

IRENEO B. GARCIA,
Petitioner,

-versus-

JAIME V. ACOSTA and PSALMTRE
ENTERPRISES, INC.,
Respondent-Registrant.
X-----X

IPC No. 14-2008-00196
Case Filed: 28 August 2008
Cancellation to:
Trademark Reg. No. 4-2006-005103
Date Issued: 11 February 2008

Trademark: PSALMTRE NEW
PLACENTA LABEL
Decision No. 2011-28

DECISION
BASED ON COMPROMISE AGREEMENT

IRENEO B. GARCIA ("Petitioner") filed on 28 August 2008 a Petition for the cancellation of Trademark Reg. No. 4-2006-05103. The registration, issued to JAIME V. ACOSTA and PSALMTRE ENTERPRISES, INC., covers the mark "PSALMTRE NEW PLACENTA LABEL" for use on beauty products under Class 03. The petition is anchored on Sec. 123.1 (d) of Rep. Act No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code").

Respondent-Registrant filed an Answer on 13 January 2009 refuting the material allegations of the Petitioner.

In compliance to Office Order No. 154, s. 2010 ("Rules of Procedure for IPO Mediation Proceedings") Office Order No. 197, s. 2010 ("Mechanics for IPO Mediation Settlement Period"), this Bureau issued on 07 February 2011 Order No. 2011-103 referring the case to mediation.

On 22 March 2011, this Bureau received a "MEDIATOR'S REPORT" indicating the successful mediation of the instant case. Attached to the report is the parties' "COMPROMISE AGREEMENT" submitted to this Bureau for approval. The Agreement states, among other things:

1. Parties mutually agree to release discharge and/or quitclaim each other from any and all causes of action, claims and counterclaims and/or demands which they have brought or could have possibly brought against each other, now or in the future, arising from, incidental to or in connection with the subject of the above-captioned case;
2. Parties mutually declare that they are no longer interested in pursuing the same in this Office or in any other forum, now or in the future.

Wherefore, Parties respectfully jointly pray of this Honorable Court (sic) to this DISMISS the instant case.

This Bureau finds that the Agreement has been duly entered into by the Parties with the terms and condition thereof not contrary to law, morals, good customs, public order or public policy. In this regard, an approve Compromise Agreement shall have the effect of a Decision or Judgment on the Case and shall be enforced in accordance with the pertinent rules of the Intellectual Property Office of the Philippines and the Rules of Court (Sec. 5, Office Order No. 154, Sec. 2010).

WHEREFORE, premises considered, the submitted COMPROMISE AGREEMENT is hereby APPROVED. Accordingly, the instant petition for cancellation is hereby DISMISSED. Let the file wrapper of the Trademark Registration No. 14-2008-00196 be returned, together with a copy of this Decision, to the Bureau of Trademark (BOT) for information and appropriate action.

SO ORDERED.

Makati City, March 24, 2011.

NATHANIEL S. AREVALO
Director, Bureau of Legal Affairs
Intellectual Property Office