



HUGO BOSS TRADE MARK
MANAGEMENT GMBH & CO., KG,
Opposer,

-versus-

JOVELYN ANG TAN,
Respondent-Applicant.

X-----X

} IPC No. 14-2011-00396
} Opposition to:
} Appln. Serial No. 4-2010-005052
} Date filed: 14 May 2010
} TM: "BOS CAT AND DEVICE"

NOTICE OF DECISION

E. B. ASTUDILLO & ASSOCIATES
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8741 Paseo de Roxas, Makati City

JOVELYN ANG TAN
c/o **GILBERT PAREDES**
For Respondent-Applicant
1046 Alvaro St.,
Binondo, Manila

GREETINGS:

Please be informed that Decision No. 2012 - 132 dated July 18, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, July 18, 2012.

For the Director:


Atty. EDWIN DANILO A. DATING
Director III, BLA



HUGO BOSS TRADEMARK	}	IPC No. 14-2011-00396
MANAGEMENT GMBH & CO., KG,	}	Opposition to:
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- versus -	}	Appln. Serial No. 4-2010-005052
	}	Date Filed: 14 May 2010
JOVELYN ANG TAN,	}	Trademark: BOS CAT AND DEVICE
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x-----x	}	Decision No. 2012 - <u>132</u>

**DECISION
BASED ON COMPROMISE AGREEMENT**

HUGO BOSS TRADEMARK MANAGEMENT GMBH & CO., KG ("Opposer"), filed on 16 September 2011 an opposition to Trademark Application Serial No. 4-2010-005052. The application filed by JOVELYN ANG TAN ("Respondent-Applicant"), covers the mark **BOS CAT AND DEVICE** for use on goods under Classes 03, 18 and 25. The opposition is anchored on Section 123.1 (d) (e) and (f) of R.A. 8293 otherwise known as The Intellectual Property Code of the Philippines.

On 04 November 2011, the Respondent-Applicant filed its Answer refuting the material allegations of the Opposer.

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 21 December 2011 Order No. 2011-337 referring the case to mediation.

On 16 May 2012, the parties filed a COMPROMISE AGREEMENT. The pertinent portions of the document reads:

"NOW THEREFORE, in view of the above premises and for other good and valid considerations, the Parties hereby agree as follows:

"1. Jovelyn Ang Tan hereby agrees:

1.1. To amend and adopt the general appearance and style for her mark as produced below:



1.2. To use her mark only in the manner as shown above;

1.3. That any subsequent alteration, modification, or change in such use must be reviewed and approved by Hugo Boss Trade Mark Management GmbH & Co. KG prior to implementation of such alteration, modification, or change.

"2. In consideration of the foregoing conditions and limitation as to the use of the above-captioned mark by Jovelyn Ang Tan, Hugo Boss Trade Mark Management GmbH & Co. KG agrees to the withdrawal of the above-captioned opposition.

"3. Hence, Hugo Boss Trade Mark Management GmbH & Co. KG is hereby withdrawing its opposition for registration of Jovelyn Ang Tan's trademark BOSCAT under Application No. 4-2010-005052 filed on May 14, 2010.

"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. 14-2011-00396.

"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 this Honorable Office of a duly signed copy thereof.

This Bureau finds that the 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 submitted Compromise Agreement is hereby **APPROVED**. With the approved Compromise Agreement having the force and effect of a decision or judgment, the parties are hereby enjoined to faithfully comply with the terms set forth therein. Accordingly, the instant opposition is hereby **DISMISSED**.

Let the filewrapper of Trademark Application Serial No. 4-2010-010555 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 18 July 2012.


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