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## NATIONAL JUDICIAL COLLOQUIUM

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**WIPO/IP/JU/MNL/23/1**  
**ORIGINAL: ENGLISH**  
**DATE: AUGUST 15, 2023**

# Launch of the Publication, “IP Adjudication in the Philippines” and National Judicial Colloquium on Intellectual Property Adjudication in the Philippines

organized by  
the Supreme Court Philippine Judicial Academy

the Supreme Court Sub-Committee on Commercial Courts

the Intellectual Property Office of the Philippines

and  
the World Intellectual Property Organization

**Manila, Philippines, August 16 to 18, 2023**

## PROGRAM

*prepared by the International Bureau of WIPO  
with Hon. Maria Rowena Modesto-San Pedro*

**Day 1: August 16, 2023**

**Part 1: National Launch of the Intellectual Property Benchbook series**

**8.30 – 9.00 Registration**

**9.00 – 9.30 Opening Ceremonies**  
*Ecumenical Prayer*  
*Philippine National Anthem*  
*Supreme Court Hymn*

**Welcome Remarks**

**Hon. Rosmari D. Carandang**  
*Chancellor, Philippine Judicial Academy (PHILJA)*  
*Retired Associate Justice, Supreme Court*

**Messages**

**Hon. Alfredo Benjamin S. Caguioa**  
*Associate Justice, Supreme Court*  
*Chairperson, Supreme Court Sub-Committee on Commercial Courts*

**Ms. Nahal Zebarjadi**  
*Legal Officer, WIPO Judicial Institute, IP and Innovation Ecosystems Sector,*  
*World Intellectual Property Organization (WIPO)*

**9.30 – 9.45 Editor's Introduction to the IP Benchbook Series**

[Virtual]  
**Hon. Stephen Burley**  
*Justice, Federal Court of Australia*

**9.45 – 10.15 Presentation of "IP Adjudication in the Philippines" to the Supreme Court**

**Hon. Maria Rowena Modesto-San Pedro**  
*Associate Justice, Court of Tax Appeals*  
*Vice Chairperson, Commercial Law Department, PHILJA*  
*Member, Curriculum Review Committee, PHILJA,*  
*Member, Supreme Court Sub-Committee on Commercial Courts*

**Ms. Nahal Zebarjadi**

**10.15 – 10.45 Acceptance and Keynote Address**

**Hon. Alfredo Benjamin S. Caguioa**  
*Associate Justice, Supreme Court*  
*Chairperson, Supreme Court Sub-Committee on Commercial Courts*

**10.45 – 11.00 Closing Ceremonies**  
*Closing Prayer*  
*Judicial Hymn*

**11.00 – 12.30 Lunch**

**Part 2: Colloquium on Intellectual Property Adjudication in the Philippines**

**Moderator:** **Hon. Rainelda Estacio-Montesa**  
*Presiding Judge, Regional Trial Court Branch 46, Manila*  
*Member, Supreme Court Sub-Committee on Commercial Courts*

**12.30– 13.00 Registration**

**13.00 – 13.20 Welcome and Purpose**

**Professor Francis Ed. Lim**  
*Chairperson, Commercial Law Department, PHILJA*  
*Member, Supreme Court Sub-Committee on Commercial Courts*

**Atty. Rowel S. Barba**  
*Director General, Intellectual Property Office of the Philippines (IPO PHIL)*

**13.20 – 13.40 Session 1: Introduction to WIPO’s Work with Judiciaries**

- WIPO activities to support judges
- WIPO resources and tools available for judges

**Ms. Nahal Zebarjadi**

**13.40 – 14.00 Session 2: IPO PHIL Resources for Judges**

- IPO PHIL resources and tools available for judges

**Atty. Christine Pangilinan-Canlapan**  
*Director III, Bureau of Legal Affairs*  
*Supervising Director, IP Rights Enforcement Office*

**14.00 – 14.30 Session 3: International Legal Framework for IP**

- WIPO-administered treaties
- Agreement on Trade-Related and Related Aspects of IP Rights (TRIPS)

**Ms. Nahal Zebarjadi**

**14.30 – 15.00 Session 4: IP Adjudication in the Philippines**

- Brief introduction to sources of law and procedure (Intellectual Property Code, Rules of Procedure for Intellectual Property Rights Cases, Rules on Search and Seizure in Civil Actions for Infringement of IP Rights)
- Overview of conduct of IP proceedings under the IP Rules

**Hon. Romeo D. Tagra**  
*Presiding Judge, Regional Trial Court, Branch 273, Marikina City*  
*Member, Commercial Law Department, PHILJA*  
*Member, Supreme Court Sub-Committee on Commercial Courts*

**15.00 – 15.20 Coffee break**

**15.20 – 16.00 Session 5: Perspective from Australia on IP case management techniques**

- Benefits of early judicial case management
- Case management hearings
- Dealing with technical evidence
- Concurrent evidence

