



CELINE MARKETING CORPORATION,  
Opposer,

-versus-

JIMMY SIY,  
Respondent-Applicant.

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}  
} IPC No. 14-2012-00082  
} Opposition to:  
} Appln. Serial No. 4-2011-012981  
} Date filed: 27 October 2011  
} TM: "FAB (as Stylized)"  
}

**NOTICE OF DECISION**

**SIOSON SIOSON & ASSOCIATES**  
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Bonifacio Global City  
Taguig City

**GREETINGS:**

Please be informed that Decision No. 2012 - 190 dated October 02, 2012 ( copy enclosed) was promulgated in the above entitled case.

Taguig City, October 02, 2012.

For the Director:

*Edwin A. Daring*  
Atty. EDWIN DANILO A. DARING  
Director III  
Bureau of Legal Affairs

**CERTIFIED TRUE COPY**

*Sharon S. Alcantara*  
SHARON S. ALCANTARA  
Records Officer II  
Bureau of Legal Affairs, IPO



CELINE MARKETING CORPORATION  
Opposer,

IPC No. 14-2012-00082  
Case Filed: 15 February 2012

-versus-

Opposition to:  
Appl. No. : 4-2011-012981  
Date Filed: 27 October 2011

JIMMY SIY,  
Respondent.

TM: "FAB (As Stylized)"

x-----x

Decision No. 2012- 190

DECISION BASED ON  
COMPROMISED AGREEMENT

CELINE MARKETING CORPORATION ("Opposer") filed on 15 February 2012 an opposition to Trademark Application Serial No. 4-2011-012981. The application filed by JIMMY SIY ("Respondent-Applicant") covers the mark "FAB (As Stylized)" for use on goods under Class 25.

This Bureau issued a Notice to Answer dated 23 February 2012 and served a copy thereof upon the Respondent-Applicant on 15 March 2012. The Respondent-Applicant filed his Answer on 13 June 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 and Settlement Period*"), this Bureau issued on 29 June 2012 Order No. 2012-136 referring the case to mediation.

On 14 September 2012, 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:

"WHEREAS, the Parties are desirous of reaching an expeditious settlement of this case during the period of mediation.

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

1. Respondent Jimmy Siy will limit the use of the trademark "fab (As Stylized)" to the goods listed in his opposed Application SN 4-2011-012981 filed on 27 October 2011, namely:

"T-shirts, Polo, Jackets, Jeans, Pants, Shorts, Blouses, Jogging Pants, Skirts, Briefs, and Socks" falling under Class 25.

Respondent will not extend the use of his trademark "fab (As Stylized)" to footwear.

2. In addition, respondent expressly recognizes the issuance and validity of Opposer's Registration No. 4-2010-500548 for the trademark "SO! F.A.B." issued on 17 February 2011 for use on the following goods, namely:

Class 18 – Attaché cases, briefcases, vanity cases, bags, backpacks, card cases, leather cases, leather straps, key holders, wallets, purses, traveling trunks, luggages;

Class 25 - Shoes, sandals, slippers, boots, socks, stockings, shirts, polo, polo shirts, blouses, dresses, jeans, slacks, pants, skirts, shorts, sandos, brassieres, camisoles, slips, girdles, panties, briefs, coats, suspenders, tights, neckties, swim suits, swimming trunks, scarfs, shawls, gloves (clothing), belts (clothin), hats, caps;

Class 35 - Business of manufacturing and marketing of garments, footwear, bags and accessories.

3. In consideration of the foregoing, Opposer agrees to withdraw, as it hereby withdraws its Notice of Opposition docketed as Inter Partes Case No. 14-2012-00082, to Respondent's Application SN 4-2011-012981.

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

5. Each party shall bear their respective expenses incurred in this case".

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.<sup>1</sup>

**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 Application Serial No. 4-2011-012981 be returned, together with a copy of this Decision, to the Bureau of Trademarks (BOT) for information and appropriate action.

**SO ORDERED.**

Taguig City, 02 October 2012.

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

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<sup>1</sup>. Sec. 5, Office Order No. 154 Series of 2010