# INTELLECTUAL PROPERTY OFFICE (PHILIPPINES)

AS

DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees . . . . . Annex PH.I

National phase entry application form . . . . . Annex PH.II

**List of abbreviations:**

| | |
|---|---|
| Office: | Intellectual Property Office (Philippines) (IPO) |
| IP Code: | Republic Act No. 8293 otherwise known as the Intellectual Property Code of the Philippines |
| PRo-PCT: | Philippine Rules on PCT Applications |
| Regulations: | The Revised Implementing Rules and Regulations for Patents, Utility Models and Industrial Designs (as in force from 16 March 2012) |
| IPO Fee Structure: | Rules and Regulations Establishing the Fee Structure of the IPO |

SUMMARY **Designated (or elected) Office** SUMMARY

PH **INTELLECTUAL PROPERTY OFFICE (PHILIPPINES)** PH

## Summary of requirements for entry into the national phase

| | |
|---|---|
| Time limits applicable for entry into the national phase: | Under PCT Article 22(1): 30 months from the priority date[1]<br>Under PCT Article 39(1)(a): 30 months from the priority date[1] |
| Translation of international application required into:[2] | English |
| Required contents of the translation for entry into the national phase: | Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19[3]), any text matter of drawings, abstract<br>Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report[3]) |
| Is a copy of the international application required? | No, where the international application was filed in a language other than English<br>Yes, where it was filed in English and the applicant has not received Form PCT/IB/308 |
| National fee:[4] | Currency: Philippine peso (PHP)<br>For patent:<br>Filing fee: PHP 4,320 (2,000)[5]<br>For utility model:<br>Filing fee: PHP 3,600 (1,720)[5] |
| Exemptions, reductions or refunds of the national fee: | No filing fee is payable if priority of an earlier national application is claimed. |

*[Continued on next page]*

1 This time limit can be extended by one month provided the applicant pays an extension fee for late entry into the national phase, equal to 50% of the prescribed filing fee.

2 Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

3 Where the applicant furnishes only a translation of the international application as amended, the Office will invite the applicant to furnish the missing translation of the international application as originally filed. If the translation of the amended part is missing, the Office will not invite the applicant to furnish the missing translation and the amendments will be disregarded.

4 Must be paid at the time of entry into the national phase or within one month from the time of entry into the national phase. Where the national phase is entered after 30 months but not later than 31 months from the priority date, a surcharge (see footnote 1) will have to be paid.

5 The amount in parentheses is applicable in cases of filing by a "small entity". A small entity is any natural or legal person whose assets are worth 100 million PHP or less; or any entity, agency, office, bureau or unit of the Philippines government including government-owned or controlled corporations, state universities and colleges and government-owned or government-run schools. At the time of payment, any natural or legal person is presumed to be a big entity unless a written statement to the contrary is submitted by such natural person or the duly authorized representative of such legal person.

SUMMARY **Designated (or elected) Office** SUMMARY

PH **INTELLECTUAL PROPERTY OFFICE (PHILIPPINES)** PH

*[Continued]*

| | |
|---|---|
| Special requirements of the Office (PCT Rule 51*bis*): | Appointment of an agent if the applicant is not a resident of the Philippines[6]<br>Copy or translation of the international application to be furnished in duplicate[7]<br>Name and address of the inventor if they have not been furnished in the "Request" part of the international application[7, 8]<br>Instrument of assignment of the international application if the applicant is not the inventor[7, 8]<br>Instrument of assignment of the priority application where the applicants are not identical[7, 8]<br>Document evidencing a change of name or person of the applicant if the change occurred after the international filing date and has not been reflected in the PCT pamphlet or in a notification from the International Bureau (Form PCT/IB/306)[6]<br>Furnishing, where applicable, of a nucleotide and/or amino sequence listing in electronic form[7] |
| Who can act as agent? | Any patent agent or representative residing in the Philippines upon whom notices and processes for judicial or administrative procedure may be served |
| Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter*.2)? | No |

[6] If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

[7] Where necessary, the Office will invite the applicant to comply with the requirement within a time limit which shall not be less than two months from the date of the invitation.

[8] This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

PH.01 **FORMS FOR ENTERING THE NATIONAL PHASE.** The Office recommends the use of a form for entering the national phase (see Annex PH.II), which is available on the Office's web site at: www.ipophil.gov.ph. This form should preferably (but need not) be used.

