

TO: WIPO

FROM: The Intellectual Property Office of the Philippines

RE: Country Names

Country names may be registered under the Intellectual Property Code if they are used as arbitrary marks. However, a mark cannot be registered if it is likely to mislead as to the geographical origin of the goods and services [Sec. 123.1(g)] or if it consists exclusively of an indication (i.e. country name) that describes the geographical origin of the goods and services [Sec. 123.1(j)].

For example, "CUBA" may be registered for cars because it has no direct relation to the country for Cuba is not known for producing cars. However, "CUBA" may not be registered for tobacco because it either describes the geographical origin of the goods if the products indeed come from Cuba or it is likely to mislead as to the geographical origin of goods if the tobacco does not originate from Cuba.

Legal Text: Republic Act No. 8293, Intellectual Property Code

SEC. 123. Registrability

123.1. A mark cannot be registered if it:

(g) Is likely to mislead the public, particularly as to the nature, quality, characteristics or geographical origin of the goods or services;

(j) Consists exclusively of signs or of indications that may serve in trade to designate the kind, quality, quantity, intended purpose, value, geographical origin, time or production of the goods or rendering of the services, or other characteristics of the goods or services;