



CONSUMER PRODUCTS, INC.,
Opposer,

-versus-

KOHL INDUSTRIES CORP.,
Respondent-Applicant.

X-----X

} IPC No. 14-2012-00039
}
} Opposition to:
} Appln. Serial No. 4-2011-012652
} Date filed: 20 October 2011
} TM: "PURE GEL BY KOHL"
}
}
}
}

NOTICE OF DECISION

OCHAVE & ESCALONA
Counsel for Opposer
No. 66 United Street
Mandaluyong City

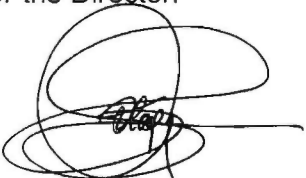
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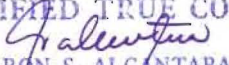
GREETINGS:

Please be informed that Decision No. 2012 - 106 dated July 06, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, July 06, 2012.

For the Director:


Fa Atty. ADORACION U. ZARE
Hearing Officer, BLA

CERTIFIED TRUE COPY

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



CONSUMER PRODUCTS, INC.,
Opposer,

-versus-

KOHL INDUSTRIES CORP.,
INC.,
Respondent-Applicant.

x-----x

IPC NO. 14-2012-00039
Case Filed: 26 January 2012
Opposition to :

Appln. Ser. No. 4-2011-012652
Date Filed: 20 Oct. 2011
TM : "PURE GEL BY KOHL"

Decision No. 2012- 106

DECISION BASED ON COMPROMISE AGREEMENT

CONSUMER PRODUCTS, INC. ("Opposer"), filed on 26 January 2012 an opposition to Trademark Application No. 4-2011-012652, for use in goods under Class 05. This Bureau issued a Notice to Answer dated 03 February 2012 and served upon a copy thereof to KOHL INDUSTRIES CORP. INC., ("Respondent-Applicant"), on 07 February 2012. The Respondent-Applicant filed its Answer on 27 February 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 06 March 2012 Order No. 2012-55 referring the case to mediation.

On 11 May 2012 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 the Agreement read, as follows;

"1. The parties recognize and acknowledge each other's right to use, apply for, register and maintain their trademarks "PURIGEL" and "PURE GEL BY KOHL" in connection with their respective goods as so stipulated in this Agreement.

"2. KOHL hereby undertakes that:

(a) The use and registration of its 'PURE GEL BY KOHL' trademark in relation to goods under Class 5 covering hand sanitizer products, shall be limited to what is enumerated and depicted in its Trademark Application No. 4-2011012652.

(b) KOHL shall neither oppose any application that CPI will file with the IPO for the registration of CPI's 'PURIGEL' trademark for any class and goods nor seek the cancellation of CPI's existing registration for "PURIGEL" trademark.

"3. CPI, on the other hand, agrees:

- (a) to allow the registration of the trademark 'PURE GEL BY KOHL' but limited only to those goods listed by KOHL's present application;

"4. This Compromise Agreement shall be limited to the territory of the Philippines and shall bind the Parties, their assignees or successors-in-interest exclusively.

"5. The parties hereby release, waive and quitclaim any and all claims or causes of action against each other related to or involved in any of the matters alleged in IPC No. 14-201200039.

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

"7. Each party shall bear its respective expenses incurred in this case.

"8. This Agreement shall become effective and enforceable immediately upon approval by to this Honorable Office of a duly signed copy thereof."

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 Application Serial No. 4-2011-012652 be returned, together with a copy of this Order, to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 06 July 2012.


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



¹ Office Order No. 154 Series of 2010