



JOLLIBEE FOODS CORPORATION,	}	IPC NO. 14-2013-00339
Opposer,	}	
	}	Opposition to:
-versus-	}	Application Serial No. 4-2012-003735
	}	Date Filed: 23 March 2012
ETUDE CORPORATION,	}	Trademark: BEE HAPPY! ETUDE HOUSE
Respondent-Applicant.	}	
X-----X		Order No. 2015 - _ _ .

**ORDER**

JOLLIBEE FOODS CORPORATION (“Opposer”), filed on 14 October 2013 an opposition to Trademark Application Serial No. 4-2012-003735. The application filed by ETUDE CORPORATION (Respondent-Applicant), covers the mark “BEE HAPPY! ETUDE HOUSE” for use on goods under Class 03. The opposition is anchored on Section 123.1 sub-paragraphs (d), (e) and (f) of R.A. No. 8293, also known as the Intellectual Property Code of the Philippines (“IP Code”).

This Bureau issued a Notice to Answer and served a copy thereof to the Respondent-Applicant on 21 November 2013. The Respondent-Applicant filed its Answer on 17 February 2014.

Pursuant 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 19 February 2014 Order No. 2014-037 referring the case to mediation. The mediator’s report dated 30 May 2014 shows that the parties refused to mediate.

On 05 March 2015, the Respondent-Applicant filed a Manifestation stating that it has “decided not to file the mandatory 3<sup>rd</sup> Year Declaration of Actual Use for TM App. No. 4-2012-003735 covering the mark BEE HAPPY! ETUDE HOUSE resulting in the automatic abandonment of the application.”

Accordingly, with the Manifestation filed by the Respondent-Applicant, there is no more reason nor basis to proceed with this case.

**WHEREFORE**, premises considered, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-003735 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

**SO ORDERED.**

Taguig City, 22 July 2015.

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

Copy furnished:

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