

PREMIERE BEVERAGE CORP.,  
Opposer,  
- versus -

IPC 14-2006-00185

Opposition to:  
TM Application No. 4-2004-006702  
(Filing Date: July 28, 2004)

LORENZO J. CRUZ,  
Respondent-Applicant.

TM: "MOJITO"

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Decision No. 2007 – 94

#### JUDGEMENT BASED ON COMPROMISE AGREEMENT

For this Bureau's consideration is the parties' Motion to Approve Compromise Agreement filed on 04 July 2007.

The Compromise Agreement executed by and between Opposer PREMIERE BEVERAGE CORP. and Respondent-Applicant LORENZO J. CRUZ provides, to wit:

- "1. Respondent-Applicant will continue to use the mark MOJITO in the label of his cocktail drink consisting of white rum, limejuice, soda water, and fresh mint leaves. A copy of Respondent-Applicant's label is hereto attached as Annex "A";"
- "2. Opposer, on the other hand, will continue to use its MOJITOS TEQUILA label for its bottled tequila cocktail drink consisting of demineralized water, rectified alcohol, refined sugar, clarified apple concentrate, tequila flavor, sarbitol, and caramel;"
- "3. Respondent-Applicant will interpose no objection and/or opposition to Opposer's pending Application Serial No. 4-2005-000878 filed on January 28, 2005. A copy of Opposer's aforesaid application, including the label submitted in connection therewith is hereto attached as Annex "B";"
- "4. For and in consideration of the foregoing, Opposer agrees to withdraw its Notice of Opposition to Respondent-Applicant's Application Serial No. 4-2004-006702;"
- "5. The Parties shall bear separately their respective expenses for attorney's fees."

WHEREFORE, fining the parties' Compromise Agreement to have been duly executed and signed by the parties and the terms and conditions thereof to be in consonance with law, morals, good customs, public policy or public order, the same is hereby APPROVED. 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 erring party to be cited for indirect contempt after proper charge and hearing.

Let the filewrapper of the trademark "MOJITO" subject matter of this case together with this decision be forwarded to the Bureau of Trademarks (BOT) for appropriate action.

SO ORDERED.

Makati City, 06 July 2007.

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