Application of Artificial Intelligence in the Acquisition and Utilization of IPRs: The Philippine Context

MARIA GLADYS C. VILCHEZ
HECHANOVA BUGAY VILCHEZ & ANDAYA-RACADIO

Objectives of the Presentation

- Explain how AI is used in:
  - Acquisition of IP rights
  - Utilization and enforcement of IP rights
- Discuss Philippine legal and institutional context
- Highlight IPOPHL initiatives and case examples

AI and Intellectual Property: Overview

- **Artificial Intelligence (AI):**

  Systems capable of learning, pattern recognition, and decision- making

- **AI in the IP Ecosystem:**

  Creation and innovation

  Acquisition and registration of IPR

  Management, enforcement and commercialization

Philippine IP Landscape

- Governed by the **IP Code of the Philippines (RA 8293)**

- Administered by **IPOPHL**

- Growing innovation ecosystem:
  - Startups
  - Universities and research institutions
  - MSMEs
  - Creative industries

- Increasing relevance of AI-driven technologies

AI in the Acquisition of IP Rights

AI-assisted tools are used in:

- Patent prior art search

- Trademark clearance and similarity analysis

- Copyright documentation and infringement detection

Result:

- Faster processing

- Improved accuracy

- Reduced costs for applicants

AI in Patent Search and Examination

Applications of AI:

- Automated prior art searches
- Analysis of technical documents
- Detection of novelty and inventive step

Philippine Context:

- IPOPHL's digital transformation
- Specialized **ICT and computer-implemented invention guidelines**
- AI-assisted tools support (not replace) human examiners

Benefit: Reduced backlog and improved examination quality

AI in Trademark Search and Registration

AI Capabilities:
- Visual similarity (logos, stylized marks)
- Phonetic and conceptual analysis
- Cross-class conflict detection

IPOPHL Practice:
- Use of WIPO Global Brand Database
- AI-based classification tools
  (Nice Classification)

Impact on MSMEs:
- Better brand clearance
- Fewer oppositions and cancellations

AI and Copyright Registration

Philippine Rule:

- Copyright protection is automatic
- Registration provides evidentiary benefits

AI Applications:

- Plagiarism detection
- Similarity checks for music, art, code, and text
- Monitoring unauthorized online use

Current Legal Position:

- Human authorship required
- AI treated as a tool, not an author

Legal Issue: Can AI Be an Inventor or Author?

Under Philippine Law:

- Inventors and authors must be natural persons
- AI has no legal personality

Ownership vests in:

- Programmer
- User
- Employer (depending on circumstances)

Policy Position:

- Human-centered approach
- AI-assisted works may be protected if human contribution exists

Are Robots the New Artists?

Case Example: AI-Related IP Filings

Example:

- AI companies filing trademark applications in the Philippines
- Includes AI-powered products and software

Legal Significance:

- Trademarks protect branding
- Software protected by copyright
- AI-generated output still requires human involvement

Lesson:

- Philippine IP law supports AI innovation but maintains human accountability

AI in the Utilization of IP Rights

AI supports:

- IP portfolio management
- Technology valuation
- Licensing and commercialization
- Market trend analysis

Beneficiaries:

- Universities and research institutions
- Startups and spin-offs
- MSMEs and franchisors

AI in IP Enforcement and Anti-Piracy

Enforcement Challenges in the Philippines:

- Online piracy
- Counterfeit goods
- E-commerce platforms

AI Solutions:

- Automated online monitoring
- Detection of counterfeit listings
- Real-time infringement alerts

Result:

- Faster enforcement
- Better evidence gathering

IPOPHL Initiatives on AI and IP

Key Initiatives:

- Digital transformation of IP services
- AI-assisted search and examination
- IP Learning Activities Workspace (ILAW)
- Youth IP and innovation programs

Global Recognition:

- IPOPHL ranked among the most innovative IP offices worldwide

INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

Policy Challenges and Issues

- Legal uncertainty on AI-generated works

- Data privacy and AI training datasets

- Unequal access to AI tools
- Capacity gaps among MSMEs and creators

Need for balance:

- Innovation vs. protection
- Efficiency vs. accountability

Moving Forward…

- Issue clear guidelines on AI-assisted and AI-generated works

- Amend IP Code for technological neutrality

- Promote AI literacy and access for MSMEs and creators

- Strengthen IPOPHL's AI capabilities

- Foster public-private and academic collaboration

Conclusion

- AI is transforming IP acquisition and utilization

- Philippines must integrate AI responsibly

- Human creativity and fairness remain central
- Proper regulation can drive inclusive innovation

AI should enhance — not replace — the Philippine IP system

QUESTIONS ARE WELCOME.