IPOPHL

TRAINING SESSION 4 · REGIONAL CAPACITY BUILDING ON CLIMATE INNOVATION AND MARKET READINESS

Protecting and Commercializing Innovation



Intellectual Property & Technology Transfer for Climate and DRR-CCA Innovators

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SESSION ROADMAP

How the next 75 minutes work

30

MINUTES

Expert lecture

Three parts: protection strategy, ownership and licensing, IP as a business tool

15

MINUTES

Open Q&A

Questions from participants in Davao and online

30

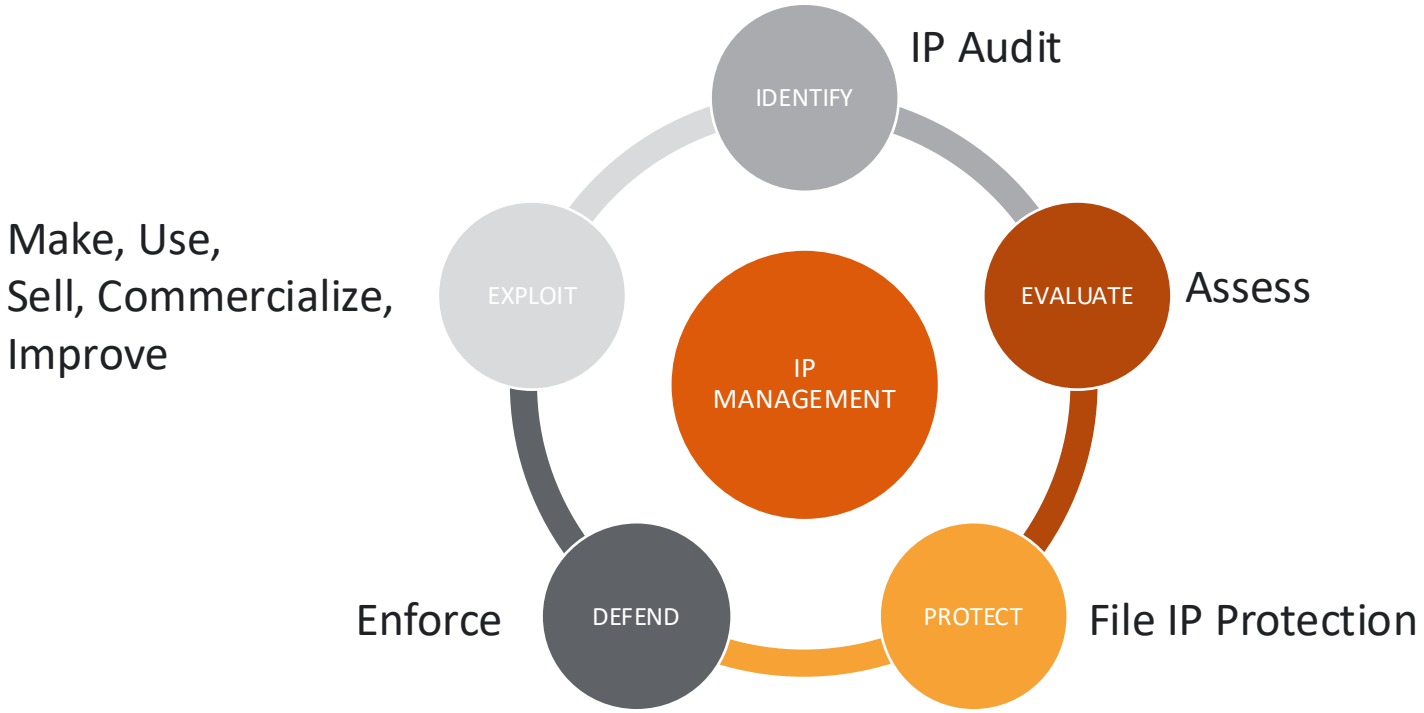
MINUTES

Expert–Enterprise Clinic

Pre-selected enterprises bring a live IP problem; experts respond

Goal: leave with one concrete next step for your own technology.

IP Management



Note: Filing an IP Application is not a one-time transaction

WHY THIS MATTERS

A climate technology nobody can own is hard to fund, hard to license and easy to copy.



IP rights turn an invention into an asset that investors, manufacturers and LGU partners can sign contracts around. No asset, no deal structure.

Why is IP important?

