



GOLDEN ABC, INC.,
Opposer,

-versus-

LET'S FACE IT, INC.,
Respondent- Applicant.

X-----X

}
} IPC No. 14-2012-00568
} Opposition to:
} Appln. Serial No. 4-2012-007347
} Date Filed: 19 June 2012
} TM: "LET'S FACE IT THE
} ONE STOP FACIAL
} SALON WITH LOGO"

NOTICE OF DECISION

OFFICE OF BAGAY-VILLAMOR FABIOSA
Counsel for the Opposer
Unit 109, Oakridge Business Center A
No. 880 A.S. Fortuna S., Banilad
Mandaue City, Cebu

**VILLARAZA CRUZ
MARCELO & ANGANGCO**
Counsel for Respondent-Applicant
11th Avenue corner 39th Street
Bonifacio Global City
Metro Manila

GREETINGS:

Please be informed that Decision No. 2014 - 183 dated July 14, 2014 (copy enclosed) was promulgated in the above entitled case.

Taguig City, July 14, 2014.

For the Director:


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



GOLDEN ABC, INC.,	}	IPC NO. 14-2012-00568
Opposer,	}	Opposition to:
	}	Application Serial No. 4-2012-007347
- versus -	}	Date Filed: 19 June 2012
	}	Trademark: LET'S FACE IT
LET'S FACE IT, INC.,	}	THE ONE STOP FACIAL SALON WITH LOGO
Respondent-Applicant.	}	
x-----x		Decision No. 2014 - <u>183</u>

DECISION BASED ON COMPROMISE AGREEMENT

GOLDEN ABC, INC., ("Opposer") filed on 04 February 2013 an opposition to Trademark Application Serial No. 4-2012-007347 on the ground that the Respondent-Applicant's mark is confusingly similar to the Opposer's registered trademark "FACE IT" which is applied for under Class 3.

Pursuant to the Regulations on Inter Partes Proceedings, this Bureau issued a Notice to Answer and served a copy thereof to LET'S FACE IT, INC., ("Respondent-Applicant") on 22 February 2013. The Respondent-Applicant filed its Answer on 11 June 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 27 June 2013 Order No. 2013-153 referring the case to mediation.

On 17 June 2014, the ADR Services of this Bureau submitted a Mediation Report indicating a settlement by the parties. Attached to the report is the parties' COMPROMISE AGREEMENT, the pertinent portion of which reads:

"NOW THEREFORE, for and in consideration of the parties' respective concessions herein below enumerated, GOLDEN ABC and LFI, by way of compromise, mutually agree as follows:

"1. LFI shall amend its Trademark Application No. 4-2012-007347 for 'LET'S FACE IT THE ONE STOP FACIAL SALON WITH LOGO' and delete from its coverage goods under Class 3, namely, *'soaps, perfumery, essential oils, cosmetics, hair lotions, identrifices.'*

"2. LFI's application shall proceed only with respect to International Class 44 for *'hygienic and beauty care services for human being.'*

"3. Within ten (10) days from execution of this Agreement, LFI shall file its request for amendment of its Application No. 4-2012-007347 with the IPO and furnish a copy thereof to GOLDEN ABC by e-mail and post.

"4. GOLDEN ABC shall not proceed with its opposition against LFI's Trademark Application No/ 4-2012-007347 in Class 44. Neither shall GOLDEN ABC file any petition for cancellation after registration of the same.

"5. Any party's failure to comply with its obligations as indicated above shall entitle the other party to injunctive relief, demand specific performance and recover damages from the other party.

"6. Each party shall bear its own costs and expenses in connection with this Agreement, the opposition case and the transactions contemplated thereby.

"7. This Agreement shall also apply to and be binding upon the parties' related or associated companies, including the parties' subsidiaries or affiliates, their legal successors or assigns, and their respective licensees in the Philippines.

"8. This Agreement shall be governed by the law of the Philippines."

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 (Sec. 5, Office Order No. 154, s. 2010).

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. 4-2012-007347 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 14 July 2014.


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