Regulations Final Provisions Section 1

PH.02 **CORRESPONDENCE.** All business with the Office or the Bureau of Patents shall be performed in writing. Actions will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding. All letters and other communications must be addressed to the Director of Patents; if addressed to any other officer, they will ordinarily be returned. In every case, a separate letter shall be written in relation to each distinct subject of inquiry. When a letter concerns an application it shall state the name of the applicant, the title of the invention, the application number and the filing date of the application. When the letter concerns a granted patent, it shall state the name of the patentee, the title of the invention, the patent number and date of issuance.

Regulations Rule 505

PH.03 **FORM OF SIGNATURES.** Where a signature is required, the Office may accept a hand-written signature; or the use of other forms of signature, such as a printed or stamped signature, or the use of a seal, or thumb marks, instead of a hand-written signature, provided that where a seal or a thumb mark is used, it should be accompanied by an indication in letters of the name of the signatory. No attestation, notarization, legalization or other certification of any signature or other means of self-identification referred to in the preceding sentence will be required, except where the signature concerns the surrender of a letters patent.

IP Code Section 33
Regulations Rule 421
PRo-PCT Rule 7(a), (c)

PH.04 **REPRESENTATION.** An applicant who is not a resident of the Philippines shall appoint and maintain an agent or representative residing in the Philippines upon whom notices or processes for judicial or administrative procedure may be served relating to the international application filed with the Office. An applicant who is a resident of the Philippines may likewise appoint and maintain an agent or representative residing in the Philippines for the same purpose.

PRo-PCT Rule 36

PH.05 **EARLIER NATIONAL APPLICATIONS FROM WHICH PRIORITY IS CLAIMED.** Where the international application claims the priority of an earlier Philippine national application, the applicant should elect which one of the two applications shall be further prosecuted. The applicant may indicate his choice in the form for entering the national phase. Otherwise, the Office will invite the applicant, within one month from the date of entry into the national phase of the international application, to elect only one application for further prosecution within two months from the date of the invitation, or within a longer period which the Office may allow, but not to exceed six months from the date of entry into the national phase.

PRo-PCT Rule 38.2

PH.06 **SUBMISSION OF PRIORITY DOCUMENT.** If the priority document has not been submitted to the International Bureau in accordance with PCT Rule 17.1(a)-b-(b-*bis*), the applicant shall submit to the Office a certification from the national Office concerned stating the following data regarding the application the priority of which is claimed: name of the applicant, filing date, application number and title of the application. The certification, and its English translation if not in English, together with the payment of the fee for extension of time to submit the priority document, and the surcharge for late payment provided for in the IPO Fee Structure, shall be submitted within six months from the date of entry into the national phase without need of notice. The certification, and its English translation if not in English, do not require legalization. Failure of the applicant to comply with PRo-PCT Rule 38.2 shall be grounds to disregard the priority claim.

IP Code Section 39
Regulations Rule 612
612.1
612.2

PH.07 **STATEMENT CONCERNING CORRESPONDING APPLICATIONS IN OTHER COUNTRIES.** The applicant shall, at the request of the (Director of the Bureau of Patents) Office, furnish the date and number of any application for a patent filed by him abroad relating to the same or essentially the same invention as that claimed in the application filed with the Office and other documents relating to the foreign application. The application is considered withdrawn if the applicant fails to comply with the requirement to furnish information concerning the corresponding foreign application, within the specified period.

Other documents relating to the foreign application may consist of the following:

(i) a copy of the search reports in English on the corresponding or related foreign application prepared by the European, Japanese or United States Patent and Trademark Offices, by the searching authorities under the Patent Cooperation Treaty or by the office where the first patent application was filed;

(ii) a photocopy of the relevant documents cited in the search report;

(iii) a copy of the patent granted to the corresponding or related application;

(iv) a copy of the examination report or decision on the corresponding or related foreign application; and

(v) other documents which could facilitate adjudication of the application.

Regulations Final Provisions Section 2
PRo-PCT Rule 43

PH.08 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex PH.I.

