

## Intellectual Property Rights Enforcement: Issues in the Judiciary

*Judge Reynaldo B. Daway*

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*SUBJECT(S): INTELLECTUAL PROPERTY*

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The development of intellectual property (IP) law in the Philippines raises the question if there is a need for specialized IP courts. The Author, from a judicial perspective, answers in the affirmative. The benefits of having specialized IP courts arise in cases involving collection societies, copyright licensing, and royalty disputes.

Also from a judicial perspective on appropriate criminal sentencing, having specialized courts serves as deterrence, especially in cases involving willful trademark counterfeiting or copyright piracy on a commercial scale. Other factors may also be considered in imposing appropriate criminal sentences. The Author points to case studies and discusses the handling of IP cases by specialized courts, collection societies and criminal sentencing, and search and seizure motions.

The Author then undertakes a survey of recent significant decisions on IP-related issues in the Philippines touching on the question of jurisdiction, infringement of a registered trademark, a finding of no infringement of registered trademarks because of absence of evidence of actual use by trademark owners, a search warrant that was partially nullified, trademark dilution, bad faith use of a trademark, copyright infringement, and piracy.