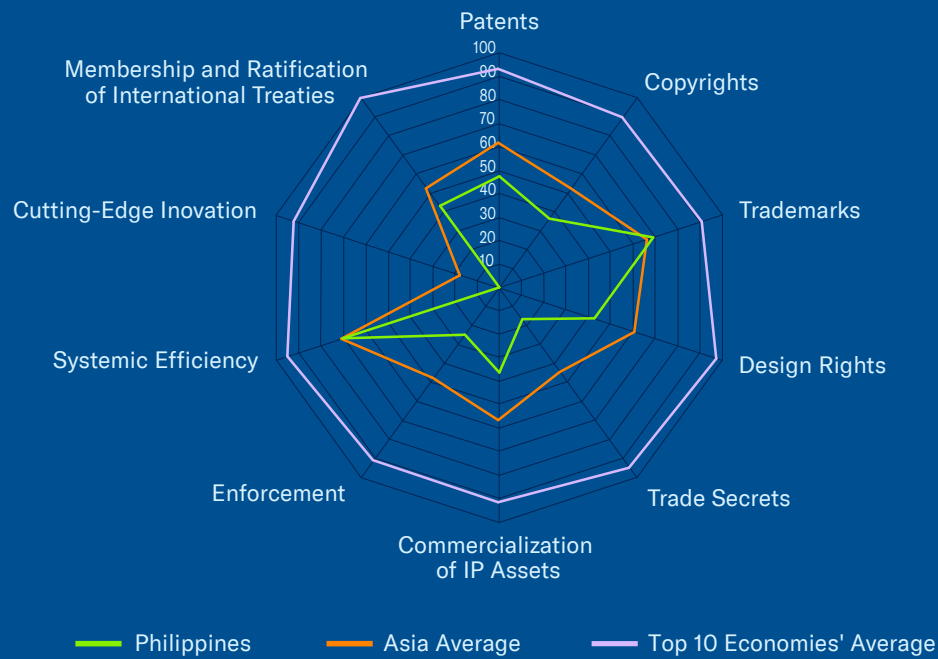




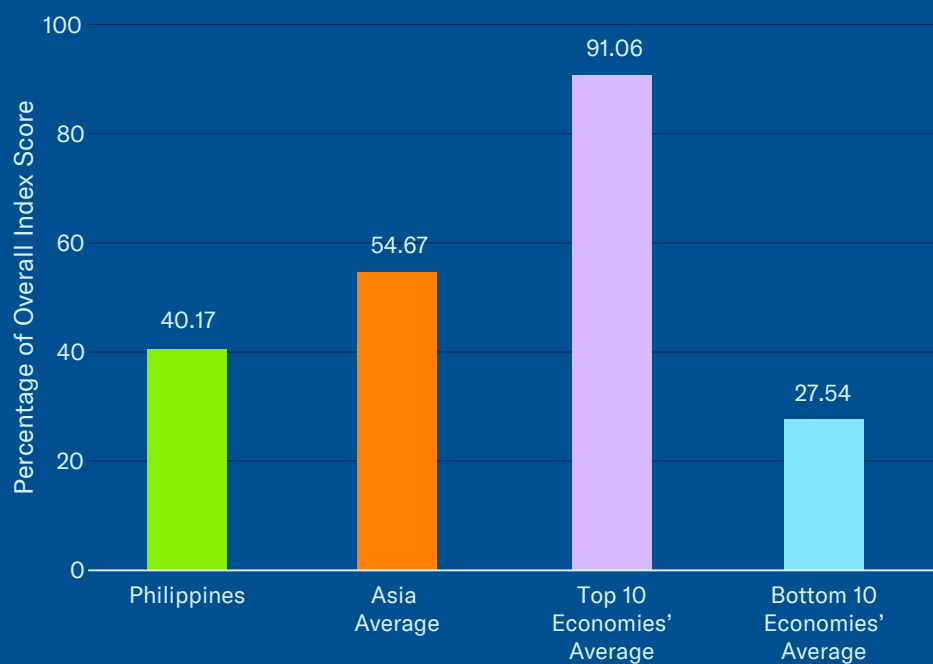
# Philippines

Rank  
**36/55**

## Category Scores



## Overall Score in Comparison





# Philippines

Rank  
**36/55**

## Key Areas of Strength

- New IPOPHL Circular and 2024 Internet Transactions Act strengthen the ability to enforce IP rights online
- IPOPHL's strong IP enforcement efforts online continued in 2022
- Draft amendments to the IP Code would strengthen the IP environment
- R&D tax incentives are in place
- Most basic IP rights are provided for in existing legislation
- Growing specialization and capacity building, such as in administrative IP courts

## Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Barriers are in place for licensing and technology transfer
- Significant gaps exist in life sciences and content-related IP rights
- Online piracy is high, with digital protection largely unaddressed
- BSA estimates software piracy to be at 64%

Indicator	Score	Indicator	Score
<b>Category 1: Patents Rights and Limitations</b>	<b>4.25</b>	29. Direct government intervention in setting licensing terms	0.25
1. Term of protection	1.00	30. IP as an economic asset	0.50
2. Patentability requirements	0.50	31. Tax incentives for the creation of IP assets	0.67
3. Patentability of CIIIs	0.50	<b>Category 7: Enforcement</b>	<b>1.74</b>
4. Plant variety protection	1.00	32. Physical counterfeiting rates	0.38
5. Pharmaceutical-related enforcement	0.25	33. Software piracy rates	0.36
6. Legislative criteria and use of compulsory licensing	0.00	34. Civil and precedural remedies	0.25
7. Pharmaceutical patent term restoration	0.00	35. Pre-established damages	0.25
8. Membership of a Patent Prosecution Highway	0.50	36. Criminal standards	0.25
9. Patent opposition	0.50	37. Effective border measures	0.00
<b>Category 2: Copyrights and Limitations</b>	<b>2.53</b>	38. Transparency and public reporting by customs	0.25
10. Term of protection	0.53	<b>Category 8: Systemic Efficiency</b>	<b>3.50</b>
11. Exclusive rights	0.25	39. Coordination of IP rights enforcement	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.50	40. Consultation with stakeholders during IP policy formation	0.75