IP Code Section 55
Regulations Rules 1100
1101
1102
PRo-PCT Rule 40(b)
IPO Fee Structure
Part II General Provisions Sections 1-6

PH.09 **ANNUAL FEES.** To maintain the patent application or patent, an annual fee shall be paid upon the expiration of four years from the date of the international publication regardless of the language of publication, and on each subsequent anniversary of such date. Payment may be made within three months before the due date. The obligation to pay the annual fees shall terminate should the application be withdrawn, refused, or cancelled. If an annual fee is not paid within the prescribed time, a notice of non-payment shall be published in the *IPOPHL E-Gazette*. After publication, a notice shall also be immediately mailed to the patent owner, applicant, or resident agent. Within a grace period of six months from the publication of the notice of non-payment in the *IPOPHL E-Gazette*, the annual fee plus the prescribed surcharge for delayed payment and the publication fee must be paid in full. In case of failure to pay the annual fee, surcharge, and the publication fee within the grace period, a notice that the application is deemed withdrawn or that the patent is considered as lapsed as of the date following the expiration of the original period within which the annual fee was due, shall be issued and published in the *IPOPHL E-Gazette* and recorded in the appropriate Register of the Office.

Regulations Rule 417
IPO Fee Structure
Part II General Provisions Section 6

PH.10 **CLAIMS INCURRING FEE.** Any application comprising more than five claims, independent and/or multiple/alternative dependent claims at the time of filing, or claims added after the filing date over and above five, incurs payment of a claims fee. The claims fee shall be payable within one month from the date of entry into the national phase. If the claims fees have not been paid in due time, they may still be validly paid within a grace period of one month following a notice from the Office indicating the failure to pay the claims fee. If the claims fee is not paid within the time limit and the grace period referred to in Rule 417, or the claims fee is not fully paid within the time limit prescribed during substantive examination of the application, the claim or claims concerned shall be deemed withdrawn.

PRo-PCT Rule 40(c)

PH.11 **FEE AND TIME LIMIT FOR REQUESTING EXAMINATION.** There is no need to file a separate request for substantive examination in the case of international applications, but the substantive examination fee has to be paid at the date of entry into the national phase or within six months thereafter. The international application shall be deemed withdrawn if the substantive examination fee is not paid within six months from the date of entry into the national phase. The applicant may use a form for payment provided by the Office for this purpose.

IP Code Section 50.1
50.2
Regulations Rule 1000

PH.12 **FEE FOR GRANT.** If the required fees for grant and printing are not paid in due time, the application shall be deemed to be withdrawn.

PRo-PCT Rule 35(d)
Regulations Rules 916-927

PH.13 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** During the national phase, and at any time before a patent is granted or refused on the international application, the applicant may present amendments to the specification, claims and drawings in accordance with the IP Code and its implementing Rules and Regulations.

Regulations Rule 408(b)

PH.14 **REQUIREMENTS FOR APPLICATIONS RELATING TO BIOLOGICAL MATERIALS AND MICROORGANISMS.** If the depositary institution and the file number of the culture deposit are not stated in the application at the time of filing the application, the said information shall be submitted within two months from a request by the examiner.

PRo-PCT Rule 37

PH.15 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase of the Guide.

PH.16 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase of the Guide.

Regulations Rule 928(b)

PH.17 **EXTENSION OF TIME LIMITS.** The time limit for reply to an official action requiring a response may be extended only for good and sufficient cause. Any request for such extension must be filed not later than the day on which the response is due. The examiner may grant a maximum of two extensions, provided that the aggregate period granted, inclusive of the initial period allowed to file the response, shall not exceed six months from the mailing date of the official action requiring such response.

Regulations Rule 929

PH.18 **REVIVAL OF APPLICATION.** An application deemed withdrawn for failure to prosecute may be revived as a pending application within a period of four months from the mailing date of the notice of withdrawal if it is shown to the satisfaction of the Director of the Bureau of Patents that the failure was due to fraud, accident, mistake or excusable negligence. A petition to revive an application deemed withdrawn must be accompanied by showing of a justifiable reason for the failure to prosecute, a complete response, and full payment of the required fee.

IP Code Section 51
Regulations Rules 1300-1311

PH.19 **PETITIONS AND APPEAL.** Petitions may be filed with the Director of Patents from any repeated action or requirement of the examiner which is not subject to appeal and in other appropriate circumstances. The final order of refusal of the examiner to grant the patent may be appealed to the Director of the Bureau of Patents.

IP Code Section 108
109
111
PRo-PCT Rule 5

PH.20 **UTILITY MODEL.** In respect of the Philippines as a designated or elected State, an applicant cannot seek two kinds of protection for the same subject, one for a utility model registration and the other for the grant of a patent, whether simultaneously or consecutively.

Regulations Rules 1405
1406

All applications for utility models shall be registered without substantive examination provided that all required fees, including fees for excess claims and publication are paid and all formal requirements set forth in the Regulations are complied with. However, applicants may request the Office to prepare a registrability report in accordance with Rules 1901-1903 before initiating infringement proceedings in respect of the registered utility model. The Office shall conduct a formality examination of the application and a report thereon shall be transmitted to the applicant.

