

ALOHA MENTAL ARITHMETIC  
SDN, BHD

IPC No. 14-2009-00110

Opposer,

Case Filed: 13 Filed 2009  
Cancellation:

Versus

Opposition to:  
Appln. Serial No. 4-1998-007214  
Date Filed: 16 April 2004  
Trademark: ALOHA MENTAL  
PHILIPPINES, INC. & LOGO”  
Decision No. 2011-63

ALOHA MENTAL ARITHMETIC  
PHILIPPINES, INC. (now ALOHA  
ALTERNATIVE LEARNING SYSTEM, INC.  
and/or ROBIN T. CO. and MERCURIO T.  
ELENZANO

Respondent Applicant

x-----x

DECISION  
BASED ON COMPROMISE AGREEMENT

ALOHA MENTAL ARITHMETIC PHILIPPINES, SDN, BHD ALOHA MENTAL ARITHMETIC PHILIPPINES, SDN, BHD {"Petitioner"} filed on 13 April 2009 a petition for the cancellation of Reg. No. 4-1998-007214. The Registration issued to ALOHA MENTAL ARITHMETIC PHILIPPINES, SDN, BHD (now ALOHA ALTERNATIVE LEARNING SYSTEM, INC. and/or ROBIN T. CO. and MERCURIO T. ELENZANO) "Respondent Registrant" covers the mark ALOHA ARITHMETIC PHILS. INC and LOGO for math techniques, educational and tutorial services. According to the Petitioner, the Respondent-Registrant violated the term and conditions of the licensing agreement executed by them.

This Bureau issued 04 May 2009 a notice to answer copies of which were served upon respondent-registrant in 12 May 2009. The Respondent-Registrant timely filed its Answer on 10 June 2009.

The preliminary conference was initially set on 20 July 2009 and after resetting, the same was officially terminated on 22 January 2010. Hence, the case was submitted for decision.

On 18 July 2011, the Parties filed a COMPROMISE AGREEMENT the pertinent portion of which read as follows:

a. The Respondent will cease using complainant logo which resembles an inverted blue colored lettered V connected to a leaf-shaped design half of which is colored green and the other half having a white background.

b. Respondent shall upon the execution of this Agreement, refrain from using the word ALOHA in any methods techniques, systems, programs and instructional materials that will exclusively develop by the Complainant. Neither shall the Respondent, upon the execution of this Agreement, enter into any Agreement with any Person/s juridical or natural involving complainants exclusively develop methods techniques, systems, programs and instructional materials. Should the complainant decide to register the Logo or trademark mentioned in Par. (a) hereof as well as, the name ALOHA with the Intellectual Property Office Philippines, in its name, the Respondent expressly undertake not to oppose it directly or indirectly, or through someone else,

c. Respondent shall cause its existing learning Center to stop using Complainant trademark and complainants exclusively develop methods, techniques, systems, programs and instructional materials.

g. Respondent shall waive the outstanding account of Ms, Melanie Pajares.

e. Respondent shall deliver to complainant or its duly authorized representative any unused books, pamphlets and other instructional materials that bear the trademark of the complainant; and,

f. The Parties hereby waived, abandoned any and all other claims and/or counterclaims that one party has against the other.

This Bureau evaluated the COMPROMISE AGREEMENT and finds that the same has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good customs, public order or public policy.

Accordingly, an approved Compromise Agreement shall have the effect of decision or judgment on the merits and is immediately executory, to be enforced in accordance with the pertinent rules of IPO and the Rules of Court, (Sec. 5. Office Order No. 154, s. 2010)

WHEREFORE, premises considered, the Parties' COMPROMISE AGREEMENT is hereby APPROVED. Accordingly the COMPROMISE AGREEMENT having the force and effect of a decision or judgment, the Parties' are hereby enjoined to comply with the terms and conditions set forth therein. Let the filewrapper of the subject trademark Ref. No. 4-1998-007214 be returned, together with a copy of this Decision to the Bureau of Trademarks (BOT) for Information and appropriate action,

SO ORDERED.

Taguig City, 21 July 2011