



HEALTHY SWEETS, as represented by	}	IPC No. 14-2014-00427
its proprietor BETTY M. MORE,	}	Opposition to:
Opposer,	}	
	}	
- versus -	}	Application No. 4-2014-501283
	}	Date Filed: 21 March 2014
SAMAHANG MAGNINIYOG NG PIKIT	}	
MULTI-PURPOSE COOPERATIVE, as	}	
represented by its Board Chairman,	}	Trademark: HEALTHY SWEET
FERNANDO BINGKITAN,	}	
Respondent-Applicant.	}	
x-----x	x	Order No. 2014 - <u>133</u> (D)

**ORDER**

HEALTHY SWEETS, as represented by its proprietor BETTY M. MORE ("Opposer") filed on 22 September 2014 a protest and/or opposition to Trademark Application No. 4-2014-501283 denominated as "Petition". The "Petition" anchored on Section 123 of R. A. No. 8293, also known as the Intellectual Property Code of the Philippines, seeks the denial of the subject trademark application or the cancellation of the Certificate of Registration, if there is already one issued.

The Opposer alleges that the subject mark was published in the trademark gazette sometime in September 2014. The records and the trademark search database, however, show that the above-trademark application is still under examination with the Bureau of Trademarks.

In this regard, 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 IPOP HL "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. [Emphasis supplied]

Considering that the subject trademark application is not yet published for

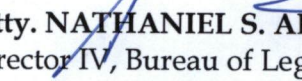


opposition and is still pending examination with the examiner of the Bureau of Trademarks, there is no factual or legal basis for the Opposer to file the opposition.

**WHEREFORE**, premises considered, the instant opposition case is hereby **DISMISSED**.

SO ORDERED.

Taguig City, 29 September 2014.



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

Copy furnished:

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**SAMAHANG MAGNINIYOG NG PIKIT**  
**MULTI-PURPOSE COOPERATIVE**  
**c/o FERNANDO BINGKITAN**  
*Respondent-Applicant*  
Ladtingan, Pikit  
Cotabato 9409