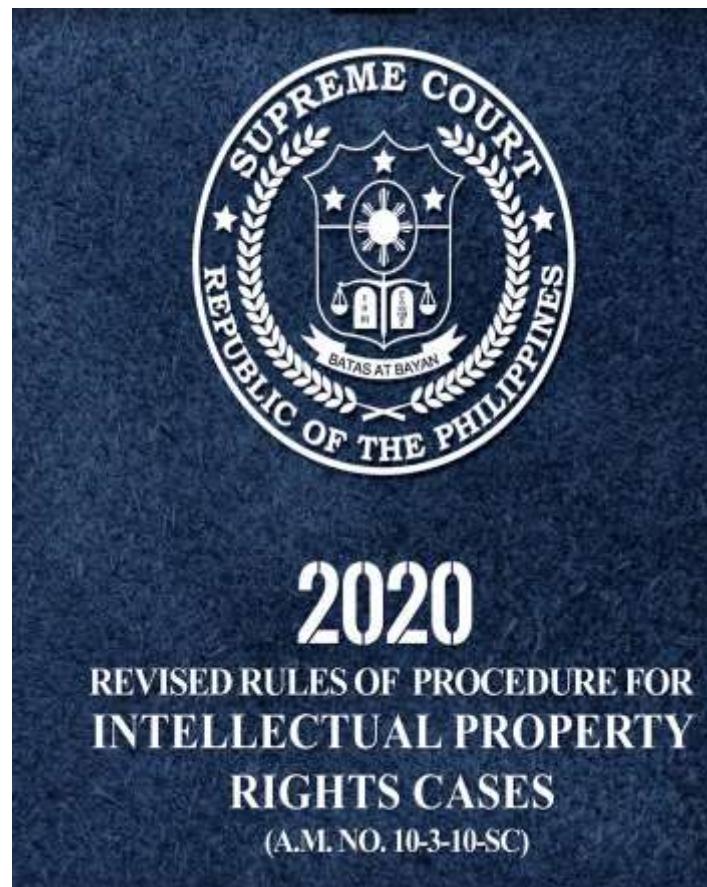
SNAPSHOTS of COLLABORATION UNDER NCIPR



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COOPERATION WITH THE JUDICIARY

Colloquium on Intellectual Property for the Judiciary by the Philippine Judicial Academy of the Supreme Court of the Philippines, in partnership with **IPOPHL** and the **EUIPO**



PROMULGATION OF THE 2020
REVISED RULES ON IPR CASES
INITIATED BY IPOPHL AND NCIPR

COLLABORATIVE PROJECTS



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- **Issuance of DILG Memorandum Circular No 2020-124 dated September 21, 2020, titled, Intellectual Property Rights Protection**
- This policy is aimed to curb the proliferation and introduction into commerce of pirated, counterfeit or fake goods, articles or services and the commission of other acts that violate intellectual property rights.
- This enjoins LGUs to issue an ordinance banning the sale, transfer, distribution, manufacture, and/or production of pirated, counterfeit, or fake goods within the LGU, and to require business establishments that are engaged in business involving optical media to secure Optical Media Board (OMB) license prior to issuance of business permits.

The image shows the official cover of a Department of the Interior and Local Government (DILG) Memorandum Circular. At the top left is the DILG logo, and at the top right is a purple circular stamp that reads 'OFFICIAL RELEASED'. The text on the page includes the department name, the title 'INTELLECTUAL PROPERTY RIGHTS PROTECTION', the memorandum number '2020-124', and the date '21 SEP 2020'. The main body of the document is divided into two sections: '1.0. Background' and '2.0. Legal Basis'. The 'Background' section contains four numbered points (1.1 to 1.4) discussing the protection of intellectual property rights, the impact of piracy, and the need for government action. The 'Legal Basis' section contains two numbered points (2.1 and 2.2) citing Republic Act No. 9239 and a previous DILG memorandum.

