ECAP II Report on Developments in IP Teaching in the Philippines
by Attorney Ferdinand M. Negre

I. Organization of IP professors and researchers

During our stay in Munich, each member of our group was required to conduct a research and prepare a paper on the current status of IP teaching in our respective countries. In the paper prepared for the Philippines, one of the objectives mentioned was to organize an association of IP teachers and researchers that will promote IP education in the Philippines. In February 2006, the Intellectual Property Professors and Researchers Organization (IP PROP) was formally organized and granted juridical personality by the Securities and Exchange Commission. Some of the trustees and officers are:

Chair Person:	Attorney Emma C. Francisco Former Director General, IPO
President:	Attorney Susan Pearl Villanueva IP Lecturer, University of the Phils.
Vice-President for External Affairs:	Attorney Ferdinand M .Negre IP Lecturer, Ateneo de Manila Univ.
Treasurer :	Attorney Josephine Santiago Former Deputy Director General, IPO

Organizational Objectives

(a) to empower potential IP users to benefit from IP training (through the IP Academy, Intellectual Property Office, Philippine Judicial Academy and other independent entities).
(b) to have IP taught in science, business and law schools and other educational institutions.
(c) to engage in and provide IP research.
(d) to share and disseminate services and information relating to IP
(e) to develop training and information materials.

Current Projects

A. Launching Project

Tie-up with the Asian Institute of Management (AIM), one of the best business schools on Asia. IP-PRO will provide short-term IP courses to AIM. The idea was to offer courses centered on case studies and instructors should

employ a business approach rather than the conventional manner of teaching law subjects.

B. IP Publications

IPO-PRO will be in the forefront of IP research and advocacy such as conduct of seminars and dissemination of seminar outputs, publication of articles, etc, on various issues relating to IP. IP-PRO members will contribute articles which will be subject to peer review and which will have to go through an editorial process before dissemination or publication.

IP-PRO's editorial board for this purpose will initially be composed of Dr. Celia Torres-Villanueva and Dr. Luis F. Razon, who were both present in the last ECAP II meeting in Singapore. Eventually, external reviewers may be tapped from the academe and from foreign IP practitioners and experts. The editorial board will check for style and content which will then be released to the membership for comments on substance and analysis. The final output will be disseminated to IP judges, IPO-BLA hearing officers and the IP community in general.

Linkages

Linkage with various institutions is one of the main thrusts of IP-PRO. Hence, tie-ups with the Philippine Judicial Academy, the Intellectual Property Office and various educational institutions will be pushed particularly on the need to incorporate IP in the curriculum of various universities and colleges.

A. Philippine Judicial Academy and Intellectual Property Office

B. Universities

The following universities were identified in the first batch of targeted linkages:

1. Ateneo de Manila University
2. University of the Philippines
3. De la Salle University
4. University of Santo Tomas
5. Mapua Institute of Technology
6. University of Asia and the Pacific
7. Asian Institute of Management

IP-PRO will design a course module or outline for this project. Initially, the course can start with one school and later on be adapted for other schools.

There will be a forum/seminar of presidents/heads of state universities and colleges (SUCs) on "IP Awareness" which will be held on December 11-13, 2006 at the Leyte State University. Atty. Josephine Santiago, IP PRO Treasurer and former Deputy Director General of the IPO, is the coordinator of this project. The IP PRO President, Atty. Susan Villanueva, will speak on the topic: "Teaching IP."

II. IP Teaching at Ateneo Law School and Pamantasan ng Lungsod ng Pasay

Mr. Negre continues to teach Trademark Law and the Internet at the Ateneo de Manila School. This subject forms part of the 3-unit subject on Intellectual Property Law which is offered during the second term of each school year to 3rd and 4th year law students.

III. Adviser and Panelist on IP Thesis of Ateneo Law students

Mr. Negre had the opportunity to sit as Thesis panelist in 2 IP topics: the first was on Gene Patenting under Philippine Law and the other is on Online File-Sharing in the Philippine setting. Mr. Negre also acted as thesis adviser on 2 IP topics: the first is on rights arising from legitimate use of trademarks as domain names and the other is on cyber-squatting liability. Mr. Negre will continue to work on students' thesis papers on IP in the coming years.

IV. Research on IP Infrastructure in the Philippines

Stanford Law School and MIPLC joined forces in a project entitled "IP Infrastructure in the Emerging Markets", a scientific research on the political, economic, cultural, legal and educational make-up of IP system in each country included in the study. Of the 15 countries in Asia in the study, Mr. Negre conducted the research for the Philippines. In his research, he found the following data on the low level of innovation vis-à-vis education in the Philippines:

> In the PIDS study by Dr. Caesar Cororaton, the Philippine educational system produced a very high number of tertiary graduates; but the post-baccalaureate science and engineering students as a percent of post-baccalaureate students is low.[1] Dr. Cororaton concluded that:
>
> > The low number of scientists and engineers is reflective of the general tendency of the educational

[1] *Research and Development and Technology in the Philippines*," Dr. Caesar B. Cororaton, Philippine Institute for Development Studies, September 5, 2002, pp. 29-30.

> system in the Philippines to produce non-technical graduates. There is in fact a dilemma in the present education system because of the educational "mismatch": while there is a great demand for technical and engineering-related graduates by local industries, private tertiary schools continue to produce non-technical graduates. This is, indeed, a big policy area problem. One of the factors that would explain this is that private schools prefer not to go into these technical related courses because of their high laboratory requirement that is capital intensive. Non-technical courses are less laboratory-intensive and therefore less capital intensive."

> At present the prevalent mode of instruction is the conventional face-to-face lecture or tutorial method. However, with advanced information communication technologies coming to fore, education (especially IP education) could be effectively channeled through internet-based distance learning. In the Philippines, the viability of resorting to the latter method largely depends on the prevalence of telecommunications facilities and internet accessibility.

The other major factors believed to be affecting the choice of courses to take in higher education are poverty and economic condition prevailing in the Philippines. The Philippines is experiencing massive brain-drain in favor of the developed countries like the US, UK, Japan, Australia and Canada. These countries offer high salaries for Filipino nurses, engineers and scientists.

V. Lectures

Mr. Negre continues to give lectures on different IP subjects before different groups in the Philippines. Some of the lectures are:

a. International Concern over Intellectual Property Rights given to lawyers as part of their Mandatory Continuing Legal Education (Ateneo Law School)

b. International Agreements, Treaties and Conventions in intellectual Property given to as part of their Mandatory Continuing Legal Education (Integrated Bar of the Philippines)

c. Patents and Research Data given to scientists and researchers (Department of Health)

d. IP enforcement in the Apparel Industry given before businessmen (US Embassy in the Philippines)

e. Survey of Trademark Cases given before IP Court Judges as part of the Advance Course on IP (Philippine Judicial Academy).

VI. Membership with Association of Teachers and Researchers in IP (ATRIP) and the Adjunct Professors Group of the International Trademark Association (INTA)

VII. Participation in IPO's establishment of Intellectual Property Institute