13. Cooperative action against online piracy	0.25	41. Educational campaigns and awareness raising	0.75
14. Limitations and exceptions	0.25	42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
15. TPM and DRM	0.25	43. IP-intensive industries, national economic impact analysis	0.50
16. Government use of licensed software	0.50	<b>Category 9: Cutting-Edge Innovation</b>	<b>0.00</b>
<b>Category 3: Trademarks Rights and Limitations</b>	<b>2.75</b>	44. IP incentives for orphan medicinal product development	0.00
17. Term of protection	1.00	45. IP incentives for orphan medicinal product development, term of protection	0.00
18. Protection of well-known marks	0.50	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
19. Exclusive rights, trademarks	0.50	<b>Category 10: Membership and Ratification of International Treaties</b>	<b>3.00</b>
20. Frameworks against online sale of counterfeit goods	0.75	47. WIPO Internet Treaties	1.00
<b>Category 4: Design Rights and Limitations</b>	<b>0.85</b>	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
21. Industrial design term of protection	0.60	49. Patent Law Treaty and Patent Cooperation Treaty	0.50
22. Exclusive rights, industrial design rights	0.25	50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
<b>Category 5: Trade Secrets and the Protection of Confidential Information</b>	<b>0.50</b>	51. Membership of the Convention on Cybercrime, 2001	1.00
23. Protection of trade secrets (civil remedies)	0.25	52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
24. Protection of trade secrets (criminal sanctions)	0.25	53. Post-TRIPS FTA	0.00
25. Regulatory data protection term	0.00		
<b>Category 6: Commercialization of IP Assets</b>	<b>2.17</b>		
26. Barriers to market access	0.25		
27. Barriers to technology transfer	0.25		
28. Registration and disclosure requirements of licensing deals	0.25		

Percentage of Overall Score: 40.17%

• Total Score: 21.29

# Spotlight on the National IP Environment

## Past Editions versus Current Score

The Philippines' overall Index score has increased from 20.79 out of 50 indicators in the twelfth edition to 21.29 out of 53 indicators. This reflects score increases for indicators 12 and 20.

