



BEN FOODS (S) PTE LTD.,
Opposer,

-versus-

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

x-----x

}
} IPC No. 14-2012-00610
} Opposition to:
} Appln. Serial No. 4-2012-005554
} Date Filed: 09 May 2012
} TM: "FARMLAND AND DESIGN"

NOTICE OF DECISION

SIOSON SIOSON & ASSOCIATES
Counsel for the Opposer
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Ortigas Center, Pasig City

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Counsel for the Respondent-Applicant
21st Floor Chatham House
116 Valero corner Herrera Streets
Salcedo Village, Makati City

GREETINGS:

Please be informed that Decision No. 2013 - 200 dated October 16, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, October 16, 2013.

For the Director:

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



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X-----X	X	Decision No. 2013- <u>200</u>

**DECISION BASED
ON COMPROMISE AGREEMENT**

BEN FOODS (S) PTE LTD., ("Opposer") filed on 01 March 2013 an opposition to Trademark Application Serial No. 4-2012-005554. The application filed by **NATRACARE, INC.,** ("Respondent-Applicant") covers the mark "**FARMLAND AND DESIGN**" for use on goods under Class 30.

This Bureau issued a Notice to Answer dated 12 March 2013 and served a copy thereof upon the Respondent-Applicant on 21 March 2013. The Respondent-Applicant filed his Answer on 11 June 2013.

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 05 July 2013 Order No. 2013-156 referring the case to mediation.

On 17 September 2013, 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, the Parties have agreed, by way of amicable settlement, as follows

"1. Respondent-Applicant P.T. SARI INCOFOOD CORPORATION, agrees to delete "cereal" from the list of goods of its Trademark Application No. 4-2012-005554 for the trademark **FARMLAND** filed on 09 May 2012.

After the deletion, the remaining goods are as follows:

"Coffee, instant coffee, coffee extracts, coffee beverages, mixtures of coffee, cocoa, chocolate, confectionery, candies, creamer for coffee, biscuits"

"2. Opposer recognizes the right of Respondent-Applicant to use its trademark **FARMLAND** on the remaining goods listed in Application No. 4-2012-005554.

"3. Respondent-Applicant recognizes the right of Opposer to register and use the trademarks "**farmland**" and "**FARMLAND**" on the goods listed in its Application SN 4-2012-011844 and Application SN 4-2012-014709, respectively, for the classes 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, Opposer hereby agrees to withdraw, as it hereby withdraws, its Verified Notice of Opposition against Respondent-Applicant's Trademark Application No. 4-2012-005554, docketed as Inter Partes Case No. 14-2012-00610 and hereby expressly recognizes Respondent-Applicant's right to pursue and obtain registration for 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 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 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 parties' Compromise Agreement is hereby **APPROVED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-005554 be returned, together

with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 16 October 2013.



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