

MARKS AND SPENCER P.L.C.,
Opposer,

INTER PARTES CASE NO. 3150

OPPOSITION TO:

- versus -

Application Serial No. 56850
Filed : July 12, 1985
Applicant : Pelican Agro-Products,
Inc.
Trademark : MICHEAL
Used on : Fresh mangoes and
mango juice and other
fruits

PELICAN AGRO-PRODUCTS,
INC.,
Respondent-Applicant.

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DECISION NO. 89-1 (TM)
January 16, 1989

DECISION

On August 17, 1988, Opposer through counsel filed an Unverified Notice of Opposition against the registration of trademark Application Serial No. 56850 for the trademark "MICHEAL" used for fresh mangoes and mango juice and other fruits filed by the herein Respondent-Applicant on July 12, 1985.

On January 5, 1989, parties filed a joint Motion of Approval of Compromise Agreement, the substantive portion of which reads:

"WITNESSETH: That

WHEREAS, M & S is the owner of the trademark 'ST. MICHAEL' as evidenced by Certificate of Registration No. 31290-A issued by the then Philippine Patent Office on 20 October 1982;

WHEREAS, PAI has applied for the registration of the trademark "MICHEAL" under application Serial No. 56850 filed on 12 July 1985;

WHEREAS, M & S and PAI are the Opposer and Respondent-Applicant, respectively, in Inter Partes Case No. 3150 now pending before the Bureau of Patents, Trademarks and Technology Transfer;

WHEREAS, both M & S and PAI are mutually desirous of arriving at an amicable settlement of above-described Inter Partes Case;

NOW, THEREFORE, for and in consideration of the foregoing premises, M&S hereby agrees to withdraw its opposition to the registration of the trademark 'MICHEAL' subject to the following terms and condition:

1. PAI shall immediately amend its application such that registration of the trademark 'MICHEAL' shall be limited to mangoes, mango products, and other Philippine fresh fruits and fruit products for export from the Philippines to Japan.

2. PAI shall confine its use of the trademark 'MICHEAL' to fruit and fruit products above mentioned for export from the Philippines to Japan.
3. This Agreement shall not in any way constitute a waiver of the right of M&S to protect its trademark 'ST.MICHAEL' in jurisdictions outside of Philippines.
4. This Agreement shall be submitted to the Honorable Director of Patents to be, upon approval, the basis of his Decision in Inter Partes Case No. 3150."

The aforementioned agreement not being contrary to law, rules and regulation is APPROVED by this Bureau, consequently, the herein Notice of Opposition is DISMISSED subject to the compliance by Respondent-Applicant of the terms and conditions set forth in the aforestated Compromise Agreement.

Let the records of this case be remanded to the Application, Issuance and Publication Division for appropriate action based on this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director