



ZIH CORPORATION.,
Opposer,

-versus-

ZEBRA COMPANY LTD.,
Respondent-Applicant.

X-----X

} IPC No. 14-2011-00107
} Opposition to:
} Appln. Serial No. 4-2010-009950
} Date filed: 09 Sept. 2010
} TM: "ZEBRA LOGO"

NOTICE OF DECISION

**ORTEGA, BACORRO
ODULIO, CALMA & CARBONELL**
Counsel for Opposer
5th & 6th Floors, ALPAP I Bldg.
140.L.P Leviste St., Salcedo Village
Makati City

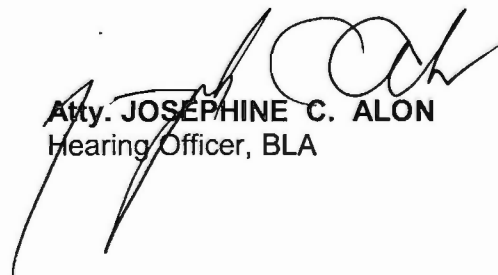
FEDEDIS & ASSOCIATES LAW OFFICES
Counsel for Respondent-Applicant
Suite 2005 88 Corporate Center
141 Valero St., Salcedo Village
Makati City

GREETINGS:

Please be informed that Decision No. 2012 - 76 dated April 19, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, April 19, 2012.

For the Director:


Atty. JOSEPHINE C. ALON
Hearing Officer, BLA



ZIH CORPORATION, }
Opposer, }
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-versus- }
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ZEBRA COMPANY LTD., }
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IPC NO. 14-2011-00107

Case Filed: 22 March 2011

Opposition to :

Appln. Ser. No. 4-2010-009950

Date Filed: 09 Sep. 2010

Title : **"ZEBRA LOGO"**

Decision No. 2012- 76

**DECISION BASED ON
 COMPROMISE AGREEMENT**

ZIH CORPORATION ("Opposer"), filed on 22 March 2011 an Opposition to Application No. 4-2010-009950. This Bureau issued a Notice to Answer dated 15 April 2011 and served upon a copy thereof to ZEBRA COMPANY LTD. ("Respondent-Applicant"), on 27 April 2011. The Respondent-Applicant filed its Answer on 26 August 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 Settlement Period*"), this Bureau issued on 03 October 2011 Order No. 2011-291 referring the case to mediation.

On 30 March 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. ZIH hereby agrees to withdraw its opposition to ZEBRA CO.'s Philippine Trademark Application No. 4-2010-009950 for the mark "ZEBRA LOGO" and consent to the registration of the same under Class 16 of the International Classification of Goods.

"2. Upon the execution of this Agreement, ZEBRA CO. hereby undertakes to amend its Philippine Trademark Application No. 4-2010-009950 for zebra logo by deleting "paper" from its goods in Class 16, and limiting the use of the mark "ZEBRA" with respect to such Class to the following goods:

Class 16 – "stationery, namely, pencils, point protectors, born styluses, fiber-tipped pens, pencil lead holders, slate pencils, steel pens, chalks, felt-tipped pens, pen tips, pen holders, ball-point pens, fountain pens, writing brushes, spare lead for pencil lead holders, spare cartridge of ink for ball-point pens, spare cartridge of ink for fiber-tipped pens, celluloid sheets, correcting fluid, pen cases"

"3. With respect to the goods in Class 16 of the International Classification of Goods, ZEBRA CO. shall use the mark "ZEBRA LOGO" specifically only for the above-described goods. This limitation refers to use in the Philippines only.

"4. ZEBRA CO. shall not apply in the future for the registration of the mark "ZEBRA LOGO" for goods under Class 16 of the International Classification of Goods, other than those above-described goods. This limitation refers to filing of trademark applications in the Philippines only.

"5. If ZEBRA CO. files trademark applications for ZEBRA or ZEBRA LOGO in Class 16 in the future, as long as these applications cover only the goods mentioned in paragraph 2 hereof, ZIH will not file an opposition or any invalidation action against ZEBRA CO. This limitation refers to filing of trademark applications in the Philippines only.

"6. ZIH also agrees not to file any opposition or invalidation action against the following existing marks of ZEBRA CO. in the Philippines:

- a. Trademark: ZEBRA
Registration No.: 4-1996-112385
- b. Trademark: ZEBRA & DEVICE
Registration No.: 4-1999-008219

"7. ZEBRA CO., on the other hand, also agrees not to file any cancellation or invalidation action against the following existing marks of ZIH CORPORATION in the Philippines:

- a. Trademark: ZEBRA
Registration No.: 4-2010-501837
- b. Trademark: ZEBRA
Registration No.: 4-1997-125138
- c. Trademark: ZEBRA
Registration No.: 4-2004-009491

"8. Each Party shall bear its own cost and expenses incurred in carrying out each of their respective undertakings and obligations required by this Agreement.

"9. The Parties acknowledge that their respective signatories have full authority and/or have secured the necessary approvals to execute, and do execute, this Agreement on behalf of their principals and that the Parties have the authority to comply with the promises, obligations, undertakings and acknowledgements made in this Agreement. The parties hereto further acknowledge that they have executed this Agreement voluntarily with full knowledge of its consequences under the law.

"10. This Agreement shall apply to and be binding upon the Parties' related or associated companies, including the Parties' subsidiaries or affiliates and their respective licensees (i.e. importer, distributor, etc.) in the Philippines. Further, the Parties also undertake to impose the obligations under this Agreement upon any of their legal successors or assigns. "



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. 4-2010-009950 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 19 April 2012.


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

¹ Office Order No. 154 Series of 2010