



Rising.  
Shining.  
Beckoning.

# Leveraging Partnerships: The Philippine MOU on eCommerce

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# Outline of the Presentation

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**I. Process Undertaken**

**II. MOU on eCommerce: Current Status**

**III. Going Beyond the MOU**

**IV. Leveraging Partnerships**



# Process Undertaken

# Process Undertaken



**IPOPHL, British Embassy Sign  
First-Ever Partnership Agreement  
to Boost MSMEs' Competitiveness  
and Make E-Commerce Space  
Safer**

## Memorandum of Understanding

21 June 2016  
Brussels

# Process Undertaken

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## First Consultation

Conducted in Feb 2020 and includes both brand owners and online platforms



## First draft

First draft prepared by Rouse and sent to target signatories



## Negotiations

Exchange of drafts and series of consultations



# MOU Signing (01 March 2021)



**Lazada, Shopee and IP right holders band together in fight vs. rising online counterfeiting, piracy**

- **12** initial signatories
- Witnessed by the government



# MOU on eCommerce

Current Status

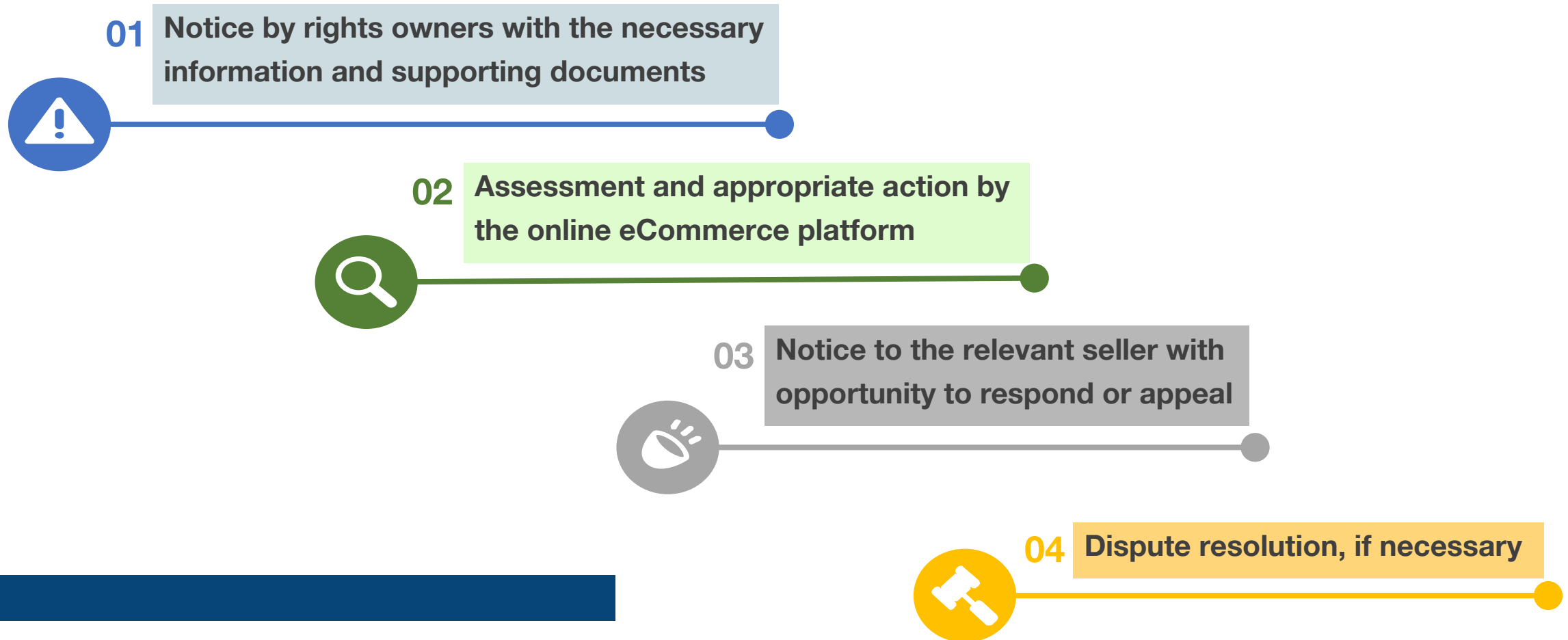
# **Memorandum of Understanding (MOU) on eCommerce between Platforms and Brand Owners, Industry Associations and Chambers of Commerce**

# Objectives of the MOU

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- Establish a **code of practice/conduct** to address the proliferation of counterfeit and pirated goods in the internet
- **Enhance collaboration** between and among the signatories
- Puts into place an **efficient notice and takedown procedure**

# Notice and Takedown (NTD) Procedure



# NTD Procedure

## Commitment of eCommerce Platforms

Offer an efficient and effective NTD that is accessible through electronic means; and deal with notifications in a time-efficient and comprehensive manner

## Commitment of Rights Owners

Use the NTD mechanism and notify in an efficient and comprehensive manner; and use the mechanism in good faith

# Other Salient Features

## Moratorium on Litigations

All signatories agreed not to initiate any new litigation against each other concerning matters covered by the MOU until the end of the period of the MOU implementation.

## Proactive and Preventive Measures

Both online platforms and brand owners also commit to undertake proactive and preventive measures or commercially reasonable and available steps to effectively fight counterfeiting and piracy.

## Policy on Repeat Infringers

The MOU also provides for a policy on repeat infringers wherein the signatories will cooperate in their detection.

