



Republic of the Philippines  
Department of Science and Technology  
**Technology Application and Promotion Institute**

ADMINISTRATIVE ORDER NO. 014,  
SERIES OF 2020

Subject : **GUIDELINES ON INNOVATION TECHNOLOGY SUPPORT  
OFFICE (ITSO) PROGRAM**

Section 1. Title – This Guidelines shall be known as the “ITSO Program”.

Section 2. Program Description – This program was devised pursuant to Executive Order No. 128 creating TAPI as reinforced by Republic Act No. 7459 otherwise known as the “Inventors and Invention Incentives Act of the Philippines”. Assistance coverage provides advisory, technical and financial services in securing intellectual property (IP) protection from the Intellectual Property Office of the Philippines (IPOPHL).

The program offers a holistic package of assistance for patent, utility model, industrial design, and copyright registration/application for DOST Research and Development Institutions (RDIs), other public RDIs, private RDIs, State Universities and Colleges (SUCs) which acquired funding for its researches from the DOST system.

Section 3. Objectives –

On Gender Equality Goals and Outcomes

In pursuance of the policy of the State to promote women’s rights, women shall also be given equal opportunity to access the Innovation Technology Support Office services. Thus, women researchers shall be given:

1. Access to all programs and services of the Institute;
2. Recognition relevant to gender responsiveness in the operation of the services of the Institute to ensure that the same are participatory, fair, empowering and sustainable; and
3. Equal opportunity with men beneficiaries of Intellectual Property Rights Assistance Program in their employment process;

On the Program Proper

1. To provide quality service to male and female Filipino inventors and entities in their application for Intellectual Property (IP) protection by assisting them in the filing of IP applications for Patent, Utility Model, Industrial Design, and Copyright;
2. To provide financial, technical and consultancy services relative to IP protection;
3. To encourage protection of Intellectual Properties and awareness Intellectual Property Rights; and
4. To augment IP filings and IP protection in the Philippines.

#### **Section 4. Definition of Terms –**

**“Intellectual property rights” consists of:**

- Patent (P);
- Utility Model (UM);
- Industrial Design (ID);
- Trademark <sup>™</sup>;
- Copyright ©.

**“IPRAP-DOST Funded technologies” refers to the Intellectual Property Rights Assistance Program for DOST-Funded technologies.**

**“IPOP HL” refers to the Intellectual Property Office of the Philippines.**

**“IDF” refers to the Invention Disclosure Form.**

**“Disclosure” refers to all relevant data or information of the proposed technology.**

**“Novel” means new, does not form part of the prior arts, or not resembling something formerly known or used.**

**“Inventive step” means, having regard to prior art, it is not obvious to a person skilled in the art at the time of the filing date or priority date of the application.**

**“Industrial applicability” means that the technology can be used and produced in any industry.**

**“Prototype” means a sample or a working model of the proposed concept or invention.**

**“Conforme” refers to the agreement between TAPI and the applicant containing the terms and conditions relative to IP application.**

**Types of Conforme Letters in this guideline are:**

**Conforme for approved IP application request (Patent /Utility Model/Trademark/Industrial Design/Copyright)**

**Conforme for reimbursement of filing fees**

**Conforme for Copyright**

#### **Section 5. Assistance Coverage (Technical, Financial Services and Advisory Services) –**

**Advisory/consultancy services include responding to inquiries for walk-in clients, e-mails, phone calls and letters.**

**Technical assistance covers:**

1. Pre-screening and pre-evaluation of the proposed technology submitted by the applicant for IP protection;
2. Pre-screening and pre-evaluation of the technologies gathered by TAPI through IP Audit; and
3. Drafting of claims and filing of IP application.

Financial assistance covers:

1. Patent/Utility Model/Trademark/Industrial Design
  - For IP applications where the claims were drafted and filed through TAPI's IPRAP DOST-Funded:
    - a. Professional fee for patent agent which covers the fee from filing until grant of registration or final determination of the IP application by the IPOPHI; and
    - b. All government fees relevant to IP application.
  - For IP applications where the claims were drafted and filed by the applicant itself:
    - a) Reimbursement for the government fees paid to the IPOPHI which includes filing fee and publication fee only, within 30 days from the date of the receipt.
2. Copyright application
  - Notarial fee
  - Filing fee

#### Section 6. Who may avail –

Any of the following entities which utilized DOST funding for the research and development of the technology being filed for IP application:

1. DOST Research and Development Institutions (RDIs);
2. Other public RDIs;
3. Private RDIs;
4. State Universities and Colleges (SUCs)

#### Section 7. Eligibility Requirement –

1. The entity should have acquired funding for the research and development of its technology from the DOST or any of its attached agencies.