**Hon. Helen Rofe**  
*Justice, Federal Court of Australia*

**16.00 End of Day 1**

**Day 2: August 17, 2023**

*Moderator:* **Hon. Rainelda Estacio-Montesa**

**Morning session**

**9.00 – 9.30 Registration**

**9.30 – 10.00 Session 6: Perspective from Singapore on Fast Track Procedures for IP Disputes**

- Features of the simplified procedure
- IP disputes to which the simplified procedure applies

**Hon. Dedar Singh Gill**  
*High Court Judge, Supreme Court of Singapore*

**10.00 – 10.35 Session 7: New Technologies and IP: Artificial Intelligence**

- Round-up of recent decisions on AI from around the world

**Ms. Nahal Zebarjadi**

**10.35 – 11.15 Session 8: Principles Arising in Trademark Disputes**

- Trademark protection and rights conferred by registration
- Well-known marks
- Grounds for cancellation
- Infringement

**Hon. Ferdinand M. Negre**  
*Commissioner, Philippine Competition Commission*

**11.15 – 11.35 Coffee break**

**11.35 – 12.30 Session 9: Perspective from Singapore on Trademark Principles and/or Infringement**

- Eligibility of non-traditional marks for registration
- Bad faith as a defense to trademark infringement

**Hon. Dedar Singh Gill**

**12.30 – 13.30 Lunch**

**Afternoon Session**

**13.30 – 14.00 Registration**

- 14.00 – 14.40      Session 10: Principles Arising in Patent Disputes**
- Requirements for a valid patent
  - Rights conferred by a patent and limitations
  - Tests for establishing infringement (literal, doctrine of equivalents)
  - Defenses to allegations of patent infringement

**Hon. Antonio Ray A. Ortiguera**

*Presiding Judge, Regional Trial Court, Branch 2, Balanga City, Bataan*

- 14.40 – 15.20      Session 11: Perspective from Australia on principles arising in patent disputes**
- Patentability (e.g. isolated genetic material, computer-implemented inventions)

**Hon. Helen Rofe**

- 15.20 – 16.00      Session 12: Mediation of IP Disputes**
- Legal framework for court-annexed mediation
  - Case management challenges and approaches
  - Introduction to WIPO Mediation

**Hon. Selma Palacio Alaras**

*Associate Justice, Court of Appeals*

*Member, Alternative Dispute Resolution Department, PHILJA*

**Ms. Nahal Zebarjadi**

- 16.00                      End of Day 2**

**Day 3: August 18, 2023**

*Moderator:*            **Hon. Romeo D. Tagra**

**Morning session**

- 9.00 – 9.30              Registration**

- 9.30 – 10.10          Session 13: Principles Arising in Copyright Disputes**
- Works eligible for copyright protection
  - Economic and moral rights of the copyright owner
  - Infringement of economic rights in civil and criminal proceedings
  - Defenses to allegations of infringement of economic rights (e.g. fair use)
  - Infringement of moral rights and defenses
  - Evidentiary requirements and presumptions in civil and criminal proceedings

**Lecturer:**              **Hon. Elma M. Rafallo-Lingan**

*Presiding Judge, Regional Trial Court, Branch 159, Pasig City*

*Member, Commercial Law Department, PHILJA*

- 10.10 – 10.40          Session 14: Perspective from Singapore on Online Copyright Infringement**
- Site blocking orders
  - Right of information

**Hon. Dedar Singh Gill**

**10.40 – 11.30 Session 15: Remedies: Urgent Measures**

- Interim injunctions
- Search-and-seizure orders
- Destruction and disposal

**Professor Ricardo R. Blancaflor**

*Former Director-General, Intellectual Property Office of the Philippines  
Member, Supreme Court Sub Committee on Commercial Courts*

**11.30 – 11.50 Coffee break**

**11.50 – 12.30 Session 16: Civil and Criminal Remedies**

- Damages (e.g. types of damages available, bases of calculation, evidence of harm)
- Final injunctions and restraining orders
- Penalties, Imprisonment and Fines

**Hon. Ethel Mercado-Gutay**

*Presiding Judge, Regional Trial Court, Branch 137, Makati City*

**12.30 – 13.30 Lunch**

Afternoon Session

**13.30 – 14.00 Registration**

**14.00 – 14.40 Session 17: Perspective from Australia on civil remedies**

- Different bases for calculation of damages (e.g. notional royalties)

**Hon. Helen Rofe**

**14.40 – 15.00 Coffee break**

**15.00 – 16.30 Session 18: Roundtable discussion – Opportunities and challenges in strengthening judicial administration of IP disputes in the Philippines**

*Moderator*

**Hon. Maria Rowena Modesto-San Pedro**

**All speakers**

**16.30 – 16.45 Closing Ceremonies**

**Hon. MA. Luisa Quijano-Padilla**

*PHILJA Executive Secretary*

*Philippine Judiciary Hymn*

*Release of Certificates of Participation*

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