



**AKEBONO BRAKE INDUSTRY,  
CO., LIMITED,**  
Opposer,

-versus-

**AYROSO HARDWARE CO., INC.,**  
Respondent- Applicant.

x-----x

} **IPC No. 14-2011-00548**  
} Opposition to:  
} Appln. Serial No. 4-2010-014073  
} Date Filed: December 30, 2010  
} **TM: "3 TRAPEZOID LOGO"**

### NOTICE OF DECISION

#### **BUCOY POBLADOR AND ASSOCIATES**

Counsel for the Opposer  
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#### **ESCANO SARMIENTO PARTNERS LAW OFFICES**

Counsel for Respondent-Applicant  
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F. Ortigas Jr. Road, Ortigas Center  
1605 Pasig City

#### **GREETINGS:**

Please be informed that Decision No. 2013 - 73 dated April 23, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, April 23, 2013.

For the Director:



**Atty. PAUSI U. SAPAK**  
Bureau of Legal Affairs



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Trademark: **3 TRAPEZOID LOGO**

Decision No. 2013- *73*

**DECISION  
BASED ON COMPROMISE AGREEMENT**

**AKEBONO BRAKE INDUSTRY CO., LIMITED**, ("Opposer") filed on 10 February 2012 an opposition to Trademark Application Serial No. 4-2010-014073. The application filed by **AYROSO HARDWARE CO., INC.**, ("Respondent-Applicant") covers the mark **3 TRAPEZOID LOGO** for use on goods under Class 09/12. The opposition is anchored on Sections 123.1 (d) and (f) of R.A. 8293 otherwise known as The Intellectual Property Code of the Philippines.

On 21 May 2012, the Respondent-Applicant filed its Answer 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 11 June 2012 Order No. 2012-123 referring the case to mediation.

On 25 October 2012 the ADR Services of this Bureau submitted a Mediation Report indicating the Notice of Non-Settlement of Dispute. Accordingly, the records of the case were returned to the Hearing Officer of this Bureau for the resumption of the proceedings.

On 16 April 2013, however, a Compromise Agreement duly signed by the parties was submitted for the approval of this Bureau. The pertinent portion of the COMPROMISE AGREEMENT reads, as follows:

**"NOW, THEREFORE**, the Parties have agreed by way of amicable settlement, as follows:

- "1. Respondent-Applicant agrees to amend its mark to:



"2. It shall immediately file a formal communication addressed to the Intellectual Property Office amending the application and furnish the OPPOSER a copy of the same.

"3. In addition, respondent-applicant expressly agrees to immediately cease the manufacturing, selling and/or using for promotion or advertisement purposes, products showing only the "three trapezoid logo" and will not file any application for trademark registration that is similar to OPPOSER'S trademark in connection with brake products.

"4. The parties hereby agree to execute such other document(s) that may be required and/or necessary to carry out the intention of the parties in concluding this Compromise Agreement.

"5. Parties undertake to observe the terms and conditions of this Agreement in utmost good faith.

"WHEREFORE, the Parties respectfully pray that this Compromise Agreement be approved and judgment rendered pursuant thereto.

This Bureau finds that the Compromise 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 merits and is immediately executory.

**WHEREFORE**, premises considered, the submitted Compromise Agreement is hereby **APPROVED**. Let the filewrapper of Trademark Application Serial No. 4-2010-014073 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 23 April 2013.

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

