

IPOPHL MEMORANDUM CIRCULAR NO. 2020- 021

SUBJECT: ADVISORY ON IPOPHL SERVICES RE CONDUCT OF HEARINGS/CONFERENCES IN INTER PARTES CASES (IPC) AND IP RIGHTS VIOLATION CASES (IPV)

WHEREAS, under IPOPHL Memorandum Circular No. 2020-13, “hearings scheduled 25 May 2020 onwards, including mediation, shall proceed unless otherwise advised. Parties are strongly encouraged to comply with national guidelines on social distancing, the wearing of masks and other protective personal equipment”;

WHEREAS, Memorandum Circular No. 2020-12, allowed the conduct of mediation through online videoconference/meetings if so requested by the parties, “as this ensures the safety and convenience of the parties, including the mediators, and the continuance of delivery of mediation services during the Enhanced Community Quarantine and beyond”;

WHEREAS, while most of the country, including the National Capital Region, have already been placed under General Community Quarantine effective 1 June 2020, mobility for the general population is still severely limited as there is a need to ensure safety for all through social distancing and other measures;

WHEREAS, the Rules and Regulations on Inter Partes Proceedings (IPC), as amended, and the Rules and Regulations on Administrative Complaints for Violation of Law Involving IP Rights (IPV), as amended, do not restrict the conduct of hearings, trials and conferences, hearings to the physical appearance of the parties, including their counsels and witnesses, in the premises of the IPOPHL;

WHEREAS, allowing the parties to mutually agree to file requests that hearings, pre-trials, trials, and conferences be conducted via online video conferencing ensures the safety and convenience of the parties, their counsels and witnesses, as well as the Adjudication/Hearing Officers and other IPOPHL employees; and the continuance of the delivery of services;

NOW THEREFORE, the preliminary conference (for IPC), and hearings, pre-trials, and trials (for IPV), may be conducted via online video conference as follows:

1. Parties may file a joint request addressed to blaonlinehearing@ipophil.gov.ph for the conduct of the preliminary conference, hearing, pre-trial and trial be conducted via online video conference. The request must indicate the e-mail addresses of the parties.

2. The online video conference shall use only the platform to be prescribed by the Bureau of Legal Affairs (BLA), and as scheduled by the Adjudication/Hearing Officer. The parties shall be notified via email of the time and date, and the link or information on how to join the online video conference. The notice shall also remind the parties that all details and information used to gain access to the proceedings shall be used with strict confidentiality, as any unauthorized sharing of the said details shall be dealt with fines and/or other sanctions.
3. All participants must be visible during the proceedings. When presenting a witness, the parties may be required to provide multiple angles supplying full view of the surroundings of the said witness to prevent the occurrence of coaching. If during the hearing via videoconference, the Adjudication/Hearing Officer issues or promulgates an order or decision, a copy thereof shall be furnished the parties. The service of such order or decision to the parties may be done electronically through email, but proof of receipt thereof should be properly recorded. The hard copy of the said order or decision shall be kept on file as part of the records of the case, and the parties may secure certified true copies thereof upon proper request. The hearings via videoconference shall resemble or mirror, as far as practicable, the in-court proceeding. As such, the dignity and solemnity of court proceedings shall be observed at all times. All those participating therein shall be in appropriate attire.
4. The proceedings shall be recorded by the Adjudication/Hearing Officer or his/her assigned Legal Assistant using the prescribed platform. The recording shall be stored and filed to form part of the case files. This notwithstanding, the official stenographer shall still transcribe the stenographic notes to be attached to the records of the case, certify as to the correctness of the transcript, and indicate that the hearing was conducted through videoconferencing. For these purposes, the stenographer shall join the videoconference proceedings. As such, the stenographer is bound by the same strict confidentiality regarding the above access details and information. No other person is allowed to record the proceedings.
5. All online submissions from the parties, particularly those at issue during or relating to the hearing via videoconference, must be received by the Adjudication Officer and all other parties at least three (3) days prior to the scheduled hearing via videoconference. The submissions shall be sent to the provided official email addresses of the Bureau and the other party. The hard copy of the submissions must be filed not later than ten (10) days from the scheduled hearing.

The Memorandum Circular provides supplemental guidelines to the existing IPC Rules and IPV Rules, and does not in any way amend or change them. This Memorandum Circular shall take effect immediately and shall remain effective until further notice.

Issued this 3rd of July, 2020, Taguig City.



ROWEL S. BARBA
Director General *RSB*

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