



WOLVERINE INTERNATIONAL L.P.,  
Opposer,

-versus-

CO YEE LOCK,  
Respondent-Applicant.

x-----x

} IPC No. 14-2012-00411  
} Opposition to:  
} Appln. Serial No. 4-2012-007048  
} Date Filed: 13 June 2012  
} TM: "KUSH"

### NOTICE OF DECISION

#### HECHANOVA BUGAY & VILCHEZ

Counsel for the Opposer  
G/F Chemphil Building  
851 Antonio Arnaiz Avenue  
Makati City

#### SIOSON SIOSON & ASSOCIATES

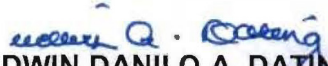
Counsel for Respondent-Applicant  
Unit 903 AIC-Burgundy Empire Tower  
ADB Avenue corner Garnet  
& Sapphire Roads, Ortigas Center  
Pasig City

#### GREETINGS:

Please be informed that Decision No. 2013 - 170 dated August 22, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, August 22, 2013.

For the Director:

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



WOLVERINE INTERNATIONAL L.P.,	}	IPC No. 14-2012-00411
<i>Opposer,</i>	}	
	}	Opposition to:
-versus-	}	Appln. No. : 4-2012-007048
	}	Date Filed: 13 June 2012
CO YEE LOCK,	}	TM: KUSH
<i>Respondent-Applicant.</i>	}	
x-----x		Decision No. 2013- <u>170</u>

### DECISION BASED ON COMPROMISE AGREEMENT

WOLVERINE INTERNATIONAL L.P. ("Opposer") filed on 05 November 2012 an opposition to Trademark Application Serial No. 4-2012-007048. The application, filed by CO YEE LOCK ("Respondent-Applicant"), covers the mark "KUSH" for use on goods under Class 25.

This Bureau issued a Notice to Answer dated 27 November 2012 and served upon a copy thereof to Respondent-Applicant on 5 December 2012. The Respondent-Applicant filed his Answer on 25 February 2013.

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 6 March 2013 Order No. 2013-065 referring the case to mediation.

On 14 August 2013, the ADR Services of this Bureau submitted a Mediation Report submitting a copy of the parties' Joint Motion to Approve and Issue Decision Based on Compromise Agreement. The pertinent portions of the COMPROMISE AGREEMENT reads, as follows:

"1. The parties have voluntarily and amicably settled their differences and that Opposer shall withdraw its opposition to the application of respondent-Applicant under the following conditions, to wit:

"1.1 Respondent-Applicant agrees to have the representation or appearance of its trademark under Trademark Application No. 4-2012-007048 amended to the word "KUSH" with periods after each letter as shown below:

**K.U.S.H.**

"1.2 Respondent-Applicant undertakes to file with the Bureau of Trademarks, with copy furnished the Bureau of Legal Affairs (BLA) and Opposer, a request to amend its Trademark Application No. 4-2012-007048 based on paragraph 1.1 above, within five (5) working days from submission of this Motion to the IPOPHL.

"3. In consideration of the foregoing undertakings made by Respondent-Applicant, Opposer hereby withdraws its opposition to the registrations of Trademark Application No. 4-2012-007048 for the mark "KUSH".

"4. The parties, in good faith, undertake to honor their respective commitments under this Compromise Agreement.

"5. Pursuant to this Compromise Agreement, both Parties move for the dismissal of the instant Opposition to the registration of Trademark Application No. 4-2012-007048 for the mark "KUSH", subject to the conditions above.



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.<sup>1</sup>

WHEREFORE, premises considered, the parties' Compromise Agreement is hereby APPROVED. Accordingly, the instant opposition case is hereby DISMISSED. Let the filewrapper of Trademark Application No. 4-2012-007048 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 22 August 2013.

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

*Avanj.LOL*

<sup>1</sup> Office Order No. 154 Series of 2010.