



LEO PHARMA A/S,	}	IPC NO. 14-2011-00236
Opposer,	}	Opposition to:
	}	
- versus -	}	Application Serial No. 4-2010-012870
	}	Date Filed: 26 January 2010
INNOVISION PHARMA INC.,	}	Trademark: FUSIVIS
Respondent-Applicant.	}	
X-----X	}	Order No. 2015 - <u>74(D)</u>

### ORDER

**LEO PHARMA A/S.** ("Opposer"), filed an opposition to Trademark Application Serial No. 4-2010-012870. The application filed by **INNOVISION PHARMA INC.**, ("Respondent-Applicant"), covers the mark **FUSIVIS** for use on goods under Class 05. The opposition is anchored on Section 123.1 paragraph (d) of R.A. 8293 also known as the Intellectual Property Code of the Philippines ("IP Code"). On 17 August 2011, the Respondent-Applicant filed its Answer to the opposition refuting the Opposer's allegations.

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 and Settlement Period*"), this Bureau issued on 22 August 2011 Order No. 2011-260 referring the case to mediation.

On 29 May 2012, Opposer filed a Manifestation stating that the parties agreed amicably for the case to be settled and praying that the case be resolved according to the agreement between the parties. Attached to the Manifestation is the Respondent-Applicant's Letter of Undertaking executed on 23 May 2012, to wit:

"In return for the withdrawal of your opposition to registration of our Philippine trademark application No. 4-2010-012870 FUSIVIS, we hereby undertake as follows:

1. To limit the specification of our above-mentioned trademark application to 'preparations for eye treatment' only;
2. To limit the use of our mark FUSIVIS to 'preparation for eye treatment only';
3. To recognize your prior rights in your range of FUCIXXX trademarks, including but not limited to FUCIDIN®, and never to oppose the use, registration, re-registration or renewal of your trademarks for any goods and/or services.

This undertaking shall apply in the Philippines and be binding on us and our legal successors and associated companies."

This Bureau evaluated the Letter of Undertaking/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 in accordance with the pertinent rules of the Intellectual Property Office of the Philippines and the Rules of Court.<sup>1</sup>

**WHEREFORE**, premises considered, the parties' Letter of Undertaking/Compromise Agreement is hereby **APPROVED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2010-012870 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 24 April 2015.

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

Copy furnished:

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*cpb*

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