INTELLECTUAL PROPERTY RIGHTS PROTECTION
Memorandum Circular No. 2020-124
21 SEP 2020

1.0. Background

- 1.1. Republic Act No. 8293, or the Intellectual Property Rights Code of the Philippines recognizes the protection of the exclusive rights of scientists, inventors, artists and other gifted citizens to their intellectual property creations.
- 1.2. Piracy counterfeiting of intellectual property rights does not only cause economic prejudice and demoralization among legitimate businessmen and establishments, but also undermine strategies for growth and development, resulting to unrealized revenues and taxes.
- 1.3. The National Government adheres to curb the proliferation and introduction into commerce of pirated, counterfeit or fake goods, articles, or services, and the commission of other acts that violate intellectual property rights as protected by law.
- 1.4. This Memorandum Circular is a reiteration of DILG MC Nos. 2003-229, 2009-104, 2011-89, and 2013-110, in view of the continuous proliferation of the sale and distribution of fake, counterfeit and pirated goods and articles despite previous issuances.

2.0. Legal Basis

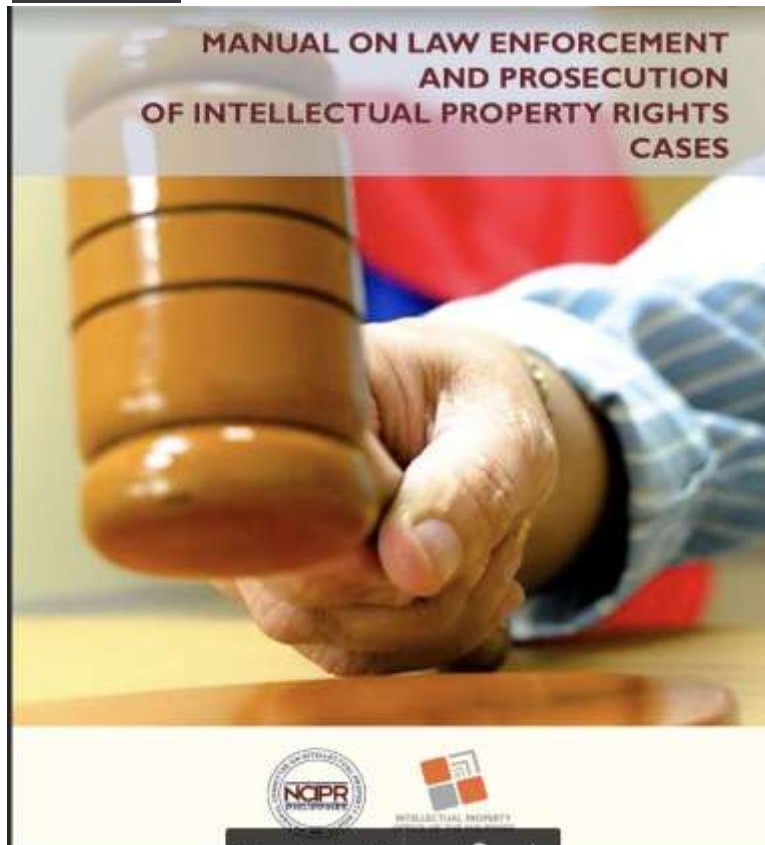
- 2.1 Republic Act No. 9239, or the Optical Media Act of 2003;
- 2.2 DILG Memorandum Circular No. 2011-056 dated April 27, 2011 on *Submission of OMB-issued licenses prior to release of business permits for optical media establishments*;

COLLABORATIVE PROJECTS



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MANUAL ON LAW ENFORCEMENT AND PROSECUTION OF IPR CASES



Open with ZIP Extractor

"The Special Law on Counterfeit Drugs"

