



COOPERATIVE DEVELOPMENT AUTHORITY

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194-18



MEMORANDUM CIRCULAR NO. 2024 - 19 Series of 2024

SUBJECT: PROCEDURE FOR A REFERRAL SYSTEM OF INTELLECTUAL PROPERTY DISPUTES FROM THE COOPERATIVE DEVELOPMENT AUTHORITY (CDA) TO THE INTELLECTUAL PROPERTY OFFICE – BUREAU OF LEGAL AFFAIRS’ ALTERNATIVE DISPUTE RESOLUTION SERVICES (BLA-ADRS)

This Memorandum Circular is issued pursuant to Section 4 of the Cooperative Development Authority (CDA) under Republic Act (R.A.) No. 11364, also known as the “CDA Charter of 2019”. The following guidelines are hereby promulgated:

Section 1. Purpose. - This Circular serves as a guidance to all cooperatives, their officers and members regarding intellectual property dispute by providing a procedure for a referral system from the CDA to the Intellectual Property Office (IPOPIL) – Bureau of Legal Affairs’ Alternative Dispute Resolution (BLA-ADRS) having jurisdiction for the conduct of ADR conference over IP disputes.

Section 2. Legal Bases. The legal bases of this issuance are the following:

1. **Section 4 (a) of the Republic Act (R.A) No. 11364** provides that Authority shall develop and formulate, in consultation with the cooperative sector and other concerned institutions, appropriate regulations, standards, rules, orders, guidelines and/or circulars to implement this Act and Republic Act No. 9520 to ensure the effective and sound operation of cooperatives;
2. **Section 4 (u) of R.A. No. 11364** states that the Authority shall adopt and implement a dispute resolution mechanism that will settle conflicts between and among members, officers, and directors of cooperatives, and between and among cooperatives.
3. **Section 3 (e) of the Memorandum of Agreement between the CDA and the IPOPIL signed on June 16, 2023** wherein both parties agree to collaborate in the development and promotion of an ADR Referral system for disputes involving intellectual property, particularly, develop, maintain an IPOPIL-CDA ADR referral system.

Section 3. Scope and Coverage. This Memorandum Circular shall apply to all cooperatives, their officers and members with IP disputes between or among themselves.

Section 4. Procedure. The procedure for a referral system of IP disputes from CDA to IPOPIL BLA-ADRS shall be as follows:

Rule 4.1 Receipt of a Complaint or a Request for Intellectual Property (IP) Dispute Referral: The process begins when the Cooperative Development Authority (CDA), through its Legal Division in the Head Office or the Legal Section in the CDA Regional Extension Offices, receives a Complaint or a Request for IP Dispute Referral from its stakeholders.

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In the case of a CDA Regional Extension Office, its Legal Section shall initially determine if the same constitutes an IP dispute. If it determines that the complaint or request involves an IP-related matter, said complaint or request, including its attachments together with the accomplished referral form (Annex "A"), shall be transmitted to the Legal Affairs Service of the CDA Head Office via email as advance copy and through a courier of their own choice for the physical copy of the documents.

Rule 4.2 Evaluation of the Complaint or Request for IP Dispute Referral: The CDA, through its Legal Division, shall evaluate the filed complaint or the request for IP Dispute Referral to determine whether the same constitutes an Intellectual Property (IP) dispute. The evaluation results and or action taken shall be reflected in the Referral Form (Annex "A").

Rule 4.3 Assignment of a Reference Number. Should the CDA determine the dispute to be an IP-related matter, a reference number shall be assigned and the numbering shall be consecutive according to case number, year it was filed, and "IPM" as indicator that it is an IP-related matter. The format shall be "Case No. 001-2024-IPM".

Rule 4.4 Documentation and Communication: After assignment of a reference number, the CDA shall brief all involved party/parties about the IPOPHL-CDA ADR Referral System of IP disputes. This includes explaining the benefits of ADR, its voluntary nature, the procedures involved, and the required fees. CDA shall also inform the parties of the documentary requirements required by IPOPHL for their ADR processes.

Rule 4.5 IP Dispute Referral:

- (a) Should the involved party/parties agree to proceed, they shall fill-out the first portion of the Referral Form (Annex "A") as to their personal circumstances. The assigned CDA personnel shall also fill out the last portion of the said form, then he/she shall formally submit the same with the necessary information and documentation of the details of the dispute, e.g., nature and brief narration of the dispute, to the Intellectual Property Office's ADRS via email at blaads@ipophil.gov.ph. The CDA shall likewise forward the complaint and other documents submitted by the parties to the IPOPHL. Upon IPOPHL's confirmation of the receipt of the documentation, CDA shall inform the parties of the referral of the dispute to the Intellectual Property Office's ADRS.

