The Asia-Pacific Journal of Intellectual Property Management and Innovation (APJIPMI) is an interdisciplinary journal that publishes peer-reviewed research covering all aspects of Intellectual Property (IP) Management and Innovation, particularly in the Asia-Pacific context.

The journal is especially interested in articles that contribute new knowledge on the strategic management of IP, innovation, creativity, and knowledge and technology transfer. These articles may be presented in a variety of modes ranging from theoretical frameworks, experimental analyses, and case studies. The Journal further provides feature and news articles that are useful for the career development of professionals working in the field of IP and innovation. The journal will also include technology showcases from industry and academia, and the latest news and trends on IP management and innovation in the Asia-Pacific. APJIPMI is available online https://www.dlsu.edu.ph/research/publishing-house/journals/apjipmi/.

Copyright © 2022 by De La Salle University

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means—electronic, mechanical, photocopying, recording, or otherwise—without written permission from the copyright owner.

Published and distributed by
De La Salle University Publishing House
2401 Taft Avenue, 0922 Manila, Philippines
Telefax No. (+63 2) 8523-4281
Email: dlsupublishinghouse@dlsu.edu.ph
Website: http://www.dlsu.edu.ph/offices/publishing-house/default.asp

The De La Salle University Publishing House is the publications office of De La Salle University, Manila, Philippines.
Table of Contents

FOREWORD vii

ARTICLES

Lacking Copyright: A Policy Brief on the Prohibition on the Public Education Sector of the Philippines to Own Copyright and Its Consequences
Clifford C. Chan, Yasmine Lee R. Tadeo, Sheena T. Rima, and Romeo Joshua Movido 1

Young Filipinos’ Attitudes Towards Counterfeit Products: A Descriptive Study on Attitudes and Perceptions
A Study by the IP Academy of the Intellectual Property Office of the Philippines
Ma. Liezel Bumanglag 12

A Sound Vote: Integrity, Music Copyright, and Politics in the Philippines
Mark Robert Dy 24

The Concept of Originality and Creativity in the Humanities, the Social Sciences and the Natural Sciences
Madeleine Sta. Maria, Ph.D, Christopher E. Cruz, Maria Judy S. San Juan, Charisse Y. Tan, and Rajiv Amarnani 37

The Next Frontier: The Arbitrability of Intellectual Property Disputes
Daniel S. Hofileña 51

CONTRIBUTORS

ABOUT THE JOURNAL
FOREWORD

Message from the DLSU President

It is with great enthusiasm that De La Salle University (DLSU) celebrates, with its partner – the Intellectual Property Office of the Philippines (IPOPHL) – the launch of the Asia-Pacific Journal of Intellectual Property and Innovation (APJIPMI). This journal is a venue where researchers can share new knowledge, opinions, policy recommendations, and best practices in intellectual property (IP) management and innovation, especially within the context of the Philippines and the Asia-Pacific region.

We believe the University’s experience and expertise in research and publication, enabled by its commitment to generate and propagate new knowledge for human development and social transformation, makes it an effective partner for IPOPHL.

There is a rich pool of research questions in the field of IP that remain unanswered. Our vision is that this new Journal will encourage attempts, especially from researchers in the Philippines and the Asia-Pacific, to answer these questions, and that these answers will be a springboard for deeper questions with more interesting answers.

The launch of the APJIPMI reflects the strong relationship between DLSU and the IPOPHL – a relationship that the organizations have been cultivating for more than a decade. Since 2011, IPOPHL, DLSU, and in collaboration with other universities in the network, have worked together to build an IP-conscious Philippines whose inventive and creative citizens make use of the IP system to spur innovation and deliver socioeconomic impact.

To expand the impact of our relationship, we signed with IPOPHL last 24 February 2020 a Memorandum of Understanding describing our intention to collaborate on initiatives focused on IP education, training, and knowledge generation. The launch of a new journal is one of these initiatives.

We invite the community to celebrate this important milestone with us and to share in our vision for the Journal as readers and as contributors.

Br. Bernard S. Oca FSC
President
De La Salle University
Message from the Director General of the Intellectual Property Office of the Philippines

The Intellectual Property Office of the Philippines (IPOPHL) celebrates the launch of the maiden issue of the Asia Pacific Journal of IP Management and Innovation. We thank De La Salle University (DLSU) for collaborating with us on this undertaking.

The journal is a result of IPOPHL’s strategic partnership with DLSU following the signing of a Memorandum of Understanding in 2020 for the establishment of the country’s first-ever master’s degree in Intellectual Property (or IP).

The MOU would also lead DLSU to help us produce and publish an academic journal that would collate research papers relating to IP management, technology, and innovation. In support of this goal, IPOPHL and DLSU conducted IP Research Conferences in 2020 and 2021 for researchers to present their papers.

