

Trademark Law in a Knotshell: From Caves to Cyberspace

Ferdinand M. Negre

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The concept of a “trademark” is constantly evolving; it is not only a word or a symbol but also goodwill where there involved rights. The Philippines adheres to two international treaties protecting trademarks: the Lisbon Act of the Paris Convention for the Protection of Industrial Property and the Agreement Establishing the World Trade Organization.

Locally, it is the Intellectual Property Code of 1998 (Republic Act No. 8293) which protects trademarks. The Author examines the processes and procedures under the law involving the registration and selection of trademarks, with a specific emphasis on internet domain names. These processes are important to avoid infringement and confusion of trademark names. Nevertheless, there have been instances of confusing similarities which the Author evaluates based on jurisprudence.

The last part of the Article explores the Philippine [in]experience in dealing with trademark issues arising from the internet. The feature of linking is discussed and how it can potentially obscure the origin of a web page and other potential difficulties caused by the ease of link creations. Other web-based problems such as “cyberstuffing” and “metatagging” are also discussed.

As commercial trade and transactions growing towards global linkages instead of face-to-face bilateral thinking, it is important for Philippine intellectual property law to catch up.