



UNITED LABORATORIES, INC.,
Opposer,

-versus-

CATHAY YSS DISTRIBUTORS CO., INC.,
Respondent-Applicant.

}
} IPC No. 14-2014-00148
} Opposition to:
} Application No.4-2013-00014660
} Date filed: 09 December 2013
} TM: "MYRIAZ"
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NOTICE OF DECISION

OCHAVE & ESCALONA
Counsel for the Opposer
No. 66 United Street
Mandaluyong City

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Counsel for Respondent-Applicant
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112 Amorsolo Street, Legaspi Village
Makati City

GREETINGS:

Please be informed that Decision No. 2015 - 33 dated March 13, 2015 (copy enclosed) was promulgated in the above entitled case.

Taguig City, March 13, 2015.

For the Director:


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



UNITED LABORATORIES, INC.,	}	IPC No. 14-2014-00148
Opposer,	}	Opposition to:
	}	
- versus -	}	Application No. 4-2013-00014660
	}	Date Filed: 09 December 2013
CATHAY YSS DISTRIBUTORS	}	
CO., INC.,	}	Trademark: MYRIAZ
Respondent-Applicant.	}	
x-----x		Decision No. 2015 - <u>33</u>

DECISION BASED ON COMPROMISE AGREEMENT

UNITED LABORATORIES, INC. ("Opposer") filed a Verified Notice of Opposition to Trademark Application No. 4-2013-00014660. The application, filed by CATHAY YSS DISTRIBUTORS CO., INC. ("Respondent-Applicant"), covers the mark MYRIAZ for use on "pharmaceutical - amiodarone" under Class 05 of the International Classification of goods.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 16 April 2014. The Respondent-Applicant filed its Verified Answer on 15 July 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 17 November 2014 Order No. 2014-173 referring the case to mediation.

On 12 March 2015, 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 Parties' respective concessions herein below enumerated, by way of a compromise, mutually agree as follows:

"1. UNILAB agrees to withdraw its opposition to CATHAY's Application No. 4/2013/00014660 for the mark "MYRIAZ" and consents to the registration of the same subject to the faithful compliance by CATHAY of the terms and conditions set forth below:

1.1. CATHAY undertakes to limit the use of its mark "MYRIAZ" to the following class and goods under Class 5 of the International Classification of Goods:

"Class 5 - Pharmaceutical - amiodarone"

1.2. CATHAY undertakes not to apply in the future the registration of the mark "MYRIAZ" for any other class and goods other than those described above.

"2. Each Party shall bear its own costs and expenses incurred in carrying out each of their respective undertakings and obligations required by this Agreement.

"3. The Parties acknowledge that their respective signatories have full authority and/or have secured the necessary approvals to execute, and do execute, this Agreement on behalf of their principals and that the Parties have the authority to comply with the undertakings, obligations and acknowledgments made in this Agreement.

"4. This Agreement shall apply to and be binding upon the Parties' related or associated companies, including the Parties' subsidiaries or affiliates. Further, the Parties also undertake to impose the undertakings and obligations under this Agreement upon any of their legal successors or assigns.

"5. The terms and conditions of this Compromise Agreement entered into by the Parties are not contrary to law, morals, good customs, public order or public policy.

"6. This Agreement shall constitute the entire agreement between the Parties, and supersedes all prior communications and understanding relating to the subject matter, whether oral or written.

"7. The Parties acknowledge that they have read and understood the contents of this Agreement and that they have signed the same willingly, voluntarily, and with full knowledge of their rights and obligations."


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 is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2013-00014660 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 13 March 2015.


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

¹ Office Order No. 154 Series of 2010.