



BEN FOODS (S) PTE LTD.,
Petitioner,

-versus-

P.T. SARI INCOFOOD CORP.,
Respondent-Registrant.

X-----X

} **IPC No. 14-2012-00207**
} Petition for Cancellation:
} Registration No. 4-2003-007428
} Date Issued: August 17, 2006
} **TM: "FARMLAND & DEVICE"**
}
}
}
}

NOTICE OF DECISION

SIOSON SIOSON AND ASSOCIATES
Counsel for Petitioner
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ADB Avenue corner Garnet & Sapphire Roads
Ortigas Center, Pasig City

BUCOY POBLADOR AND ASSOCIATES
Counsel for Respondent-Registrant
21st Floor, Chatham House
116 Valero corner Herrera Streets
Salcedo Village, Makati City

GREETINGS:

Please be informed that Decision No. 2012 - 231 dated December 27, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, December 27, 2012.

For the Director:


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



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	}	Date Issued: August 17, 2006
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Respondent-Registrant.	}	TM: FARMLAND & DEVICE
x-----x		Decision No. 2012 - <u>231</u>

DECISION BASED ON COMPROMISE AGREEMENT

BEN FOODS (S) PTE LTD. ("Petitioner") filed on 25 April 2012 a petition for cancellation of Trademark Registration No. 4-2003-007428. The registration issued to P.T. SARI INCOFOOD CORPORATION ("Respondent-Registrant") covers the mark 'FARMLAND AND DEVICE' for use on "*coffee; cocoa; coffee mixture products; instant coffee; tea; instant tea; non dairy creamer; cereal, confectionery*" under Class 30.

This Bureau issued a Notice to Answer dated 08 May 2012 and served upon a copy thereof to Respondent-Registrant on 10 May 2012. The Respondent-Registrant filed its Answer on 09 August 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 10 September 2012 Order No. 2012-178 referring the case to mediation.

On 23 November 2012, the ADR Services of this Bureau submitted a Mediator's 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-Registrant P.T. SARI INCOFOOD CORPORATION agrees to delete "cereal" from the list of goods of its Certificate of Registration No. 4-2003-007428 for the trademark FARMLAND & DEVICE issued on 17 August 2006.

After the deletion, the remaining goods are as follows:

"Coffee; cocoa; coffee mixture products; instant coffee; tea; instant tea; non-dairy creamer; confectionery" falling under Class 30;

"2. Petitioner recognizes the right of Respondent-Registrant to use its trademark "Farmland" on the remaining goods listed in Registration No. 4-2003-007428;

"3. Respondent-Registrant recognizes the right of Petitioner to register and use the trademark "Farmland" on the goods listed in its Application SN 4-

Republic of the Philippines

INTELLECTUAL PROPERTY OFFICE

Intellectual Property Center, 28 Inner McKinley Road, McKinley Hill Town Center

2012-011844 for the class and the goods listed below:

Class 29 - Preserved fish; tuna; beef burger patties; chicken burger patties; chicken nuggets; sirloin steak; hash brown; preserved, frozen and cooked fruits and vegetables; potato chips; potato wedges; potato criss cut fries; onion rings; corn chips; cooking oil;

Class 30 - Cereals; sauces.

In consideration of the foregoing, Petitioner hereby agrees to withdraw, as it hereby withdraws, its Petition for Cancellation of Respondent-Registrant's Registration No. 4-2003-007428, docketed as Inter Partes Case No. 14-2012-00207 and hereby expressly recognizes the issuance and validity of the same;

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

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

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 Compromise Agreement having the force and effect of a decision or judgment, the parties are hereby enjoined to comply with the terms and conditions set forth therein. Let the filewrapper of Trademark Registration No. 4-2003-007428 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 27 December 2012.


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

¹ Office Order No. 154, series of 2010.