IP Code Section 110
Regulations Rules 1417
1418

PH.21 **CONVERSION.** At any time before the grant or refusal of a patent, an application for a patent may, upon payment of the prescribed fee, be converted into an application for registration of a utility model, which shall be accorded the filing date of the initial application. It may be converted only once.

At any time before the grant or refusal of a utility model registration, an application for a utility model registration may, upon payment of the prescribed fee, be converted into a patent application, which shall be accorded the filing date of the initial application.

# FEES
## (Currency: Philippine peso (PHP))

**Patents**

| | Entity | |
|---|---|---|
| Pre-examination: | Big | Small |
| — Filing fee[1] | 4,320 | 2,000 |
| — For each sheet in excess of thirty (30) | 36 | 18 |
| — For each claim in excess of five (5) | 360 | 180 |
| — Request for right of priority | 2,160 | 1,000 |
| — Request for extension of time to file priority documents | 1,560 | 740 |
| — Divisional application (for each division) | 4,320 | 2,000 |
| — Conversion from utility model to patent | 1,440 | 690 |
| Examination: | | |
| — Request for: | | |
| — Extension of time to file response: | | |
| — First | 720 | 360 |
| — Second | 780 | 390 |
| — Substantive examination | 4,200 | 2,010 |
| — Revival | 1,200 | 570 |
| — Preparation of amended page(s) of the master copy of the specification and/or claims, per page | 70 | |
| Post-examination: | | |
| — Amendment or correction in the letters patent (plus publication fee) | 600 | 300 |
| — Petition for: | | |
| — Any amendment or any correction of mistakes in a letters patent of formal and clerical nature without fault of Office | 720 | 360 |
| — Any amendment or any correction in a letters patent of a substantive nature | 1,800 | 860 |
| Annual fees: | | |
| — for the 5th year | 3,240 | 1,550 |
| — for the 6th year | 4,320 | 2,000 |
| — for the 7th year | 5,400 | 2,580 |
| — for the 8th year | 6,480 | 3,100 |
| — for the 9th year | 8,640 | 4,140 |
| — for the 10th year | 10,800 | 5,170 |
| — for the 11th year | 13,920 | 6,670 |
| — for the 12th year | 17,280 | 8,280 |
| — for the 13th year | 20,400 | 9,770 |
| — for the 14th year | 24,480 | 11,900 |
| — for the 15th year | 29,160 | 13,970 |
| — for the 16th year | 33,360 | 15,980 |
| — for the 17th year | 37,680 | 18,050 |
| — for the 18th year | 45,240 | 21,670 |
| — for the 19th year | 54,360 | 26,040 |
| — for the 20th year | 65,160 | 26,040 |
| — Annual fee for each claim in excess of five (5) [5th to 20th year] due and payable at the same time as the applicable Annual Fee listed above | 420 | 210 |
| — Notice and publication of non-payment of annual fee | 360 | 360 |

minimum; approximately 1/8 page

[1] No filing fee is payable if priority of an earlier national application is claimed (PRo-PCT Rules 35(b) and 40(a)).

**Utility models**

| | Entity | |
|---|---|---|
| | Big | Small |
| Pre-examination: | | |
| — Filing fee | 3,600 | 1,720 |
| — For each sheet in excess of thirty (30) | 36 | 18 |
| — For each claim in excess of five (5) | 240 | 120 |
| — Request for right of priority | 1,800 | 860 |
| — Divisional application (for each division) | 3,600 | 1,720 |
| — Conversion from patent to utility model | 660 | 330 |
| Examination: | | |
| — Request for: | | |
| — Extension of time to file response: | | |
| — First | 720 | 360 |
| — Second | 780 | 390 |
| — Registrability report | 1,320 | 630 |
| — Revival | 1,200 | 570 |
| — Preparation of amended page(s) of the master copy of the specification and/or claims, per page | 84 | 84 |
| Post-examination: | | |
| — Amendment or correction to the registration (plus publication fee) | 600 | 300 |
| — Petition for: | | |
| — Any amendment or any correction of mistakes in a registration of formal and clerical nature without fault of Office | 600 | 300 |
| — Any amendment or any correction of mistakes in a registration of substantive nature | 800 | 400 |

**How can payment of fees be effected?**

The payment of the fees has to be effected in Philippine pesos (PHP). Fees shall be paid on or before the due date prescribed in the IP Code or the rules and regulations. Where no due date is specified, the fees shall be due upon submission or filing of the request for the service or material incurring the fee. Fees shall be paid in cash, money order, bank drafts and/or cheques in Philippine currency. Payments in the form of money order, bank drafts and/or cheques shall be made payable to the Intellectual Property Office (Philippines) (IPO Phil).

