TEACHING OF INDUSTRIAL PROPERTY IN THE PHILIPPINES

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Industrial property is taught in law schools or colleges in the Philippines, not as a separate and independent subject, but as a part of other more comprehensive subjects. These are the subjects on the law of Property, Commercial Law, Torts and Damages, and Criminal Law.

In the course on the Law of Property, industrial property is taken in connection with the classification of property and modes of acquiring ownership, among which is intellectual creation. Usually, both the laws on patents and on trademarks, tradenames and service marks are touched upon but only for about four to six meetings of about one hour each.

As part of the course on Commerical Law, industrial property covers not only patent, trademarks, tradenames, and service marks but also unfair competition and is treated a little more intensively. Usually, the subject is discussed in about six to twelve meetings of one hour each.

In the course on the Law of Torts and Damages, industrial property is limited to a discussion of infringement and unfair competition and civil liabilities arising therefrom.

In Criminal Law, the subject is taken up in connection with the provisions of the Penal Code on (1) importation and disposition of falsely marked articles or merchandise made of gold, silver, or other precious metals or their alloys: (2) substituting and altering trademarks, tradenames or service marks; (3) unfair competition, fraudulent registration of origin, and false description, and (4) revelation of industrial secrets.

In all these courses, what is taught of industrial property is limited to domestic law. There is no treatment at all of international agreements, treaties or conventions.

The Law on Property is taught in the second year of the entire four-year law course; Commercial Law, in the third and fourth year; Torts and Damages, in the second year; and Criminal Law, in the first year. It should be noted that in the Philippines it is a prerequisite for admission to a law school that the student must have successfully finished a four-year degree course in any of the social or economic sciences.

Not yet three years ago, a move was initiated to have industrial property in all its aspects instituted as an independent subject in the law curriculum. The Legal Management Council of the Philippines, which has as members the lawyers of the bigger business enterprises, local and foreign, operating in the Philippines, passed in one of its annual meetings and seminars a resolution urging the Philippine Association of Law Deans to take steps towards the adoption in the various law schools in the country of this idea.

It is not, at this juncture, known what action the Philippine Association of Law Deans has taken with respect to this proposal.

It is certain, however, that the matter will again be brought up in the conference of the Philippine Association of Law Professors that will be held sometime in the last week of October 1979.

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