



ISPORT LIFE, INC.,
Opposer,

-versus-

THE OUTDOOR RECREATION GROUP,
Respondent-Applicant.

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} **IPC No. 14-2011-00221**
} Opposition to:
} Appln. Serial No. 4-2010-011297
} Date filed: 14 October 2010
} Trademark: "OUTDOOR PRODUCTS
} **RACETRACK LOGO**"

NOTICE OF DECISION

SIOSON SIOSON & ASSOCIATES

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Salcedo Village, Makati City

GREETINGS:

Please be informed that Decision No. 2012 – 191 dated October 05, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, October 05, 2012.

For the Director:


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



ISPORT LIFE, INC.,
Opposer,

IPC No. 14-2011-00221
Case Filed: 08 June 2011

-versus-

Opposition to:
Appln. Serial No. : 4-2010-011297
Date Filed: 14 October 2010

THE OUTDOOR RECREATION
GROUP,

TM: "OUTDOOR PRODUCTS
RACETRACK LOGO"

Respondent.

x-----x

Decision No. 2012- 191

**DECISION BASED ON
COMPROMISE AGREEMENT**

ISPORT LIFE, INC., ("Opposer") filed on 08 June 2011 an opposition to Trademark Application Serial No. 4-2010-011297. The application filed by THE OUTDOOR RECREATION GROUP, ("Respondent-Applicant") covers the mark "OUTDOOR PRODUCTS RACETRACK LOGO" for use on goods under Class 25.

This Bureau issued a Notice to Answer dated 27 June 2011 and served a copy thereof upon the Respondent-Applicant on 06 July 2011. The Respondent-Applicant filed his Answer on 21 October 2011.

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 02 November 2011 Order No. 2011-314 referring the case to mediation.

On 22 August 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:

1. Opposer, Isport Life, Inc., hereby agrees not to oppose or contest any application, registration or use by Respondent-Applicant, The Outdoor Recreation Group, of any of the latter's trademarks which include the compound words "OUTDOOR PRODUCTS".
2. In connection with the foregoing, Opposer, Isport Life, Inc., hereby agrees to withdraw, as it hereby withdraws, its opposition against Respondent-Applicant's Trademark Application Numbers 4-2010-011297 and 4-2011-012927, the subject matter of the above-captioned Inter-Partes Cases.
3. Opposer, Isport Life, Inc., further agrees not to use and/or apply for the registration of the compound words "OUTDOOR PRODUCTS" as a trademark or any part of its trademark/s, more particularly not to use or seek

to register the marks of Respondent-Applicant covered by Philippine Trademark Applications Numbers 4-2010-011297 and 4-2011-012927 and Philippine Trademark Registrations Numbers 4-1995-106911 and 4-2003-0011430.

4. On the other hand, Respondent-Applicant, The Outdoor Recreation Group, hereby agrees not to oppose or contest any application, registration or use by Opposer, Isport Life, Inc., of any trademark which includes the word "OUTDOORS".

5. Respondent-Applicant further agrees not to use or seek to register the word "OUTDOORS" solely as a trademark or any part of a trademark, particularly including Opposer's trademark "OUTDOORS" (Stylized) Inside An Oblong covered by Philippine Trademark Registration No. 4-2008-008545.

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. 4-2010-011297 be returned, together with a copy of this Decision, to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 05 October 2012.


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

/joanne

¹ Sec. 5, Office Order No. 154 Series of 2010