Fees shall be considered to have been paid as follows:

(a) in case of cash payment: the date of receipt in cash of the amount due in full.

(b) in case of money order, cheque or bank draft payment: the date of receipt of the money order, cheque or bank draft provided that the same is honored upon first presentation and provided that the payment covers the amount due in full.

Subject to the IP Code or the applicable Regulations, the Office may give the person making the payment the opportunity to fully pay the fee or any deficiency within a maximum period of two months from the mailing date of the notice. Failure to pay the full amount shall not result in any refund whatsoever of any amount already paid.

| | |
|---|---|
| **NATIONAL PHASE ENTRY APPLICATION FORM** | APPLICATION NO. **(IPO USE ONLY)**<br>DATE OF NATIONAL PHASE ENTRY **(IPO USE ONLY)** |
| **[ ] INVENTION**<br>The undersigned hereby requests for substantive examination and grant of a Philippine patent for the subject application. | DATE OF RECEIPT **(IPO USE ONLY)** |
| **[ ] UTILITY MODEL**<br>The undersigned hereby requests that this utility model application be registered. | DATE OF MAILING **(IPO USE ONLY)** |

| | | |
|---|---|---|
| **I. INTERNATIONAL APPLICATION NO.** | **II. INTERNATIONAL FILING DATE** | **III. LANGUAGE OF INTERNATIONAL APPLICATION** |
| **IV. INTERNATIONAL PUBLICATION NO.** | **V. INTERNATIONAL PUBLICATION DATE** | **VI. LANGUAGE OF INTERNATIONAL PUBLICATION** |

**VII. TITLE OF INVENTION/UTILITY MODEL**

**VIII. A. EARLIEST PRIORITY DATE CLAIMED** *(indicate Application No., Filing Date and Country of Filing)***:**

**B.** If the priority is based on an earlier Philippine national application, applicant(s) hereby elect(s) the following application for prosecution: [ ] International Application [ ] Philippine National Application

**IX. APPLICANT(S)** *(indicate Name and Address)* [ ] Big Entity (Total Assets of more than 100M) [ ] Small Entity (Total Assets of 100M or less)

☐ Further applicants are indicated on a continuation sheet.

**X. INVENTOR(S)/MAKER(S)** *(Mark the appropriate box.)*

☐ The inventor(s)/maker(s) are the same as that contained on the front page of the international publication, which is attached herewith.

☐ The inventor(s)/maker(s) are the same as that contained on the front page of the international publication, which is attached herewith, except for changes set out below.

**NAME(S) OF INVENTOR(S)/MAKER(S)** *(indicate Name and Address)* [ ] Same as Applicant(s)

**XI. CHECKLIST.** All documents must be in English or translated into English.

1. Description and claims _____ Sheets
2. Abstract _____ Sheets
3. Drawing (s) _____ Sheets
4. ☐ Sequence Listing (paper) _____ Sheets
   ☐ Sequence Listing (PDF OCR) _____ Sheets

Total _____ Sheets

**XII. CLAIMS**

Total No. of Claims: _____

**XIII. OTHER DOCUMENT(S)/ITEM(S) INCLUDED.** All documents must be in English or translated into English.

1. [ ] Amendments
   [ ] Under PCT Article 19
   [ ] Under PCT Article 34
2. [ ] International Search Report
3. [ ] International Preliminary Examination
4. [ ] POA/ARA
5. [ ] PCT/IB/304
6. [ ] Physical data carrier containing Sequence Listing in PDF OCR
7. [ ] Other _____

**XIV. AGENT (IF ANY) OR COMMON REPRESENTATIVE (IF ANY) IN THE PHILIPPINES** The following person (includes, where applicable, a legal entity) is hereby/has been appointed as agent or common representative to act on behalf of the applicant(s) before the Intellectual Property Office (IPO). Sec. 33 of R.A. No. 8293 requires a resident agent for applicants who are non-residents of the Philippines.

Name and local address, including postal code:

Tel. No. (including area code):
Fax No. (including area code):
E-mail Address:

**XV. SIGNATURE OF APPLICANT(S) OR AGENT OVER PRINTED NAME(S)** If this Request Form is signed by a resident agent, a separate Power of Attorney/Appointment of Resident Agent duly signed by the applicant(s) shall be submitted to the IPO.

