



WANG RENGJIN,  
Opposer,

-versus-

FUTURE MASTER INTERNATIONAL  
LIMITED,  
Respondent-Applicant.

}  
} IPC No. 14-2014-00208  
} Opposition to:  
} Appln No. 4-2013-00002956  
} Date filed: 18 March 2013  
} TM: "KATA"  
}

X-----X

**NOTICE OF DECISION**

**SIOSON SIOSON & ASSOCIATES**

Counsel for the Opposer  
Unit 903 AIC-BURGUNDY EMPIRE TOWER  
ADB Avenue corner Garnet & Sapphire Roads  
Ortigas Center, Pasig City

**PELAEZ GREGORIO GREGORIO & LIM**

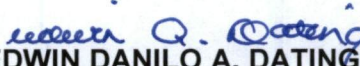
Counsel for the Respondent-Applicant  
6<sup>th</sup> Floor Padilla Building  
F. Ortigas Jr. Road, Ortigas Center  
Pasig City

**GREETINGS:**

Please be informed that Decision No. 2014 - 305 dated November 24, 2014 (copy enclosed) was promulgated in the above entitled case.

Taguig City, November 24, 2014.

For the Director:

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



WANG RENGJIN,	}	IPC No. 14-2014-00208
Opposer,	}	Opposition to:
	}	
- versus -	}	Application No. 4-2013-00002956
	}	Date Filed: 18 March 2013
FUTURE MASTER INTERNATIONAL	}	
LIMITED,	}	Trademark: KATA
Respondent-Applicant.	}	
x-----x	x	Decision No. 2014 - <u>305</u>

### DECISION BASED ON COMPROMISE AGREEMENT

WANG RENGJIN ("Opposer") filed a Verified Notice of Opposition to Trademark Application No. 4-2013-00002956. The application, filed by FUTURE MASTER INTERNATIONAL LIMITED ("Respondent-Applicant"), covers the mark KATA for use on goods under Classes 9, 11, 16, 25, 28, 35, 38, 41 and 42 of the International Classification of goods.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 09 July 2014. The Respondent-Applicant filed its Verified Answer on 08 September 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 15 September 2014 Order No. 2014-142 referring the case to mediation.

On 19 November 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, the Parties have agreed, by way of amicable settlement, as follows:

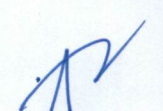
"1. Respondent-Applicant recognizes the exclusive right of Opposer to register and use the trademarks **KATA**, **KATA** and **KATA** on the goods listed in his Certificates of Registration No. 4-2002-003413, No. 4-2002-004253 and No. 4-2005-003145, respectively.

"2. Respondent-Applicant agrees to delete the following goods falling under Class 11 from the list of goods of its Application No. 4-2013-002956, namely:

Class 11      Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying,

ventilating, water supply and sanitary purposes; light bulbs, microwave ovens, refrigerators, freezers, electric stoves, electric lamps, ceiling lights, wall lights, clothes dryers, air conditioning apparatus, electric heaters, electric fans, ceiling fans, furnaces.

After the deletion, the remaining goods are as follows:

- Class 9 Computer software, computer hardware, mobile phones, mobile peripherals, computers, televisions, tablet computers, netbook computers, laptop computers, integrated circuit chips, microchips, camera cases, camcorder cases, thermostats, televisions, radios, telephones, remote controls for radios, televisions and stereos, video game consoles, dvd players, video cassette recorders, digital video recorders, mp3 players, audio amplifiers, computer servers, printers, scanners, photocopying machines, computer monitors, fax machines, network routes, keyboards, computer mice, external computer hard drives, camcorders, cameras, calculators, gps navigation devices, audio components, headphones, audio speakers, audio receivers and video receivers, personal digital assistant (PDA), set-top boxes, home theater systems, video projectors, movie projectors, security alarms, fire alarms, fire and smoke detectors, radar detectors, audio and video equipment for vehicles, battery chargers, adapters (electricity), answering machines, headsets, electric light switches
- Class 16 Books, magazines, newsletters, manuals; notebooks, notepads, pens, greeting cards, stickers, decals, sticky notes, playing cards, stationery, organizers; pencil cases, paper clips, staplers, paper staples, clipboards, desk sets, posters, memo pads, paperweight, calendars, book covers
- Class 25 Clothing, namely: shirts, t-shirts, hats, caps, children's clothing; footgear; headgear
- Class 28 Collectible toy figures; gymnastic and sporting articles; arcade games; tabletop games; board games; card games; balls for games; coin-operated video games; hand-
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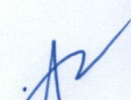
- held units for playing electronic games; action figures; educational toys, toy vehicles; plush toys; toy robots; kites and kite accessories; water toys; flying discs; talking toys; toy musical instruments, toy tools; building blocks; toy masks; puppets
- Class 35 Online retail services
- Class 38 Telecommunications services; transmission of data by global computer network; streaming of audio, visual and audiovisual material via a global computer network
- Class 41 Providing online resources and guides for software developers; providing online journals, namely, blogs in the field of software development; online game services; mobile game services
- Class 42 (ASP) namely, hosting computer software applications of others; computer services, namely creating an on-line community for registered users to participate in discussions, get feedback from their peers form virtual communities, and engage in social networking in the field of software development; providing temporary use of non-downloadable software

"3. Opposer recognizes the right of Respondent-Applicant to use its trademark **Kata** on the remaining goods listed in its Application SN 4-2013-002956, as amended.

"4. In consideration of the foregoing, Opposer hereby agrees to withdraw, as his hereby withdraws, his Verified Notice of Opposition against Respondent-Applicant's Trademark Application SN 4-2013-002956, docketed as Inter Partes Case No. 14-2014-00208 and hereby expressly recognizes Respondent-Applicant's right to pursue and obtain registration for its mark **Kata** on the remaining goods.

"5. The Parties undertake to observe the terms and conditions of this Agreement in utmost good faith. In addition, they hereby agree to execute such other document(s) which may be required and/or necessary to carry out their intention in entering into this Compromise 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.<sup>1</sup>

**WHEREFORE**, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. Accordingly, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2013-00002956 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 24 November 2014.

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

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