



ARES TRADING S.A.,
Opposer,

-versus-

ROBINSONS DAISO DIVERSIFIED CORP.,
Respondent-Applicant.

X-----X

} IPC No. 14-2011-00034
} Opposition to:
} Appln. Serial No. 4-2009-005070
} Date filed: 22 May 2009
} TM: "SAIZEN"

NOTICE OF DECISION

HECHANOVA BUGAY & VILCHEZ

Counsel for Opposer
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851 Antonio Arnaiz Avenue
1223 Makati City

ATTY. ELAINE G. MIRANDA-ARANETA & ASS.

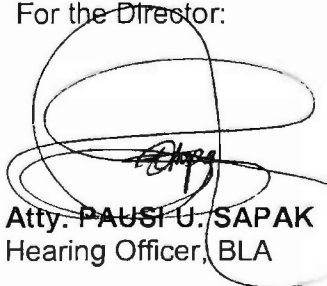
Counsel for Respondent-Applicant
402 Galleria Corporate Center, EDSA cor.
Ortigas Avenue, Quezon City

GREETINGS:

Please be informed that Decision No. 2012 - 77 dated April 27, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, April 27, 2012.

For the Director:



Atty. PAUSI U. SAPAK
Hearing Officer, BLA

CERTIFIED TRUE COPY

SHARON S. ALCANTARA
Records Officer II



ARES TRADING S.A.,	}	IPC No. 14-2011-00034
Opposer,	}	Opposition to:
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- versus -	}	Appln. Serial No. 4-2009-005070
	}	Date Filed: 22 May 2009
ROBINSONS DAISO DIVERSIFIED CORP.,	}	Trademark: SAIZEN
Respondent-Applicant.	}	
x-----x		Decision No. 2012- <u>77</u>

**DECISION
BASED ON COMPROMISE AGREEMENT**

ARES TRADING S.A., ("Opposer") filed on 01 February 2011 an opposition to Trademark Application Serial No. 4-2009-005070. The application filed by ROBINSONS DAISO DIVERSIFIED CORPORATION ("Respondent-Applicant") covers the mark SAIZEN for use on goods under Classes 01, 02, 03, 06, 07, 08, 09, 10, 11, 12, 14, 16, 17, 18, 20, 22, 24, 25, 26, 27, 28, 30 and 34. The opposition is anchored on Section 123.1 (d), (f) and (g) of R.A. 8293 otherwise known as The Intellectual Property Code of the Philippines.

On 09 June 2011, 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 14 June 2011 Order No. 2011-276 referring the case to mediation.

On 06 March 2012, the parties filed a JOINT MOTION TO APPROVE AND ISSUE DECISION BASED ON COMPROMISE AGREEMENT. The pertinent portions of the document reads:

"2. Both parties have agreed to co-exist and that Opposer shall withdraw its opposition to the application of Respondent-Applicant under the following conditions, to wit :

"2.1. Respondent-Applicant undertakes not to apply for and/or use the mark SAIZEN for goods covered by Classes 5 and 10 of the Nice Classification.

"2.2. Respondent-Applicant undertakes not to apply for and/or use the mark SAIZEN for all services in Classes 41, 42 and 44.

"2.3. Respondent-Applicant undertakes not to apply for and/or use the colors yellow, orange and green for the letter "i", whether in upper or lower case, in the mark "SAIZEN".

"2.4. Respondent-Applicant undertakes not to apply for and/or use the colors

blue and aqua for the letter "z", whether in upper or lower case, in the mark "SAIZEN".

"2.5. Respondent-Applicant, at its own expense, undertakes to amend the subject application to reflect the conditions stated herein.

"2.6. Any violations of the conditions herein set forth shall entitle any party to seek relief and damages as provided by law.

"3. In consideration of the foregoing undertakings made by Respondent-Applicant, Opposer hereby withdraws its opposition to the registration of Trademark Application No. 4-2009-005070 for the mark "SAIZEN".

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

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 Trademark Application Serial No. 4-2009-005070 be returned, together with a copy of this Decision, to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 27 April 2012.


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