## Copyrights and Limitations

### *12. Expeditious disabling of infringing content online:*

In 2024, the Philippines adopted more effective mechanisms to fight online copyright infringement. In late 2023, the national IP office, IPOPHL, issued Memorandum Circular No. 2023-025. Under this circular, access to websites that provide and distribute copyright-infringing content can be disabled by participating ISPs. The scheme is voluntary and builds on IPOPHL's work over the past few years to expand its enforcement remit. At the time of research, one order had been issued after a written request. As a result of these positive developments, the score for indicator 12 has increased by 0.25.

In a separate development, the Senate examined two draft bills that would further expand IPOPHL's enforcement powers and vest such powers with the office. The draft legislation—Bills 2150 and 2385—are the Senate versions of Bill HB 7600, passed by the House of Representatives last year. The centerpiece of the proposed legislation is an amended Section 216 of the IP Code. This amendment would grant IPOPHL the administrative power to order the disabling of access to infringing content online.

Under the proposed system, rightsholders would contact IPOPHL directly and file a complaint asking for the disabling of access to the alleged infringing online activity. IPOPHL would then review the application and, if deemed legitimate, would contact the responsible party and/or give due notice of the pending enforcement action and, within five days of giving such notice, order the disabling to take place via a domestic ISP. The draft legislation includes a dynamic element. This gives IPOPHL the ability to update the order as and when new infringing activities move from one online location to another. The ability to update the order on a dynamic basis is significant. This type of dynamic injunction order effectively addresses the issue of mirror sites and disables infringing content that re-enters the public domain by simply being moved to a different access point online. Should these proposed amendments to the IP Code be enacted, this would result in further score increases for indicators 12 and 13. The Index will continue to monitor these developments in 2025.

## Trademark Rights and Limitations

### *20. Availability of frameworks that promote cooperative private action against online sale of counterfeit goods:*

In late 2023, Republic Act 11967, the Internet Transactions Act, was passed and signed into law. The Act sets out the legal rights and responsibilities of all parties engaging in e-commerce, from individual sellers to e-marketplaces and platforms. Of note is that the Act includes provisions related to IP protection. Sections 25 and 26 of the Act define primary and secondary liability for the violation of Filipino law and failure to act upon notification of IP infringement.

Specifically, e-marketplaces and digital platforms can be found to have secondary liability under Section 26 (b) if they “failed, after notice, to act expeditiously in removing or disabling access to goods or services that either infringe on another’s intellectual property rights or is subject to a takedown order by any appropriate government agency.” As a result of these legislative developments, the score for indicator 20 has increased by 0.25.

Similarly, the *2022 Integrated Rare Diseases Management Program (IRDMP) Strategic Plan for 2022–2026*, published by the Department of Health, includes support of clinical research into rare diseases as a strategic objective (“Strategic objective 4: Provide evidence for policy and program planning through research and development”). However, none of these initiatives include any reference to or definition of any special IP-based market exclusivity incentives for orphan medicinal product development.

## Incentives for Cutting-Edge Innovation

*44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:*

The 2015/16 Republic Act No. 10747 (the Rare Disease Act) introduced a national legal framework and definition of rare diseases, including the right to comprehensive health care and identification and procurement of relevant medicines and treatments. With respect to research and development, Article 1, Section 3, states that one of the Act’s objectives is to “provide regulatory and fiscal incentives to support research and development studies on rare diseases and to facilitate the manufacture and importation of affordable orphan drugs and orphan products.”