"Ideas become valuable assets when they are protected"



Importance of IP protection, enforcement and exploitation



One technology, several layers of IP

Right	What it protects	Term (Philippines)	Climate-tech example
Invention patent	Solution that is new, inventive and industrially applicable	20 years from filing	Low-energy desalination process
Utility model	New, industrially applicable improvement; no inventive-step test	7 years, no renewal	Improved flood-gate locking mechanism
Industrial design	New or original appearance of a product	5 years, renewable twice	Shape of a modular evacuation shelter
Trademark	Signs that identify your goods or services	10 years, renewable	Brand of an early-warning app
Copyright	Software code, manuals, hazard maps, training content	Author's life + 50 years	Code of a flood-forecasting model
Trade secret	Confidential know-how with commercial value	While it stays secret	Sensor calibration data, material formulas

Source: Intellectual Property Code of the Philippines (RA 8293), as amended

File before you exhibit, publish or pitch

12

MONTHS

Philippine grace period: the inventor's own disclosure does not destroy novelty if you file within 12 months (IP Code Sec. 25).



Grace periods are not universal

Europe (EPO) has no general grace period. A demo in Davao can cost you novelty in export markets.



A booth is a disclosure

Exhibiting at HANDA Pilipinas, posting a video or presenting at a conference all count.



Sign NDAs before deep-dive demos

Use confidentiality agreements with investors, manufacturers and LGU pilot partners until you have filed.

IP is a Race! BE THE FIRST

1. Idea
2. Research
3. Prototype
4. Protect IP
5. Commercialize
6. Grow Business

Critical Checkpoints to Secure IP:

- Before publicly disclosing your invention
- Before official market entry or product launch
- Before entering licensing or joint ventures
- During early product development phases
- Before pitching or sharing with investors

An IP strategy in five moves

01

Search

Prior-art and freedom-to-operate checks before you spend on R&D or filing

02

Decide

Patent, utility model, design, trademark or secret, chosen per component

03

File

A Philippine filing fixes your priority date, the clock for everything after

04

Extend

PCT, Madrid or Hague filings for the markets you will actually sell in

05

Maintain

Pay annuities, watch competitors, enforce where it pays

12 months

Paris Convention priority for patents and utility models

6 months

Priority for industrial designs and trademarks

30 months

PCT national-phase entry in the Philippines, from priority

Patent or utility model?

	Invention patent	Utility model
Legal test	Novelty, inventive step, industrial applicability	Novelty and industrial applicability only
Examination	Substantive examination, on request	No substantive examination before registration
Term	20 years from filing	7 years from filing, non-renewable
Best fit	Core technology with a clear inventive leap and a long market life	Incremental improvements and short product cycles
Main risk	Slower and costlier route to grant	Easier to challenge, since validity is untested at registration

Undecided? Before grant or registration, a patent application can be converted to a utility model application, and vice versa (IP Code Sec. 110).

Going Regional/International: Many markets

PATENTS & UTILITY MODELS

PCT

One international application covering 150+ contracting states. Philippines a member since 2001.

IPOPHL serves as an International Searching and Preliminary Examining Authority, so the search can be done at home.

TRADEMARKS

Madrid

One application to protect a brand in 130+ countries. Philippines a member since 2012.

INDUSTRIAL DESIGNS

Hague

Up to 100 designs in one international application. Philippines a member since 2019.

Need speed? The Patent Prosecution Highway (PPH) and ASEAN Patent Examination Co-operation (ASPEC) let offices reuse each other's work.
Need support? Ask about IPOPHL's PCT Filing Assistance Program.

Going Regional/International: Many markets



Consider filing abroad as part of your IP strategy

Why? Because IP protection is territorial

MADE FOR THIS ROOM

IPOPHL GreenTech Incentive Program

Lower fees

Inventions: early publication or substantive examination request fee waived. Utility models and designs: second publication fee waived.

Prioritized examination

Qualified applications move ahead in the queue.

Visibility

Green recognition helps attract climate-aligned investors.

Who qualifies

Claims must materially improve environmental quality, or materially support renewable energy, energy efficiency and conservation, or greenhouse-gas reduction, and fit IPOPHL's Green Technology Classification Checklist.

How: file the Request for Expedited Application under Green Technology together with your application.

green.technology@ipophl.gov.ph

Source: IPOPHL Memorandum Circular No. 2024-037; ipophil.gov.ph/greentech-incentive-program

Who owns it? Settle this before investors ask

IP Code Sec. 30.2

Employee inventions

Employer owns it if inventing was part of regular duties, unless agreed otherwise. If not, the employee owns it, even when company time or materials were used.

IP Code Sec. 30.1

Commissioned work

The party that commissioned the work owns the patent, unless the contract provides otherwise.

RA 10055 · Technology Transfer Act of 2009

Publicly funded R&D

IP generally vests in the research institution that did the work, unless the funding agreement says otherwise. It may license, assign or spin off the technology.

