



LICENSING INTERNATIONAL S.A.R.L.,	}	IPC No. 14-2014-00542
Opposer,	}	Opposition to:
	}	
- versus -	}	Application No. 4-2014-00011050
	}	Date Filed: 04 September 2014
CREATIVE PROGRAMS, INC.,	}	Trademark: LIFESTYLE
Respondent-Applicant.	}	NETWORK
x-----x		Order No. 2015 - <u>35</u> (D)

ORDER

LICENSING INTERNATIONAL S.A.R.L. ("Opposer") filed on 16 February 2015 a Motion with Leave for Extension of Time to File Verified Notice of Opposition Cum Ad Cautelam. The motion seeks for another extension of at least thirty (30) days from 15 February 2015 with caution to file its Verified Notice of Opposition. According to the Opposer, they will not be able to meet the 15 February 2015 due date and will need more time to review, obtain documentary evidence in support of its Verified Notice of Opposition as well as its legalization due to their presently assigned and substituted new company-in-house counsel in Luxembourg.

The Respondent-Applicant, by way of Opposition with Manifestation, alleges that the Regulations are clear that the failure to file the Verified Notice of Opposition within the reglementary period shall result in the outright dismissal of the case. The Respondent-Applicant relied on Rule 7, Section 2 and Rule 2, Section 8 of the amended Rules and Regulations on Inter Partes Proceedings to support its allegations.

The records will show that per Order No. 2015-014 dated 07 January 2015, the Opposer was given a first extension of thirty (30) days from 17 December 2014 or until 16 January 2015 within which to file its Verified Notice of Opposition. Upon proper motion and payment of the applicable fee, the Opposer was given by this Bureau another extension of thirty (30) days or until 15 February 2015 within which to file the verified opposition. On 16 February 2015, instead of filing the verified opposition, the Opposer filed the instant motion with leave requesting for another extension of thirty (30) days to file the verified opposition.

Rule 7, Section 2 of the amended Rules and Regulations on Inter Partes Proceedings (*promulgated through Office Order No. 99, s. 2011, as further amended by Office Order No. 14-068, s. 2014*), provides the period for filing the 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 IPOPHL "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**

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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]

The above-quoted provision is explicit as to the period within which to file the verified notice of opposition. Similarly, Rule 2, Section 8 (b) of the same rules provides the sanction for filing the opposition beyond the prescriptive period, thus:

"Section 8. Action on the Notice of Opposition or Motion for Extension to File Notice of Opposition, and Petition - x x x (b) The notice of opposition or petition may be dismissed outright and/or motu proprio for having been filed out of time, due to lack of jurisdiction, and/or failure to state a cause of action. Likewise, a motion for extension of time to file notice of opposition shall be denied outright if the opposer fails to state meritorious grounds."

To date, the Opposer has not yet filed the Verified Notice of Opposition despite the extensions of time given and the lapse of the ninety (90) day period from the publication of the subject trademark application.

WHEREFORE, premises considered, the Opposer's Motion with Leave for Extension of Time to File Verified Notice of Opposition Cum Ad Cautelam is hereby **DENIED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2014-00011050 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 12 March 2015.


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

Copy furnished:

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