



CUSTODIO DE ALMEIDA & CIA,	}	IPC No. 14-2013-00296
Opposer,	}	Opposition to:
	}	
- versus -	}	Application No. M/0000/01154586
	}	Date Filed: 07 January 2013
DELPHINE CRECH'RIOU and JENNIFER	}	
COLLINET,	}	Trademark: HIPANEMA
Respondent-Applicant.	}	
x-----x	x	Order No. 2013 - <u>140</u> (D)

ORDER

The Opposer filed on 11 July 2013 a Motion for Extension of Time to File Notice of Opposition to Application No. M/0000/01154586, erroneously referred to by the Opposer as Application No. 4-1997-123897, for the trademark HIPANEMA. In its motion, the Opposer alleges that the subject application was published for opposition on 11 June 2013. Acting on the same, this Bureau issued Order No. 2013-1055 dated 23 July 2013, giving the Opposer an extension of thirty (30) days from 11 July 2013 or until 10 August 2013 within which to file its Verified Notice of Opposition.

On 29 July 2013, this Office posted in the "e-Gazette" an "Erratum". The "Erratum" reads:

"The following allowed Madrid Registrations were originally published for opposition on 03 June 2013. These marks were republished by mistake on 11 June 2013. The republication on 11 June does not extend the opposition period. The opposition period is, therefore, reckoned from the original publication date of 03 June 2013. The International Registration Numbers are listed below:

x x x

"43 1154586 07/01/2013 HIPANEMA DELPHINE CRECH'RIOU
and JENNIFER COLLINET 14"

Thus, notwithstanding the granting of the Opposer's motion for extension, the actual deadline to file the opposition therefore was on 03 July 2013.

Rule 7, Section 2 of the Rules and Regulations on Inter Partes Proceedings, as amended, provides the period for filing opposition, to wit:

"Section 2. Period to file opposition. - The verified notice of opposition must be filed within 30 days from the date of the publication of the trademark application in the IPOP HL "Gazette". Upon proper motion anchored on meritorious grounds which must be expressly indicated in the motion, and the payment of the filing fee for opposition and other applicable fees, the Bureau may grant an additional period of 30 days within which to file the opposition. A second motion for extension of 30 days may be granted on compelling grounds and upon payment of the applicable fees; *Provided*, that in no case will the filing of the opposition exceed ninety (90) days from the date of the aforementioned publication, *Provided, further*, that if the last day for filing of the verified


opposition or motion for extension falls on a Saturday, Sunday, holiday, non-working day or on a day when the Office or the Bureau is closed for business as may be declared by the Director General, the filing must be done the next succeeding working day."

Thus, since the subject trademark application was published for opposition on 03 June 2013, the verified notice of opposition or a motion for extension to file the same should have been filed thirty (30) days from 03 June 2013 or until 03 July 2013. The filing, therefore, of the Opposer's Motion for Extension of Time to File Notice of Opposition on 11 July 2013 is beyond the reglementary period.

WHEREFORE, premises considered, Order No. 2013-1055 dated 23 July 2013 is hereby revoked. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of National Application No. M/0000/01154586 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 06 August 2013.



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

Copy furnished:

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