Now, we have the fruits of this partnership with the publication of the first issue of the journal covering IP management and innovation, particularly in the Asia-Pacific context. We are confident that the journal and its subsequent issues will serve as a prominent guide in mapping the future direction of protecting IP, innovation, and creativity in the country.

This is not the only time IPOPHL has worked with DLSU as the university is also one of our academic partners under the Innovation and Technology Support Office (or ITSO) Program. Under this initiative, we’ve been collaborating with higher education and research development institutions like DLSU to mainstream IP and increase the national innovative output.

All these highlight the importance of creating strong partnerships and relationships that foster an environment for research in IP protection and promotion. That is why as IPOPHL works to fulfill its mandate in protecting IP rights, we are also establishing broader networks for a whole-of-society approach to strengthen our nation’s IP system. This, in turn, will provide relevant solutions to the challenges faced by the Philippines and raise the quality of life for our people.

Thank you to everyone for celebrating this launch with us.

Rowel S. Barba
Director General
Intellectual Property Office of the Philippines
Message from the Co-Editor in Chief

The journey to attain an inclusive and a well-balanced Intellectual Property system may still require an arduous work, yet over the past years, we bear witness with the enormous growth in the evidence which support the premise that a collective effort in developing a sound culture of innovation and research can greatly impact the kind of policy framework for IP. This is reflected in the efforts of numerous government agencies, private entities, non-governmental organizations, and the academia who have worked hand in hand to ensure that the intellectual property cycle of creation, protection, and commercialization will continue. This, in effect, brought the Philippines to earn a spot in the Global Innovation Index (GII) in 2021 in which the country placed a good standing in various markers, making it apparent that it can contend with countries with performing economies.

While there is a continuous increase in the number of IP assets deposited in the IPOPHL throughout the years, there is also an exponential growth of individuals taking part in various IP research and education endeavors, as evidenced by the number of participants who took interest in the different course offerings, conferences, and trainings in Intellectual Property. This stimulates the burning hope of the Filipinos that through research and innovation, and an inclusive IP system, the Philippines will continue to perform better in the GII and other world indices.

To interpolate an important detail, the evident link of IP to economic and societal progress has now drawn enormous attention from scholars and researchers in the academe as they are starting to be in the frontline in producing research and innovation outputs, and initiatives in creating spaces for discourses on Intellectual Property to flourish.

Now on its silver year anniversary, it is with highest esteem that the Intellectual Property Office of the Philippines through its IP Academy in partnership with the De La Salle University will publicly introduce a first in the Philippine IP history which is the launching of this journal— the Asia Pacific Journal of IP Management and Innovation.

May this groundbreaking endeavor open up avenues to further tap in the research capacities of professionals and students in cultivating a sustainable research culture in intellectual property in the country.

Frederick P. Romero, Ph.D.
Co-Editor-in-Chief
APJIPMI
Greetings in St. Lasalle!

I am delighted to celebrate the launch of the Asia Pacific Journal of Intellectual Property Management and Innovation (APJIPMI), an interdisciplinary, peer-reviewed journal that publishes research in intellectual property management and innovation with a focus in the Asia-Pacific region – a first in the Philippines.

With the advent of new technologies and creations in the digital age, intellectual property management and innovation have become front and center in maximizing the utilization of intellectual creations for social and economic development. The journal’s primary goal is to contribute new knowledge in this field, particularly in the strategic management of intellectual property and technology transfer in all sectors of society.

APJIPMI is a journal for all stakeholders pursuing intellectual property management, technology transfer, and innovation. It is focused on the management and business side of intellectual property rather than the scientific and technical aspects of technologies. It provides an important venue to address essential issues in intellectual property management, from idea creation, and intellectual property protection, to IP commercialization. APJIPMI hopes to play a valuable role in sharing insights and best practices in IP management and innovation.

This journal is also a testament to the strong partnership between De La Salle University and the Intellectual Property Office of the Philippines. As one of the first Innovation and Technology Transfer Office (ITSO) members in 2011, DLSU has supported the efforts of IPOPHIL in increasing awareness of intellectual property and its role in fostering innovation. This journal will solidify the strong bonds between the two institutions.

We hope that the APJIPMI will become the melting pot of researchers from diverse disciplines to share their research in all aspects of intellectual property management and innovation. We are excited to launch this maiden issue of the journal and welcome submissions for future issues.