Specific Offense	Elements	Evidence
Section 4 (a)	<ul style="list-style-type: none">The manufacture, sale, or offering for sale, donation, distribution, trafficking, brokering, exportation, or importation or possession of counterfeit drugs as defined in Section 3 hereof not otherwise covered by Republic Act No. 3765, as amended. The presence or availability of such counterfeit drugs within the premises of any entity engaged in the sale,	<p>(a) If the counterfeit definition used in relation to the charge are:</p> <ul style="list-style-type: none">medicinal products with:<ul style="list-style-type: none">correct ingredients but not in the amounts as provided hereunder,wrong ingredients,without active ingredients,with insufficient

²⁴ Covers only Anti-drug products

28

manufacture or distribution of drugs and/or pharmaceutical products or in a private residence, or in public or private vehicle, or in the premises not covered by a valid license to operate from the Bureau, shall constitute a prima facie evidence of violation of this Act. Provided, however, That this presumption shall not apply to the legitimate owners of trademarks, trade names or other identifying marks, or the legitimate or authorized representatives or agents of such owners who have in their possession counterfeit drugs which bear the trademarks, trade names	quantity of active ingredient, which results in the reduction of the drug's safety, efficacy, quality, strength or purity.
	<ul style="list-style-type: none">a drug product refilled in containers by unauthorized persons if the legitimate labels or marks are used,a drug which contains no amount of, or a different active ingredient; or less than eighty percent (80%) of the active ingredient it purports to possess, as distinguished from an adulterated drug including reduction or loss of efficacy

The Manual serves as a guide to LEA and prosecutors on the needed evidence to prosecute IP cases. (contains checklists)

COLLABORATIVE PROJECTS

MANUAL ON ONLINE PROTOCOL AGAINST COUNTERFEIT MEDICINES – FDA LEAD

✓FDA, in collaboration with IPOPHL, NBI, DOJ & PNP have agreed to develop a protocol for reporting and investigating counterfeit pharmaceuticals, particularly those found in the online space. FDA, IPOPHL and the whole NCIPR continues to strengthen its effort in countering counterfeit pharmaceuticals both in the physical and digital spaces.

✓The NCIPR, which includes the IPOPHL and the Food and Drug Authority (FDA), has remained strong in removing counterfeit pharmaceuticals from the market. In 2019 alone, the total value of counterfeit pharmaceutical products seized by the NCIPR was around 12 Million US Dollars. While the FDA, as the government agency with jurisdiction over pharmaceuticals, is taking the lead in programs to seize counterfeit pharmaceuticals and prevent these from entering the Philippine market, it has worked in collaboration with NCIPR

ACCOMPLISHMENTS as an NCIPR

RESULT OF COLLABORATION UNDER NCIPR



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BUREAU OF CUSTOMS

BOC SEIZES PHP 7 BILLION WORTH OF COUNTERFEIT GOODS

As part of the intensified effort of the Bureau of Customs to fight smuggling and the proliferation of counterfeit goods, the Intellectual Property Rights Division (IPRD) – Customs Intelligence and Investigation Service (CIS) under the Intelligence Group (IG) and Port of Manila District Office in coordination with the Armed Forces of the Philippines and the Philippine Coast Guard seized 1,000,000 counterfeit items in Bagong Milenio, Pasay City on July 28, 2021.



PHILIPPINESLIFESTYLE.COM

P78-M worth of smuggled, counterfeit cigarettes seized in Subic | Philippines Lifestyle News

In **2020**, NCIPR seizures amount to Php 9.8 B

In **2021**, NCIPR seizures amount to Php 24.9B with Bureau of Customs having the biggest haul at 21.6 B

ACCOMPLISHMENTS as an NCIPR

Philippines out of the US watchlist since 2014



The screenshot shows a news article on the Philstar Global website. The article is titled "Philippines keeps good IP standing with US for 8th straight year" and is dated May 3, 2021. The author is Louella Desiderio. The article text states that the Philippines was excluded from the US government's list of countries with issues on intellectual property (IP) rights protection and enforcement for the eighth consecutive year. It also mentions that the 2021 Special 301 Report priority lists released by the Office of the US Trade Representative (USTR) excluded the Philippines, allowing the country to keep its good standing since 2014. The article further notes that while the Philippines was not part of the Special 301 Report's priority lists, the USTR raised concern on the country being a source of counterfeit medicines and the slow process for opposition and cancellation of trademarks. The article is accompanied by a sidebar with social media sharing options and a sponsored content section featuring advertisements for GLAM Residences and SMDC.