#### Section 8. General requirements for the IPRAP DOST-funded –

1. Patent/Utility Model/Trademark/Industrial Design
  - i. The work being applied for IP assistance is the original work of the applicant.
  - ii. The work must have novelty, inventiveness (in case of patent application), and industrial applicability.
  - iii. Drawings which shows every feature of the technology covered by the claims. The drawing may consist of several views showing every feature of the technology to serve as an aid in understanding the said technology and each figure must be numbered and labelled.
  - iv. The technical disclosure of the IP application must not have been disclosed, exhibited, nor commercialized. If already disclosed, exhibited, or commercialized, the first disclosure, exhibition, or commercialization must not have been done beyond eight (8) months immediately preceding the date of receipt of the IP application by the TAPI.
  - v. Working model of the utility model when required under the IPOPHI Revised IRR.

- vi. Computer programs shall be required to submit the screenshots of graphical user interface, which shall be accompanied by a flowchart of operation with detailed description.
- vii. All such other requirements as stated under the IPOPHI IRR in lieu of each IP application.

## 2. Copyright application

- Works developed using DOST fund.

## Section 9. Checklist for the Documentary Requirements –

### 1. Patent/Utility Model

- Machine/Device/Apparatus

- i. Complete technical description with parts/elements and exact construction particularly internal details of the machine/device/apparatus.
- ii. Manner of operation of the machine/device/apparatus (i.e. describe how the efficiency of the device was tested. This refers to the step-by-step operation on how the device works).
- iii. Drawings and sketches that significantly present all angles and/or views of the “device” as well as all of its parts.
- iv. Test Results (i.e. efficiency), if there is any.

- Product/Process

- i. Complete step-by-step procedure on how to formulate the product and the conditions being observed in each step.
- ii. The chemical compositions in percentage, weight or volume.
- iii. The concentrations of the reagents used.
- iv. Test Results (if available).
- v. Raw materials preparation (if applicable).

- Program/Software

- i. Screenshots of Graphic User Interface (GUI).
- ii. Program flowchart.
- iii. Preliminary search report.
- iv. Encryption.

### 2. Industrial Design

- i. Full disclosure of the design with electronic copy.
- ii. A working model must be available for inspection if needed.
- iii. Application must be accompanied by drawings or illustrations of the design in the following views: isometric, top, bottom, left, right, front, and back. In the absence of such, clear photos and video clips showing the said views must be submitted.
- iv. Pictures or videos, of the actual device, product, or prototype must be submitted.

### 3. Trademark

- i. Electronic copy of the logo or mark being applied for trademark application.

### 4. Copyright

- i. Five (5) original copies of the signed and duly accomplished copyright application form and Affidavit of Ownership in legal size bond paper.
- ii. Deed of Assignment executed by the owners in favour of the Institution.
- iii. Two (2) electronic copies in CDs or two (2) printed copies of the work.

In addition to the each respective IP's specific requirements, the following must also be submitted:

1. Duly accomplished and signed letter request form.
2. Invention Disclosure Form (IDF).
3. Full disclosure of the technology, preferably, electronic copy.
4. Photocopy or scanned copy of the valid government-issued ID of the head of the Institute. A photocopy or scanned copy of the valid government-issued ID of the author(s) is/are needed in case of copyright.
5. Duly signed Data Privacy Consent Form.

## Section 10. Operating procedures –

### 1. General Procedures

- a) Applicant submits requests or application for IP assistance to TAPI addressed to its Director. The Records Section will receive the application and forward it to the Office of the Director (OD) within one (1) working day upon receipt. The Director or his duly authorized representative shall forward it to the proper Division Manager (DM) within two (2) working days upon receipt.
- b) Upon receipt, the DM shall forward the request to the Program Manager (PM) of Innovation and Technology Support Office (ITSO) within one (1) working day upon receipt. The latter shall assess the completeness of the documentary requirements submitted.
- c) The PM will assess the completeness of the documentary requirements which includes, but not limited to, Application Letter, Duly accomplished Invention Disclosure Form (IDF), Enabling disclosures, drawings/sketches. If the documents submitted are incomplete, the PM shall inform the applicant of such fact within five (5) working days upon receipt of the request by the division. The period to determine the propriety of the application for IP service shall toll until such documentary requirements have been submitted/complied by the applicant. If the lacking documentary requirement is not submitted with fifteen (15) working days upon receipt of notice from the PM, the application shall be deemed withdrawn and the documents submitted shall be reverted back to the applicant without prejudice to refilling or re-application.
- d) If the documentary requirements are complete, the PM shall also conduct a preliminary search report (PSR) within twenty-six (26) working days upon receipt of complete documentary requirements.

- e) If the disclosures relevant to the technology being requested for IP application is not enabling, the PM shall require the applicant to submit additional disclosure that will make the disclosures enabling. The period to provide the IP service shall toll until the applicant submits the complete disclosure that will render it enabling. If no additional disclosure(s) is/are submitted within fifteen (15) working days upon receipt of notice from the PM, the application shall be deemed withdrawn and the documents submitted shall be reverted back to the applicant without prejudice to refiling or re-application.
- f) Upon completion of the PSR and after the technology has been found to be compliant to requirements for patentability, a conforme letter shall be submitted to the Director for approval within five (5) working days upon preparation of PSR. If the Director approves, the conforme letter shall be sent to the applicant for the latter's signature.