For this purpose, Rules 4.6, 4.7, and 4.8 hereof will apply.

- (b) Should the parties do not agree to have the dispute referred to IPOPHL ADR, the CDA shall further evaluate the dispute if the same falls within its jurisdiction as laid down under Republic Act (RA) No. 11364, RA 9520, their Revised Implementing Rules and Regulations, its Omnibus Rules of Procedure, and other relevant issuances. If the same involves a purely IP dispute, the CDA shall advise the client/s to directly file the complaint with the IPOPHL for appropriate action.

Rule 4.6 ADR Conference: Upon receipt of the referral from the CDA, the IPOPHL BLA-ADRS shall then communicate with the parties for the conduct of an ADR conference. The IPOPHL BLA-ADRS shall then brief the parties on the available ADR services of the IPOPHL, together with the concomitant fees.

Rule 4.7 Conduct of ADR: The proceedings will be conducted in accordance with the applicable ADR service chosen by the parties.

Rule 4.8 Closure of Case: Upon signing the settlement agreement or issuance of the arbitral award, IPOPHL shall maintain records of the dispute resolution process for future reference. The IPOPHL shall inform the CDA, through a letter, of the outcome of the ADR, for CDA's reference and recording purposes.

Section 5. Separability Clause. If for any reason, any provisions of this Procedure is declared null and void or unconstitutional, the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 6. Monitoring and Evaluation. The CDA Regional Extension Office and the Legal Affairs Service shall maintain a database for the proper monitoring of the IP related matters referred to the IPOPHIL.

There shall be a regular monitoring of the strict adherence to these guidelines and establish a systematic feedback mechanism; and evaluate, address, and report implementation and policy issues that may arise. This Office Order shall be reviewed every three (3) years for purposes of amendment and/or revision.

Section 7. Effectivity. – This Circular shall take effect after fifteen (15) days following the approval of the Board of Directors and the filing of the copy thereof with the Office of the National Administrative Register (ONAR) and in the Official Gazette.

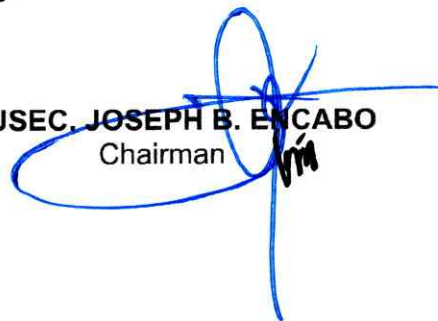
Approved by CDA Board of Directors per Board Resolution No. 512, dated July 10, 2024.

Issued this 13th day of August, 2024, at Quezon City, Philippines.

FOR THE CDA BOARD OF DIRECTORS

By:

USEC. JOSEPH B. ENCABO
Chairman



IPOP HL-CDA ADR REFERRAL FORM

The CDA takes premium in safeguarding your personal information and upholding your privacy as mandated by Republic Act No. 10173 (RA 10173) or the Data Privacy Act of 2012.

In accordance with the General Data Privacy Principles, your Personal Data supplied in this IPOP HL-CDA ADR Referral Form, such as name of the party, cellphone/mobile number, e-mail address, competent identification card, and signature, shall be processed manually or by automated means, upon your consent, for the furtherance of a legitimate purpose, that is, to refer or forward the party's Complaint or Request for Intellectual Property (IP) Dispute Referral to the Intellectual Property Office of the Philippines (IPOP HL) having jurisdiction over the same for the conduct of an Alternative Dispute Resolution (ADR) conference.

It is understood that by filling up this form and affixing your signature, you have hereby consented to voluntarily disclose your personal information and authorize this Office to process the same relative to the aforementioned legitimate purpose pursuant to the referral policy of CDA and IPOP HL, without prejudice to the exercise of your rights as provided under RA 10173.

Name of Party # 1	
Contact Details of Party # 1	
Name of the Cooperative	
Business Address	
Tel No./Mobile No.	
E-mail Address	
Competent Identification Card	
Signature	
Name of Party # 2	
Contact Details of Party # 2	
Name of the Cooperative	
Business Address	
Tel No./Mobile No.	
E-mail Address	
Competent Identification Card	
Signature	
Details of Dispute <i>(To be accomplished by Evaluator / CDA Personnel)</i>	
Nature of IP Right Involved	
Narration of Dispute	
Evaluation Results/Action Taken	
Name and signature of Evaluator / CDA Personnel	
Date	