## Cooperation and Information Sharing

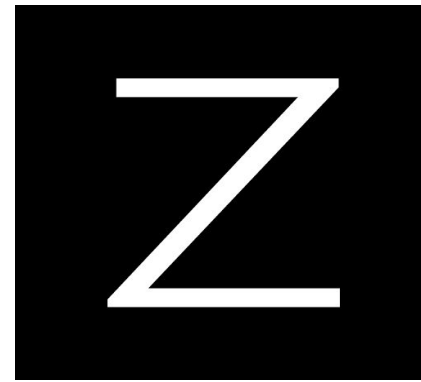
Online platforms and brand owners commit to cooperate with each other and with law enforcement agencies.



# 44 signatories

As of 30 October 2024

# 4 eCommerce Platforms



# 32 brand owners

## Fashion and Apparel



## Copyright-based Industries



## Pharmaceutical Products



## Fast Moving Consumer Goods / Food and Beverage



## Others



\*Rough categorization only

\*\*Two counts for GSK: GlaxoSmithKline Consumer Healthcare Philippines, Inc. and GlaxoSmithKline Philippines Inc.

# 8 industry associations / chambers of commerce



# Agreed Key Performance Indicators (KPIs)

**01**  
search results



**02**  
listings removed



**03**  
sellers restrictions imposed



**04**  
measures explored to generate KPIs



# Assessment and Review

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- Incorporates a **system for assessment and review done under the auspices of IPOPHL** and with the objective of **analyzing the progress, implementation and functioning** of the MOU, including the possibility of **expanding the MOU**
- IPOPHL as **facilitator** in onboarding interested platforms/brand owners/industry associations and **convenor** of the review and assessment

# 4 Reviews Conducted

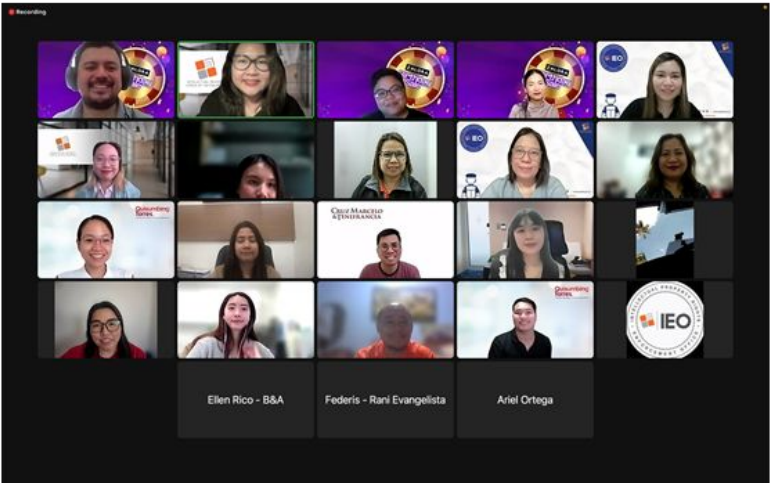
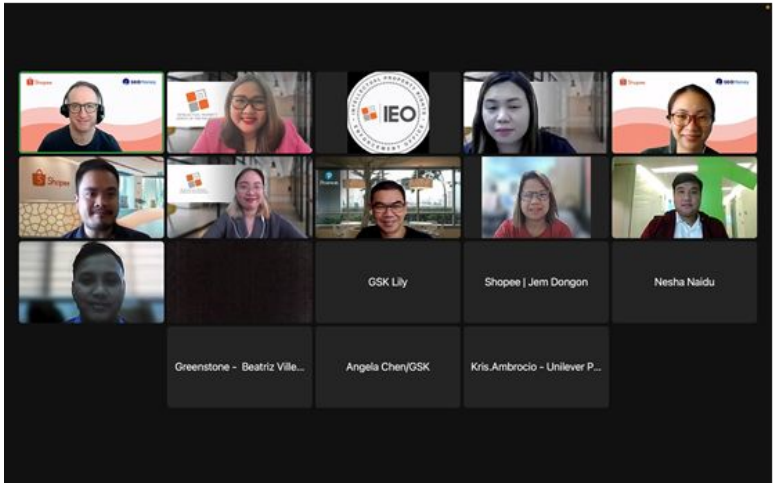
- Initial reviews were focused on the challenges in the implementation of the MOU:
  - Operationalizing KPIs
  - Increasing engagement of signatories
  - Putting NTD mechanisms in place
- Recent reviews focused on further refinement:
  - Revision of definitions used in the MOU text
  - Expansion of the MOU coverage
  - Standardization of the KPIs



# Going Beyond the MOU

Cooperation and Collaboration

# 2024 IP Boot Camp



# 2024 IP Boot Camp

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# 2024 IP Boot Camp: Objectives

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- Provide online platforms the **opportunity to discuss their respective NTD procedures and IT tools** developed for reporting of counterfeit and pirated goods in the platform
- Serve as an **avenue for brand owners** to delve deeper into the functionalities of and benefits gained from utilizing and exploring mechanisms provided by platforms to ensure the protection of IP Rights

# Basics of IP

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- 12 September 2024
- Hybrid
- About **40** sellers, rights holders and representatives

**IPOPHL, TikTok Shop share practical tips to protect IP and brand identity**



# Leveraging Partnerships

The Philippine MOU on eCommerce

# Major Points

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**Active.** Fosters ongoing engagement between multiple stakeholders

**Collaborative.** Ensures a collective effort to identify and mitigate IP violations




**Dynamic.** Adapts to the evolving digital landscape to effectively safeguard intellectual property rights

# Thank You!



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