BUSINESS

Philippines keeps good IP standing with US for 8th straight year

Louella Desiderio - The Philippine Star ①
May 3, 2021 | 12:00am

MANILA, Philippines — The Philippines was excluded for the eighth consecutive year from the US government's list of countries with issues on intellectual property (IP) rights protection and enforcement.

The 2021 Special 301 Report priority lists released by the Office of the US Trade Representative (USTR) excluded the Philippines, allowing the country to keep its good standing since 2014.

While the Philippines was not part of the Special 301 Report's priority lists, the USTR raised concern on the country being a source of counterfeit medicines and the slow process for opposition and cancellation of trademarks.

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News link :
<https://www.philstar.com/business/2021/05/03/2095363/philippines-keeps-good-ip-standing-us-8th-straight-year>

ACCOMPLISHMENTS as an NCIPR

Delisted from EU Priority Countries (2021 Report on the Protection and Enforcement of Intellectual Property Rights in Third Countries)

PH delisted from EU's priority counterfeit watchlist

By Kria Crismundo

January 27, 2020, 3:00 pm

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MANILA – The Philippines is no longer in the priority watchlist of European Union (EU) in terms of threat to its intellectual property rights (IPR), a biennial report of the European Commission shows.

European Commission has released its biennial watchlist titled the "Report on the protection and enforcement of intellectual property rights in third countries" that removed the Philippines from Priority 3 category due to "very few complaints received from stakeholders and the increase in the relative importance of other countries for EU right holders".

The priority counterfeit watchlist ranks economies based on the level of concern and threat to EU's IPR holders, with Priority 1 being the biggest threat and Priority 3 as the least concerning.

"Due to the few complaints, IPR holders in EU only deemed it strategic to put the Philippines aside and give more importance in looking after other countries that have an increasing potential to let loose on counterfeiting and piracy activities," Intellectual Property Office of the Philippines (IPOPHL) officer-in-charge Teodoro Pasoua said in a statement.

This is the first time the Philippines was delisted from any Priority category. Years prior to 2015, the Philippines was listed in Priority 2 category.

Pasoua said the latest report of the European Commission reflects the success of the National Committee on Intellectual Property Rights (NCIPR) to curb piracy and counterfeiting in the country.

"NCIPR officials and officers are committed to going after IPR violators, finding it a meaningful duty to protect the country from the



Related Stories

PH stocks index dips anew, peso ends sideways

PH '22 inflation rate not expected to surpass 5%

PH continues to attract investments in data center, RE

Digital banks seem to boost deposit accounts in PH

PH stocks index slips as peso finishes sideways vs. US dollar

Economist eyes further rise in PH GfR as economy recovers

Vax program, amendments to several laws boost PH employment

Stronger domestic demand to fuel PH economic growth in 2022, 2023

Policy rate hike in H2 still in offing as PH inflation rises

News link :
<https://www.pna.gov.ph/articles/1138797>

From Whole of Government to Whole of Nation approach in IP Enforcement:

Collaboration with the private sector and other non-government stakeholders

SNAPSHOTS of COLLABORATION UNDER NCIPR



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IPOPHL - IEO REFERRALS OF SALE OF COUNTERFEIT PRODUCTS ONLINE (e-books, luxury items, food, medicines)

January 31 · 🌐

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Screenshots of Online Reseller of Fake "Highlands Corned Beef" sold in 1kg packs at Php 220.00 each