DOST-assisted? Read the IP clause of your funding agreement and your institution's IP policy before signing anything with a partner.

Five documents investors will ask for

01	**Signed IP assignments**	From every inventor, employee, student and contractor who touched the technology
02	**An accurate inventor list**	Named by actual contribution, not by seniority
03	**Funding agreements**	DOST, LGU and foreign grants: who owns results, and who must approve a license
04	**Third-party rights**	Background IP, licenses you rely on, and open-source software terms
05	**Dated R&D records**	Lab notebooks and code repositories showing what was developed, when and by whom

Match the deal to who will scale it

Model	Works best when	Watch for
Exclusive license	A partner must invest heavily to manufacture and scale	Milestones that end exclusivity if unmet
Non-exclusive	You want wide adoption by many LGUs or manufacturers	Lower income per deal
Field-of-use	One technology serves distinct markets, e.g. farms and urban drainage	Precise, non-overlapping field definitions
Assignment	You lack the resources to commercialize it yourself	No upside after sale without an earn-out
Spin-off	The research team wants to build the business itself	Conflict-of-interest and equity rules

Payment levers: upfront fee · running royalty on net sales · milestone payments · equity

Philippine licensing rules in one slide

Prohibited · Sec. 87 (examples)

- Forcing the licensee to buy inputs from a set source
- Fixing the licensee's resale prices
- Requiring free transfer of the licensee's improvements
- Royalties for unused patents or after rights expire
- Barring the licensee from contesting patent validity
- Restricting the licensee's own R&D or local adaptation

Mandatory · Sec. 88

- Philippine law governs the agreement
- Licensee keeps access to improvements during the term
- Arbitration, if any: Philippines or a neutral country
- Philippine taxes on all payments borne by the licensor

Non-conforming agreements are unenforceable unless exempted (Secs. 91–92). IPOPHL's technology transfer bureau can review drafts and issue a Certificate of Compliance.

Source: IP Code of the Philippines (RA 8293), Secs. 87–92

What well-managed IP gets you

Investor confidence

A clean, defensible IP position shortens due diligence and supports valuation.

Start with: ITSO or IPOPHL patent search

Licensing income

Protected, documented technology can be licensed to manufacturers and service providers.

Start with: IPOPHL Licensing, Audit and Valuation (LAV IP) training

Stronger partnerships

Agree who owns background and new IP before co-developing with industry or universities.

Start with: IPOPHL IP Management Clinic

Market intelligence

Patent landscapes reveal open space, competitors and likely licensees across the region.

Start with: IPOPHL patent landscape reports

HYPOTHETICAL COMPOSITE CASE

Worked example: a flood early-warning sensor

MONTH 0

Disclose inside

A DOST-funded university team reports the invention to its technology transfer office.

MONTH 1

Search & decide

ITSO search: the sensing method looks novel; the mounting bracket is an incremental fix.

MONTH 2

File in layers

Patent for the method with a GreenTech request, utility model for the bracket, trademark for the brand. Calibration data stays secret.

MONTH 4

Exhibit safely

Demo at HANDA Pilipinas after filing; NDAs for deeper technical talks.

MONTH 12

Extend & license

PCT filing for ASEAN markets; non-exclusive licenses to LGUs, exclusive manufacturing license to one firm.

Every move here maps to a slide you have just seen. None of it needs a big budget, only the right order.

Illustrative scenario, not a real company

Where IPOPHL can help, starting next week

ITSO network

Innovation and Technology Support Offices in universities and R&D institutions help with searches and filings.

GreenTech Incentive

Fee waivers and prioritized examination for green patents, utility models and designs.

PCT Filing Assistance

Support for Filipino applicants taking an invention international.

Search & Analytics

Commercial patent searches and patent landscape reports.

Technology Transfer

Preliminary review of license drafts and Certificates of Compliance.

WIPO GREEN

Global green-tech matchmaking; IPOPHL and WIPO launched a fisheries acceleration project in March 2026.

Current terms and contacts: ipophil.gov.ph

TAKE THIS HOME

Five moves for Monday morning

1. Map every layer: invention, design, brand, code, know-how.
2. Search before you spend, and before you file.
3. File before you exhibit, and check GreenTech eligibility.
4. Clean your title: assignments, inventor list, funding terms.
5. License in the shape of whoever will scale it.

Freedom to Operate

Bonus Slides: FTO

Before commercializing, make sure you did your due diligence.

Conduct an FTO Search!



Why an FTO Search is important?

