



**UNITED AMERICAN
PHARMACEUTICALS, INC.,**
Opposer,

-versus-

VIRBAC S.A.,
Respondent-Applicant.

X-----X

IPC No. 14-2011-00573
Opposition to:
Appln. Serial No. 4-2011-501164
Date filed: 12 August 2011
TM: "SUIGEN"

NOTICE OF DECISION

OCHAVE & ESCALONA
Counsel for the Opposer
66 United Street
Mandaluyong City

SALUDO FERNANDEZ AQUINO & TALEON
Counsel for the Respondent-Applicant
SAFA Bldg., 5858 Alfonso corner Fermina Streets
Poblacion, Makati City

GREETINGS:

Please be informed that Decision No. 2012 – 228 dated November 27, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, November 27, 2012.

For the Director:

Atty. PAUSI U. SAPAK
Hearing Officer, BLA



UNITED AMERICAN
PHARMACEUTICALS, INC.,
Opposer,

IPC No. 14-2011-00573
Case Filed: 12 December 2011

-versus-

Opposition to:
Appln. No. : 4-2011-501164
Date Filed: 12 August 2011

VIRBAC S.A.,
Respondent-Applicant.

TM: "SUIGEN"

x-----x

Decision No. 2012- 228

DECISION BASED ON
COMPROMISE AGREEMENT

UNITED AMERICAN PHARMACEUTICALS, INC. ("Opposer") filed on 12 December 2011 an opposition to Trademark Application Serial No. 4-2011-501164. The application filed by VIRBAC S.A. ("Respondent-Applicant") covers the mark "SUIGEN" for use on goods under Class 05.

This Bureau issued a Notice to Answer dated 11 January 2012 and served upon a copy thereof to Respondent-Applicant on 17 January 2012. The Respondent-Applicant filed its Answer on 27 April 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 08 June 2012 Order No. 2012-118 referring the case to mediation.

On 11 November 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 which read, as follows;

1. VIRBAC hereby undertakes that:

(a) the use and registration of its "SUIGEN" trademark in relation to goods under Class 5 shall be limited to Veterinary Products.

(b) it shall not use on its labels, packaging, and advertisements for its "SUIGEN" products fonts, colors and designs similar to, or which may cause confusion with, UAP'S product "ZEGEN".

2. UAP, on the other hand, agrees:

(a) to allow the registration of the trademark "SUIGEN" of VIRBAC but limited only to Veterinary Products;

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

4. 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. 14-2011-00573.

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

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

7. This Agreement shall become effective and enforceable immediately upon approval by 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. 4-2011-501164 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 27 November 2012.


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



/joanne

¹ Office Order No. 154 Series of 2010