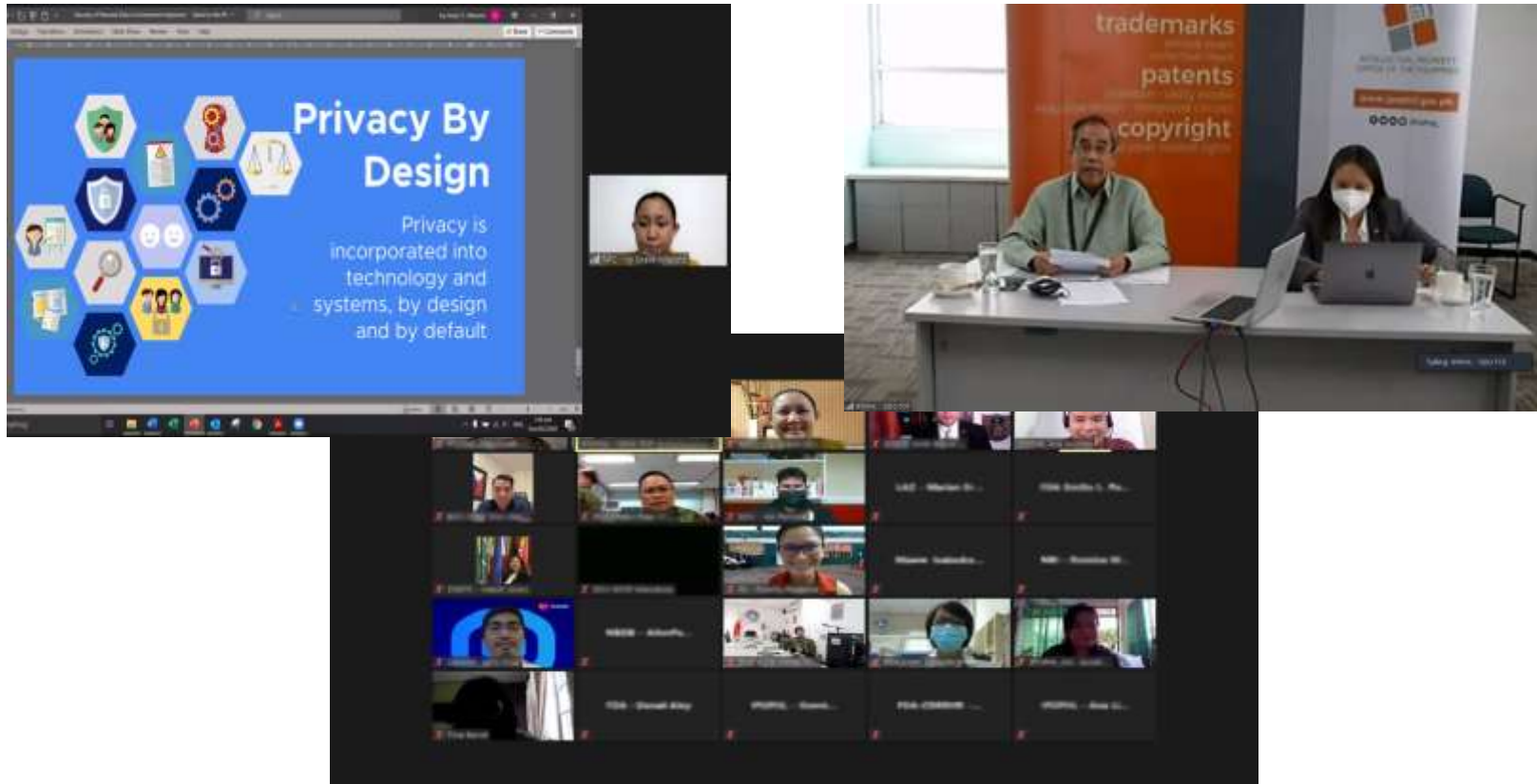


- Sample was sourced from Indang, Cavite;
- Product as frozen when received;
- Reseller claims that her supplier is from Trece Martires and that the product is directly from the "factory".

