



ARABELLA PTE LTD.,
Opposer,

-versus-

STREETWARD INTERNATIONAL, INC.,
Respondent-Applicant.

X-----X

}
} IPC No. 14-2012-00250
} Opposition to:
} Appln. Serial No. 4-2011-011681
} Date Filed: 09 September 2011
} TM: "I ENERGIE"
}
}
}
}

NOTICE OF DECISION

VERALAW
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Makati City


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GREETINGS:

Please be informed that Decision No. 2013 - 104 dated June 17, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, June 17, 2013.

For the Director:


Atty. EDWIN DANILO A. DATING
Director III
Bureau of Legal Affairs



ARABELLA PTE LTD.,	}	IPC No. 14-2012-00250
<i>Opposer,</i>	}	Opposition to:
	}	
- versus -	}	Appln. No. 4-2011-011681
	}	Date Filed: 09 September 2011
STREETWARD INTERNATIONAL, INC.,	}	Trademark: I ENERGIE
<i>Respondent-Applicant.</i>	}	
x-----x		Decision No. 2013- <u>104</u>

DECISION BASED ON COMPROMISE AGREEMENT

ARABELLA PTE LTD. ("Opposer"), filed on 06 August 2012 an opposition to Trademark Application Serial No. 4-2011-011681. The application filed by STREETWARD INTERNATIONAL, INC. ("Respondent-Applicant") covers the mark I ENERGIE for use on goods under Classes 16, 17, 18, 22, 24, 28, 35 and 41. The opposition is anchored on Sections 123.1 (d), (f) and (g) and 165.2 (a) and (b) of Republic Act No. 8293 otherwise known as The Intellectual Property Code of the Philippines.

This Bureau issued a Notice to Answer and served upon a copy thereof to Respondent-Applicant on 19 September 2012. The Respondent-Applicant filed its Answer on 29 November 2012.

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 Settlement Period*"), this Bureau issued on 15 January 2013 Order No. 2013-019 referring the case to mediation.

On 11 June 2013, the ADR Services of this Bureau submitted a Mediation Report indicating a settlement by the parties' of the case. Attached to the report is the parties' COMPROMISE AGREEMENT, the pertinent portions of which read, as follows:

"1. Respondent-Applicant STREETWARD INTERNATIONAL INC. has filed Trademark Application No. 4-2011-011681 for the mark "I ENERGIE" covered under Classes 16, 17, 18, 22, 24, 28, 35 and 41. On the other hand, Opposer also has a pending trademark application of the mark "ENERGIE" with Application No. 42011501848.

"2. The parties have voluntarily and amicably settled their differences and that Opposer shall withdraw its opposition to the application of Respondent-Applicant under the following conditions, to wit:

"2.1 Respondent-Applicant agrees and undertakes to have its trademark application no. 4-2011-011681 amended to delete Class 16, 17, 18, 22, 24, 35 and 41.

"2.2 Respondent-Applicant undertakes that whenever it uses the subject mark "I ENERGIE YOUR POWER BUILDER", the word "ENERGIE" should not be in a graphic style which is identical or similar to Opposer's ENERGIE marks.

"2.3 Respondent-Applicant will not use or apply to register the subject mark or other similar marks, in particular those including "ENERGIE", in respect of items of clothing and accessories.

"2.4 Opposer will not use or apply its mark in respect of games, playthings and sporting articles in the Philippines.

"3. In consideration of the foregoing undertakings made by Respondent-Applicant, Opposer hereby withdraws its opposition to the registration of Trademark Application No. 4-2011-011681 for the mark "I ENERGIE".

"4. The parties, in good faith, undertake to honor their respective commitments under this Compromise Agreement."

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

Accordingly, 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.¹

WHEREFORE, premises considered, the parties' Compromise Agreement is hereby APPROVED. Accordingly, the instant opposition case is hereby DISMISSED. Let the filewrapper of Trademark Application Serial No. 4-2011-011681 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 17 June 2013.


Atty. NATHANIEL S. AREVALO
Director IV
Bureau of Legal Affairs

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¹ Office Order No. 154 Series of 2010.