Atty. Christopher E. Cruz, Ph.D.
Co-Editor-in-Chief
APJIPMI
IP Academy

The IP Academy of the Intellectual Property Office of the Philippines is the national center for IP learning and research. The IP Academy, a unit under the Office of the Director General of IPOPHL, is tasked to promote knowledge and awareness on intellectual property for national development through education, training, and research. Under its Education pillar, the IP Academy aims to strengthen linkages with academic institutions to mainstream the integration of IP in the curriculum of both lower and higher education systems, along with the creation of specialized post-graduate courses for IP. Under its Training pillar, the IP Academy aims to implement an extensive spread of awareness through short and long courses specifically tailored to different professions and fields, such as the MCLE program for lawyers, Summer School and Beyond IP Mastercourse for various professionals, IP Boost Camp for students, and targeted IP Forward>> IP Masterclass programs for different work and social sectors. Under its Research pillar, the IP Academy aims to accelerate the transfer of technology and initiation of innovation through creation of research studies under the IPOPHL - De La Salle University Research Conference, the IPOPHL internal research capacity-building program IP REACH, and the Asia Pacific Journal on IP Management and Innovation.
The DLSU Innovation and Technology Office

The De La Salle University (DLSU) Innovation and Technology Office (DITO) is the university’s provider of patent services and knowledge and technology transfer support services. The DITO was established in 2011 to perform the functions of an Innovation and Technology Support Office (ITSO) of the Intellectual Property Office of the Philippines. DITO’s mission is to support the transformation of research outputs into innovations that benefit society. To achieve this mission, the DITO supports university knowledge and technology transfer – in coordination with the DLSU Intellectual Property Office (DIPO) – strengthens relationships between the university and third parties, capacitates its stakeholders in the commercialization of intellectual property (IP), provides quality patent services, and contributes to knowledge in the intellectual property (IP), innovation, and knowledge & technology transfer disciplines. As of June 2022, the DITO has filed 33 patents and 8 utility models for DLSU, of which 12 patents have been granted and 7 utility models registered. It has also filed 2 utility models for an external client, both of which have been registered. The DITO has filed 2 international patent applications for DLSU via the Patent Cooperation Treaty, both of which have been filed as National Phase applications in 4 countries each. Through DITO’s efforts, DLSU was recognized by the IPOPHL as a top patent grantee/registrant for the period 2017-2021. As of June 2022, the DITO is supporting 3 university spinoffs, one of which has received a license from the university to commercialize DLSU-owned IP. The Office has also negotiated numerous partnership agreements with industry for the purposes of collaborating on innovation-related initiatives. The DITO organizes the DLSU Innovation and Technology (DITECH) Fair, an annual event for showcasing Lasallian innovation, discussing innovation trends, and bringing together participants of the innovation ecosystem. The DITO seeks to contribute to the building and growth of the country’s innovation ecosystem, where problems are solved through the collaborative efforts of government, industry, and academia, where IP is respected, and where entrepreneurship is valued.
The DLSU Intellectual Property Office

The DLSU Intellectual Property Office (DIPO) is a unit under the Office of the Vice President for Research and Innovation (OVPRI) of De La Salle University (DLSU) and is the IP Management and Technology Transfer Office of DLSU. In 2008, DLSU was among the first private universities in the Philippines to establish an Intellectual Property (IP) Office, and to draft and implement a set of comprehensive policies on IP. DLSU through the DIPO has also set the record for being the first university to set up the Intellectual Property Advocates (IPA), a student organization that promotes within its ranks greater awareness, advocacies, initiatives and respect for IP which was complimented by former Director General Ricardo R. Blancaflor of the Intellectual Property Office of the Philippines (IPOPHL). The DIPO was envisioned, among others, to educate the academic community first, then society on the important role of IP protection in securing inventions, facilitating technology transfer, and encouraging inventors to disclose their work. Its mission is to promote awareness, manage assets, and implement policies pertaining to intellectual property, creating an environment where innovation and creativity can flourish. This mission can be strategically achieved by pursuing activities that cultivate awareness and nurture respect for IP, creating IP Champions along the way. Through the years, the office has achieved certain milestones. Last year, the DIPO was able to offer the Online Strategic Management of Intellectual Property (SMIP) Basic and Advanced Certificate Courses in partnership with the USAID-STRIDE-funded DLSU Skills in Technical and Advanced Research Training (START) Hub. It has also established partnerships with various industry players, local government agencies and international organizations in promoting IP and innovation. Last 2019, the DLSU through the DIPO signed a Memorandum of Understanding (MOU) with IPOPHL to (1) create and manage the Asia Pacific Journal of Intellectual Property Management and Innovation (APJIPMI) and (2) design a Master’s Program on Intellectual Property Management and Innovation (MIPMI). Just this year, the World Intellectual Property Organization joined the DIPO and the IPOPHL IP Academy via an MOU in preparing for the MIPMI which is set to be offered by September 2023. Together with creating IP awareness activities, is the continuous service to the academic community in protecting the IPs of its students, researchers, and employees. The DIPO continuously provides assistance in IP disclosures, university trademark management and copyright deposits. The DIPO’s commitment is not just bound within the walls of the University. It will continuously pursue efforts to make sure that Intellectual Property and Technology Transfer positively impacts national development, progress, and the common good.