CONSTANT DIALOGUE (FGDS)



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FGD with internet service providers (ISPs)
FGD with Data Privacy Commission (DPC)
FGD with e-commerce platforms (resulted in the MOU between platforms and brandowners in March, 2021)

MOU BETWEEN BRANDOWNERS AND ONLINE PLATFORMS



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Signing Ceremony MOU between Brand Owners and Online Platforms



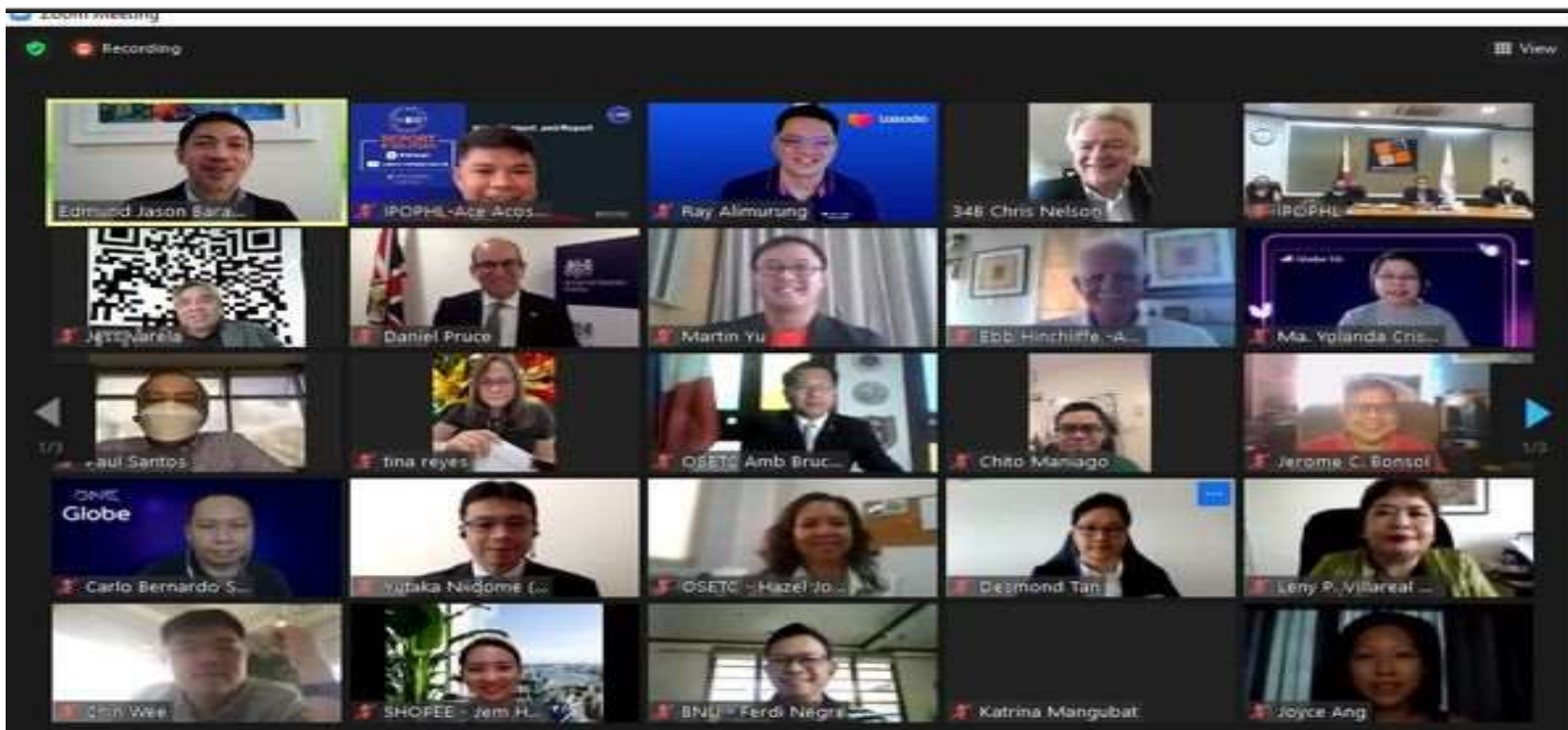
Lazada



ROUSE



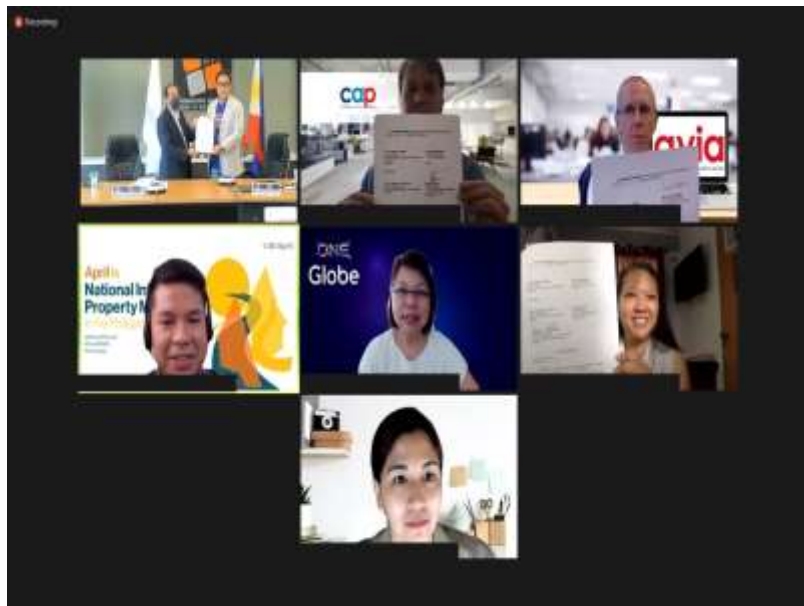
01 March 2021 | via Zoom



MOU with PRIVATE SECTOR



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- ✓ Signing of Memorandum of Understanding (MOU) between Intellectual Property Office of the Philippines (IPOPHL) and **Asia Video Industry Association (AVIA)** which aims provide information on piracy, conduct training on piracy matters, and make recommendations for Philippines' online piracy monitoring and rolling site blocking,

IPOPHL partners with Pharmaceutical Security Institute to arrest surge of counterfeit pharma

IPOPHL | www.ipophil.gov.ph



- ✓ Providing an appropriate framework which enables both parties to facilitate and coordinate cooperation in the areas of common interest to ensure the safety of the public and enforcement and protection of IP rights, including the areas of eCommerce trade and cross-border enforcement in pharmaceuticals.

The background features abstract geometric shapes in shades of gray and orange. A large, light gray shape resembling a stylized 'L' or a corner bracket is prominent in the upper right. Another gray shape is in the lower right. A solid orange bar runs horizontally across the bottom, with a gray triangular shape overlapping its right side. The main text is centered within a white rounded rectangle with an orange border.

COORDINATION AND COLLABORATION IN THE ASEAN REGION

Philippines as Chair of the AWGIPC



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ASEAN Working Group On Intellectual Property Cooperation