*(Revision 01) (March 2015)*

## GUIDE TO THE NATIONAL PHASE ENTRY APPLICATION FORM

**TO BE FILLED UP BY IPOPHL**

**Application No.** - This is the application number issued by the IPOPHL for the specific application submitted (e.g. 1-2013-500001). When this application number is issued, all communications/actions intended for this application number should contain said number.

**Date of National Phase Entry** – This is the "Date" given to an International Application that has entered into the National Phase.

**Date of Receipt** – This is the "actual date" when the International Application has been received and entered into the Office's receiving system by the Duty Officer of the day.

**Date of Mailing** – This is the stamped date of receipt by the Post Office of the international application entering into the national phase lodged for mailing to the Office. The "Date of Mailing" shall be considered as the Date of National Phase Entry in accordance with Memorandum Circular No. 3, Series of 2011.

**TO BE FILLED UP BY THE APPLICANT**

**[ ] Invention** – Mark this box if the international application is intended as an invention application.

**[ ] Utility Model** – Mark this box if the international application is intended as a utility model application.

**I. International Application No. –** This is the application number assigned to the international application by the receiving Office (e.g. PCT/US2011/000001).

**II. International Filing Date** – This is the filing date of the international application accorded by the receiving Office.

**III. Language of International Application** – This is the language in which the international application was written when it was filed with the receiving Office.

**IV. International Publication No.** – This is the publication number given by the International Bureau (IB) of the World Intellectual Property Organization when the international application was published (e.g. WO2012/123456).

**V. International Publication Date** – This is the date when the international application was published by the IB.

**VI. Language of International Publication** – This is the language in which the international application was published by the IB.

**VII. Title of Invention/Utility Model** – This shall be as short and specific as possible. It shall appear as a heading on the first page of the description. *(Revised Implementing Rules and Regulations for Patents, Utility Model and Industrial Design (IRR) Rule 410)*

**VIII. A. Earliest Priority Date Claimed** – This is the date on which the earlier application was filed from which priority is claimed in the international application.

**B. If the priority is based on an earlier Philippine national application, applicant(s) hereby elect(s) the following application for prosecution:** - If applicable, the applicant shall choose which application shall be prosecuted should there be both an earlier filed local Philippine application and an international application that has entered into the national phase claiming priority over that earlier filed local Philippine application existing in the records of IPOPHL.

**IX. Applicant(s)** – This is/These are the owner(s) of the application. The applicant's(s') complete name(s) and address(es) shall be indicated. Mark the appropriate box to indicate whether the applicant is a small entity or a big entity. Any natural person or juridical person is presumed to be a big entity unless a written statement to the contrary is submitted by such natural person or the duly authorized representative of such juridical person. *(Section 3 (c) of Office Order No. 128 Series of 2003)*

**X. Inventors(s)/Maker(s)** – Mark the appropriate box to indicate whether the inventor(s) or maker(s) are the same as those listed in the international publication or if there are changes to the list made after the international publication. Indicate in the box below the check boxes additional inventor(s) or maker(s) or any changes relating to the name(s) and/or address(es) of the inventor(s) or maker(s).

**XI. Checklist** – This shall contain the number of sheets of the different elements of the international application from which the Duty Officer of the day shall compute the total number of sheets.

**XII. Claims** – For fee calculation purposes, the applicant shall specify the number of claims for which protection is sought. This is also intended to clarify the set of claims from which prosecution of the present application shall be based in view of a series of possible amendments to the international application which occurred prior to national phase entry.

**XIII. Other Document(s) Included** – Mark the appropriate box corresponding the document submitted together with the application.

**XIV. Agent (if any) or Common Representative (if any) in the Philippines** – This is the name and Philippine address of the person who will prosecute the application for the applicant. An applicant who is not a resident of the Philippines shall appoint and maintain an agent or representative residing in the Philippines. *(Revised IRR Rule 421)*

**XV. Signature or Applicant(s) or Agent over printed name(s)** – This confirms the applicant's intent, if applicable through its counsel, to enter the national phase. The Office may accept a hand-written signature; or the use of other forms of signature, such as a printed or stamped signature, or the use of a seal or thumb marks, instead of a hand-written signature, provided that where a seal or a thumb mark is used, it should be accompanied by an indication in letters of the name of the signatory. *(Revised IRR Rule 505)*