Product Development Lifecycle and Risk Management

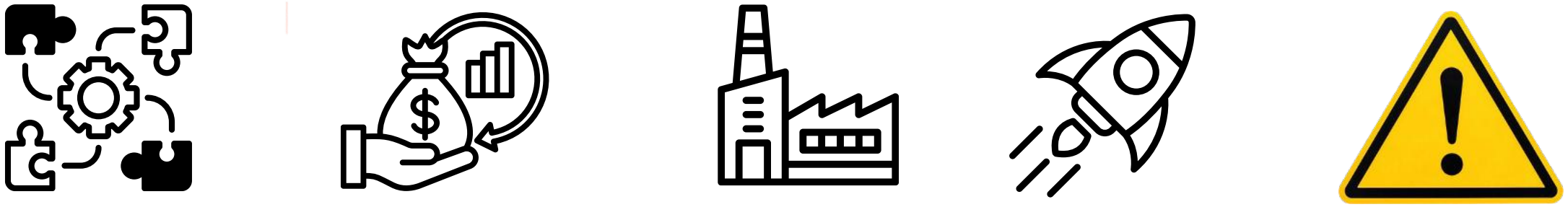
Product Development
Initial phase of creating the product.

Investment
Securing financial resources for the project.

Manufacturing
Production phase of the developed product.

Market Launch
Releasing the product to the public.

Third-Party Patent Discovered
Identification of a conflicting external patent.



FTO can change the commercialization strategy



Proceed

No significant blocking rights identified, allowing for immediate development.

Design Around

Modify the product to avoid claim limitations.

License

Negotiate rights with the patent owner.

Wait

A relevant patent may be approaching expiration.

Change Market

Commercialize initially in another territory.

Challenge Validity

Investigate the strength or validity of the relevant right.


PROTECT • COMMERCIALIZE • CREATE IMPACT
Smart IP Management turns Innovation into Value
Your Innovation. Your Asset. Your Future.
1 Why IP is Important
IP turns your ideas and innovations into valuable assets.
Protects your innovation from copying
Attracts investment and funding
Enables partnerships and commercialization
Creates economic and social impact
2 IP is a Race
The first to file (or to make the invention known) often gets the advantage.
FIRST TO FILE WINS
NOVELTY
PRIORITY
MARKET SHARE
REVENUE
3 Consider Several IPs in One Technology
Most innovations are bundles, not just a single right.
Patent (invention)
Utility model (improvement)
Industrial design (appearance)
Trademark (brand)
Copyright (software/content)
Trade secret (know-how)
4 Protect, Enforce and Exploit
IP management is a cycle, not a one-time act.
PROTECT
Secure your rights (e.g., file applications).
ENFORCE
Stop infringement and defend your rights.
EXPLOIT
Commercialize, license and create value.
5 File Abroad
Your protection doesn't stop at the Philippines.
PH
PCT
Expand market reach
Attract foreign investment
Prevent copycats abroad
6 Settle Ownership and Inventorship Issues
Avoid disputes and ensure the right people get the right rights.
OWNERSHIP & INVENTORSHIP
Define ownership (organization vs. individual)
Recognize true inventors
Document agreements (e.g., employment, collaboration)
7 Choose the Best Licensing Option
Match your technology with the right partner and arrangement.
Exclusive license
Non-exclusive license
Cross-license
Assignment
8 Well Managed IP Matters
Good IP management increases value, reduces risks, and ensures compliance.
IP MANAGEMENT
Strategy & planning
Monitoring & enforcement
Record keeping
Compliance with laws (IP Code, sectoral rules, etc.)
IP CODE
LAWS & REGULATIONS
COMPLIANCE
9 Freedom to Operate (FTO)
Make sure you can use, commercialize and scale your technology without infringing others' rights.
Avoid legal risks and costly disputes
Enable smooth commercialization
Build confidence with investors and partners
INNOVATION + STRONG IP = A SUSTAINABLE, INCLUSIVE AND RESILIENT FUTURE

15 MINUTES · IN THE ROOM AND ONLINE

Open Q&A

Filing routes, ownership, license terms, going international: ask about your own situation.



30 MINUTES · [2–3] PRE-SELECTED ENTERPRISES

Expert–Enterprise Clinic

FORMAT PER ENTERPRISE

3 min to present the technology and the IP challenge

~6 min of expert response and discussion

Experts cover: protection route, ownership risks, licensing path, and the next IPOPHL service to use.

COME READY WITH

1. What the technology does, in one sentence
2. What you have disclosed, where and when
3. Who funded it, and who invented it
4. Target markets and likely partners
5. One specific IP question

Salamat po.



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