



JIMMY K. TAN,	}	IPC No. 14-2013-00213
Opposer,	}	Opposition to:
	}	
- versus -	}	Appln. Serial No. 4-2011-010582
	}	Date Filed: 06 September 2011
KING SY GO,	}	
Respondent-Applicant.	}	Trademark: PEACOCK
x-----x	}	Order No. 2013 - <u>112</u> (D)

### ORDER

JIMMY K. TAN ("Opposer") filed on 17 May 2013 a Request for Extension requesting for an additional period of thirty (30) days from 17 May 2013 within which to file the Verified Notice of Opposition and supporting documents.

Subsequently, the Opposer's counsel filed an Entry of Appearance and Manifestation with Motion to Issue an Order on the Request for Extension of Time to File Notice of Opposition. In the said Manifestation with Motion, the Opposer's counsel stated that there was confusion on the part of Opposer as to the deadline for filing Notice of Opposition if it is really April 17, 2013 as reflected by the status on the IPOPHL search engine or any other date. According to the Opposer, the inadvertence is not due to his failure to protect his rights nor for lack of initiative but due to mistake of fact and law which merit a categorical ruling.

This Bureau takes judicial notice of the "e-Gazette" Trademarks showing the list of allowed marks published for opposition. The "e-Gazette" Trademarks is published or posted in the IPOPHL website and is accessible or available to the public precisely to enable interested or affected parties to file opposition, in accordance with the pertinent rules. In this regard, the "e-Gazette" shows that the subject trademark application was published for opposition on 18 March 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 IPOPHL "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."


Since the subject trademark application was published for opposition on 18 March 2013, the verified notice of opposition or a motion for extension to file the same should have been filed thirty (30) days from 18 March 2013 or until 17 April 2013. The filing, therefore, of

Opposer's Request for Extension on 17 May 2013 is beyond the reglementary period.

**WHEREFORE**, premises considered, the Opposer's Request for Extension is hereby **DENIED**. Consequently, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2011-010582 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 13 June 2013.



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

Copy furnished:

**Atty. ESTRELLITA BELTRAN ABELARDO**

*Counsel for Opposer*  
Blk 22 Lot 13 Singkil Street  
Lagro Subdivision  
Novaliches, Quezon City

**KING SY GO**

*Respondent-Applicant*  
18 Miller Street, Barangay Bungad  
San Francisco del Monte  
Quezon City

**BUREAU OF TRADEMARKS**