

COLGATE-PALMOLIVE COMPANY,	}	IPC No. 14-2006-00066
Opposer,	}	Opposition to:
	}	Serial No. 4-2002-010741
-versus-	}	Date Filed: 12-17-02
	}	TM: "HERBAL"
	}	
TUPPERWARE PRODUCTS SA.	}	
(Assignee KIWIEUROPEAN HOLDINGS	}	
B.V.,)	}	
Respondent-Applicant.	}	
x-----x		Decision No. 2006-132

JUDGMENT
 BASED ON COMPROMISE AGREEMENT

For this Bureau's consideration is the parties' Compromise Agreement filed on November 7, 2006.

The Compromise Agreement executed by and between Opposer, Colgate-Palmolive Company and Respondent-Applicant Tupperware Products S.A. provides, to wit:

"1. Both parties, including their sister companies, subsidiaries, affiliates, assigns and/or successors-in-interest can use the term "HERBAL" on their products, brochures, vehicles, billboards, advertising materials and/or flyers and can conduct advertising campaigns in all forms of media using the aforesaid mark within the territory of the Republic of the Philippines;

"2. No judicial, quasi-judicial or administrative action in the Philippines shall be taken, filed, made or submitted by one party, including sister companies, subsidiaries, affiliates, assigns and/or successors in interest, against the other for the use or promotion of the term "HERBAL", nor shall extra judicial demands or claims be made due to the use or promotion of the said term;

"3. Tupperware Products SA shall withdraw Application Ser. No. 4-2002-010741 for the mark "HERBAL" and Colgate-Palmolive Company shall withdraw the Verified Notice of Opposition docketed as Inter Partes Case No. 14-2006-00066.

WHEREFORE, finding the parties' Compromise Agreement to have been duly executed and signed by the parties and the terms and condition thereof to be in consonance with law, morals, good customs, public policy or public order, the same is hereby APPROVED.

Accordingly, Application Serial No. 4-2002-010741 filed on December 17, 2002 is hereby considered voluntarily withdrawn by herein Respondent-Applicant and the Notice of Opposition thereto is likewise considered withdrawn by Opposer pursuant to the terms and conditions of the Compromise Agreement. Consequently, the parties are hereby enjoined to faithfully comply with the terms and conditions of the Compromise Agreement, failure of which shall be cause for the erring party to be cited for indirect contempt after proper charge and hearing.

Let the filewrapper of the trademark "HERBAL" subject matter under consideration together with a copy of this Decision be forwarded to the Bureau of Trademarks for appropriate action.

SO ORDERED.

Makati City, November 21, 2006.

ESTRELLITA BELTRAN-ABELARDO
Director, Bureau of Legal Affairs
Intellectual Property Office