

# Balancing Trade Liberalization and Protectionism: A Legal Assessment of Parallel Importation in the Philippines in light of ‘*Free Flow of Goods*’ in the ASEAN Economic Community

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The year 2016 marks a new dawn for the Association of Southeast Asian Nations (ASEAN). Through the ASEAN Economic Community (AEC), the goal is to turn the ASEAN to a single market and production base through the free flow of goods.

The Note focuses on the balance between trade liberalization and protectionism regarding parallel importation in the Philippines in light of intellectual property laws enacted by ASEAN countries. It aims to address the issue of whether parallel importation should be allowed in the Philippines in light of the AEC’s objective towards a single market and the free flow of goods, embodied in the different regional instruments it drew up. The Note goes over the different trademark, copyright, and patent laws passed by the ASEAN countries. Further, it discusses how the European Union (E.U.) establishes its concept of “free movement of goods,” consistent with our own “free flow of goods.” The ASEAN’s free flow of goods is similar to the E.U.’s free movement of goods. However, unlike the E.U., the ASEAN has not adopted a uniform exhaustion regime in line with the free flow of goods framework. The Author then discusses how this is being addressed by our own laws, specifically the Intellectual Property Code of the Philippines, and recommends that: *first*, ASEAN countries must adopt the regional exhaustion doctrine in order to allow parallel importation within the ASEAN; and *second*, the Intellectual Property Code, being unable to fully address the issue of free flow of goods within the ASEAN, must be amended to include parallel importation within ASEAN countries.