## **2. Special Order for TAPI in-house Patent Agent**

- a) The PM may tap the expertise of TAPI in-house patent agents to assess, draft, and file the appropriate IP application. In view thereof, a Special Order (SO) shall be prepared, to be signed by the Director stating the scope of work of the patent agent and authorizing the latter to work on the IP application within ten (10) working days upon receipt of the request by the division. Said period will also include the formal assessment by the PM of the submitted documentary requirements.
- b) The patent agent so authorized shall file the appropriate IP application with thirty (30) working days from the date of the SO.
- c) If the technology being requested for IP application turns out to be not novel upon thorough prior arts search of the in-house patent agent, the latter's service shall be limited to prior arts search only for such not novel technology.
- d) Once filed at IPOPHL, the in-house patent agent shall communicate the fact to the PM upon submission of documents relevant to IP filing. Thereafter, the in-house patent agent will proceed to prosecution stage of the application.
- e) The PM and the in-house patent agent shall monitor the progress of each IPR assistance until granted or final determination of IPOPhl. The PM shall process the payment of applicable government fees once due.
- f) The Letters Patent or Certificate of Registration, as the case may be, shall be awarded to the applicant once granted by the IPOPhl.

## **3. Procurements of IP Service of Contractor-IP Firm**

- a) In cases where no in-house patent agent can accommodate the IP application, the technology shall be contracted out to IP firms in accordance with the Government Procurement Reform Act through the TAPI Bids and Awards Committee.
- b) The procurement of IP service of the firm shall be conducted by the following, each with respective period.
  - i. The PM shall prepare the market analysis for the IP service.

- ii. The PM, through the DM, shall endorse the technologies to TAPI Bids and Awards Committee (BAC) thru a memorandum for procurement.
  - iii. The BAC shall negotiate the contract of IP service to the IP firm and shall issue the Notice of Award (NOA).
  - iv. The PM shall prepare the Purchase Request (PR).
  - v. The PM shall prepare and facilitate the signing of the Contract of IP service to be rendered which will cover among other things, the prior art search, drafting of claims, filing of appropriate IP application at the Intellectual Property of the Philippines (IPOP HL) and another contract for the subsequent prosecution of the filed applications.
  - vi. The BAC shall issue the NTP.
- c) Once an IP firm is identified for a contract of IP services, the applicant will be informed immediately of such fact.
  - d) If the technology being requested for IP application turns out to be not novel upon thorough prior arts search of the IP firm, the latter's service shall be limited to prior arts search only for such not novel technology.
  - e) Once filed at IPOP HL, the IP firm must submit a proof of filing and issue their statement of account. The PM shall process the payment of professional fees and applicable government fees once due.
  - f) The IP firm will proceed to prosecution stage of the application wherein a new written agreement will be executed covering such stage. TAPI and/or the IP Firm shall inform immediately the applicant of such fact.
  - g) The PM shall monitor the progress of each IPR assistance until granted or final determination of IPOP HL. The PM shall process the payment of professional fees and applicable government fees once due.
  - h) The Letters Patent or Certificate of Registration, as the case may be, shall be awarded to the applicant once granted by the IPOP HL.

**Section 11. Withdrawal of support –**

- 1. Any technical or financial assistance granted by TAPI may be withdrawn anytime due to following reasons:
  - i. Lack of Funds.
  - ii. Applicant ceases to be a duly incorporated entity in accordance to the law creating it.
  - iii. Claimed IP was failed to comply with any of the criteria of ITSO Program.
  - iv. Submission of falsified documents, claims, or supporting data or wrongful information with regard to the IP application or the applicant itself.
  - v. Lack of cooperation on the part of the applicant with TAPI or its authorized agent, subject to a formal report of the PM or the agent.

- vi. Withdrawal of the IP application by the applicant without valid reason and without TAPI's approval/fault. In this case, TAPI may require the applicant to reimburse the fees relevant to the said IP application including, but not limited to, government fees and professional fees and may deny future requests from the applicant subject to relevant rules and regulations of the Commission on Audit.
- vii. Applicant initiated self-filing pending its application to TAPI.
- viii. Other conducts prejudicial to the IP application.

Section 11. Return of investment to the Government –

If the technology or technologies assisted under this program eventually become successful through commercialization and business stability, the inventor shall donate to TAPI at least one unit or piece of the technology which will be showcased at TAPI's exhibit area and can be utilized by the Department of Science and Technology or any of its attached agencies as the need arises.

Section 12. Effectivity –

This Order shall take effect immediately after its posting in TAPI Official Website and shall supersede all contrary provisions of any previously issued guidelines for the Program.

FEB 27 2020

Taguig City, Philippines, February \_\_\_\_, 2020

  
EDGAR I. GARCIA  
Director