



STEPHEN SECOSANA,
Opposer,

-versus-

HONG NAN JING,
Respondent-Applicant.

X-----X

}
} IPC No. 14-2014-00103
} Opposition to:
} Appln. Serial No. 4-2013-00008978
} Date Filed: 29 July 2013
} TM: "SEC HELMET"

NOTICE OF DECISION

ESCAÑO SARMIENTO & PARTNERS LAW OFFICES

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1605 Pasig City

TUAÑA LAW OFFICES


Counsel for Respondent-Applicant
2nd Floor, Roces Building
704 P. Ocampo Street
Malate, Manila

GREETINGS:

Please be informed that Decision No. 2014 - 177 dated July 07, 2014 (copy enclosed) was promulgated in the above entitled case.

Taguig City, July 07, 2014.

For the Director:


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



STEPHEN SECOSANA,	}	IPC No. 14-2014-00103
Opposer,	}	Opposition to:
	}	
- versus -	}	Application No. 4-2013-00008978
	}	Date Filed: 29 July 2013
HONG NAN JING,	}	
Respondent-Applicant.	}	Trademark: SEC HELMET
x-----x		Decision No. 2014 - <u>177</u>

**DECISION BASED ON
COMPROMISE AGREEMENT**

STEPHEN SECOSANA ("Opposer") filed on 27 March 2014 a Verified Notice of Opposition to Trademark Application No. 4-2013-00008978. The contested application, filed by HONG NAN JING ("Respondent-Applicant"), covers the mark SEC HELMET for use on "motorcycle helmet" under Class 09 of the International Classification of goods.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 22 April 2014. The Respondent-Applicant filed his Verified Answer on 12 May 2014.

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 14 May 2014 Order No. 2014-069 referring the case to mediation.

On 04 July 2014, the ADR Services of this Bureau submitted a Mediation Report indicating a settlement by the parties. Attached to the report is a copy of the parties' Compromise Agreement, the pertinent portions of which reads, as follows:

"NOW THEREFORE, for and in consideration of the foregoing premises, the Parties hereto agree on the following mutually acceptable terms and conditions:

COMMITMENTS OF HONG

By the execution of this Compromise Agreement, herein HONG hereby withdraws his Trademark application no. 4-2013-008978 and undertakes not to file any other trademark application identical or similar to SEC HELMET.

COMMITMENTS OF SECOSANA

Upon execution of this Agreement, herein SECOSANA hereby compensates HONG for expenses incurred in the trademark application of the mark SEC HELMET in the amount of TWO HUNDRED THOUSAND PESOS (Php200,000.00), the amount of which is herein acknowledged to

have been received.

COSTS OF SUIT

The Parties agree to each bear its own costs and expenses of litigation in the Inter Partes case subject of this Agreement.”

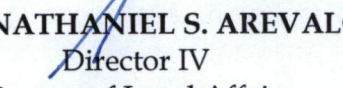
This Bureau evaluated the COMPROMISE AGREEMENT and finds that the same have been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good customs, public order or public policy.

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 instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2013-00008978 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 07 July 2014.


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

¹ Office Order No. 154 Series of 2010.