



SYNGENTA PARTICIPATIONS AG,	}	IPC No. 14-2011-00036
Opposer,	}	Opposition to:
	}	
- versus -	}	Appln. No. 4-2010-500652
	}	Date Filed: 12 May 2010
ALDIZ INCORPORATED,	}	Trademark: SCORPIO
Respondent-Applicant.	}	
X-----X		Decision No. 2012 - <u>18</u>

**DECISION  
BASED ON COMPROMISE AGREEMENT**

SYNGENTA PARTICIPATIONS AG ("Opposer"), filed on 03 February 2011 an opposition to Trademark Application Serial No. 4-2010-500652. The application filed by ALDIZ INCORPORATED ("Respondent-Applicant") covers the mark "**SCORPIO**" for use on goods under Class 1. The opposition is anchored on Section 123 of Republic Act No. 8293 otherwise known as The Intellectual Property Code of the Philippines.

The Respondent-Applicant filed its Answer on 09 August 2011 refuting the material allegations of the Opposer.

In compliance to Office Order No. 154, s. 2010 ("Rules of Procedure for IPO Mediation Proceedings") and Office Order No. 197, s. 2010 ("Mechanics for IPO Mediation and Settlement Period"), this Bureau issued on 12 August 2011 Order No. 2011-252 referring the case to mediation.

On 16 January 2012, 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:

"NOW, THEREFORE, in view of the above premises and for other good and valid considerations, the parties hereby agree as follows:

"1. Syngenta Participations AG and Aldiz Incorporated recognize and acknowledge each other's right to use, apply for, register and maintain their trademarks "SCORE" and "SCORPIO", respectively, in connection with each party's respective goods as so stipulated in this Agreement.

"2. Aldiz Incorporated hereby agrees:

2.1 To limit the use of the mark covered by its Trademark Application No. 4-2010-500652 for "SCORPIO" to *insecticide* under Class 1 only;

2.2 To limit the use of its "SCORPIO" mark only in the

Philippine market; and

2.3 To adopt the general appearance and style for its "SCORPIO" mark as produced below:



**SCORPIO**  
**40SP**  
**INSECTICIDE**

2.4 To have its "SCORPIO" mark written in bold red stylized lettering, with the word "INSECTICIDE" clearly written below said "SCORPIO" mark.

"3. Syngenta Participations AG agrees:

a) To allow Aldiz Incorporated to apply for registration, register, and maintain future trademark registrations for its "SCORPIO" mark (i.e. "SCORPIO AND DEVICE") provided the terms and conditions of this Compromise Agreement are complied with; and

b) To withdraw the present opposition case docketed as IPC No. 14-2011-00036 against Aldiz Incorporated.

"4. Hence, Syngenta Participations AG is hereby withdrawing its opposition to the application for registration of Aldiz Incorporated's trademark SCORPIO under Application No. 4-2010-500652 filed on May 12, 2010;

"5. This Compromise Agreement shall be limited to the territory of the Philippines and shall bind the Parties, their assignees or successors-in-interest exclusively.

"6. The parties hereby release, waive and quitclaim any and all claims or causes of action against each other related to or involved in any of the matters alleged in IPC No. 14-2011-00036.

"7. The parties undertake to observe the terms and conditions of this Agreement in utmost good faith.

"8. Each party shall bear its own expenses incurred in this case.

"9. This agreement shall become effective and enforceable upon

signature of the parties' respective authorized representatives.

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

In this regard, an approved Compromise Agreement shall have the effect of a decision or judgment on the case and shall be enforced accordingly 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 submitted Compromise Agreement is hereby **APPROVED**. Let the filewrapper of the subject trademark application be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 06 February 2012.

  
**ATTY. NATHANIEL S. AREVALO**  
Director IV  
Bureau of Legal Affairs



*mivd/cpb*