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


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

[End of document]