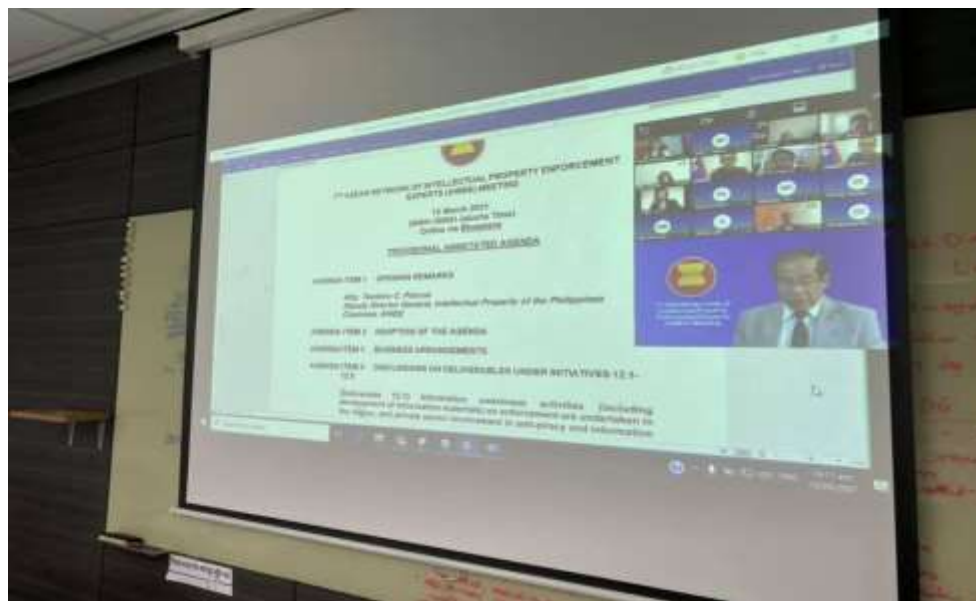
- ✓ The Philippines took over the Chairmanship of the AWGIPC in March 2021. For two (2) years, the Philippines amongst others aims to accelerate the completion of deliverables under the ASEAN IPR Action Plan 2016-2025, intensify coordination and collaboration within ASEAN and modernize processes through digital transformation.



Philippines as Chair of ANIEE

ASEAN Network of IP Enforcement Experts

- ✓ The Philippines through the Intellectual Property Office of the Philippines (IPOPHL) presides over the meeting as the Chair of the network for the 2nd consecutive term (2021-2022).
- ✓ As a second-time chair, IPOPHL proposed new activities that will further realize IP enforcement deliverables under the ASEAN IP Rights Action Plan 2016-2025.



ANIEE-CECWG COOPERATION



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ANIEE and the ASEAN Customs Enforcement and Compliance Working Group agreed to cooperate on three (3) aspects:

- ✓ Providing statistical data on IP related enforcement at the border;
- ✓ Capacity building of customs on IPR; and
- ✓ Support in the information awareness campaign and education on IPR

COOPERATION AMONG AMS IN IPR ENFORCEMENT EFFORTS



PHILIPPINES AND CAMBODIA COOPERATION ON IPR ENFORCEMENT

- ✓ AUG 2020 - Philip Morris Fortune Tobacco Corp. (PMFTC) worked with Cambodian Anti-Economic Crime Police (AECP) regarding cigarettes manufactured in Cambodia for PHL Market
- ✓ Cigarettes bore a TM not registered in Cambodia
- ✓ Further investigation by AECP reveal factory is owned by a Chinese national and located in Phnom Penh

COOPERATION AMONG AMS IN IPR ENFORCEMENT EFFORTS



PHILIPPINES AND CAMBODIA COOPERATION ON IPR ENFORCEMENT

- ✓ Aug 2020 – Customs in Cebu and Subic seized counterfeit PMFTC cigarettes with same alpha numeric pack code and Unique Identified Code (UIC) as those found by AECF in Cambodia
- ✓ PMFTC requested assistance from PHL Department of Trade and Industry (DTI)
- ✓ DTI requested DFA PHL to raise the issue with the government of Cambodia to take action and stop the supply from entering PHL market

COOPERATION AMONG AMS IN IPR ENFORCEMENT EFFORTS



PHILIPPINES AND CAMBODIA COOPERATION ON IPR ENFORCEMENT

- ✓ IPOPHL, DTI, PMFTC and Embassy of Cambodia in PHL met to discuss the issue
- ✓ DFA requested the government of Cambodia to take action and stop the supply of cigarettes from entering PHL market

CONCLUSION



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- ✓ Coordination, collaboration and partnership are important key strategies and mechanisms to make our efforts against combatting counterfeit drugs/medicines succeed.
- ✓ Government should not work in silos.

“Unity is strength...when there is teamwork and collaboration, wonderful things can be achieved.” – Mattie Stepanek



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Thank you.