

The Philippine Law on Conditions of Patentability and Patentable Subject Matter

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The historical background of the Philippine Patent System traces its roots to local and international laws. Republic Act (R.A.) No. 165 established the Patent Office in 1947. The Paris Convention for the Protection of Industrial Property and the Budapest Treaty established standards for patents and patent regulation. In the latter part of the 20th century, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Intellectual Property Code (R.A. No. 8293) reinforced patent protection.

A patent is a right granted by government for the inventor or creator (and his legal successor) to exclude others from profiting from his invention or creation for a fixed period of time. It is a powerful tool for encouraging technological innovation and creativity as it provides powerful incentives. The patent system protects and is a source of technical information, as well as enhances the transfer of technology.

The Author elaborates, under current law and jurisprudence, on the conditions of patentability involving novelty and inventive steps, as well as patentable subject matters. These include computer software, computer implemented business models, plant varieties, biotechnological inventions, and to a certain extent, traditional knowledge on indigenous communities.