



MEMORANDUM CIRCULAR NO. PCT- 2013-02

TO : All Concerned

SUBJECT : Withdrawal of the Philippines' Notice of Incompatibility with the Confirmation of Incorporation by Reference of Elements and Parts

DATE : 24 January 2013

Please be informed that the IPOPHL has withdrawn the notice of incompatibility of the Intellectual Property Code of the Philippines and its Implementing Rules and Regulations with Rule 20.8(a) and (b) of the Regulations under the Patent Cooperation Treaty in relation to Confirmation of Incorporation by Reference of Elements and Parts.

In view of recent discussions and studies made on the basis of the incompatibility with the national law of the Philippines, it has been found that the related law is to be interpreted as to allow the incorporation by reference of elements and parts to the priority claim.

The effective date of this withdrawal is from the entry into force of amended Rule 20.8 (a) and (b), which is on April 1, 2007.

Thus, any decision against confirmation of incorporation by reference of elements and parts made by the IPOPHL as a receiving Office and designated Office are hereby considered null and void.

The Director of Patents shall issue an Order, upon the expressed request of the applicant, disregarding the adverse decision in relation to incorporation by reference and remanding the application to the examiner-in-charge for further appropriate action.


EPIFANIO M. EVASCO
Director, Bureau of Patents

Noted:


RICARDO R. BLANCAFLOR
Director General