



PHILIP MORRIS BRANDS SARL,	}	IPC NO. 14-2013-00012
(FORMERLY PHILIP MORRIS PRODUCTS S.A)	}	
Opposer,	}	
	}	Opposition to:
-versus-	}	Application Serial No. 4-2012-001663
	}	Date Filed: 10 February 2012
KT&G CORPORATION,	}	Trademark: ESSE COMPACT MENTHOL 1MG
Respondent-Applicant.	}	MENTHA PIPERITA & DESIGN LABEL
x-----x		Order No. 2015 - <u>1796</u>

ORDER

PHILIP MORRIS BRANDS SARL (FORMERLY PHILIP MORRIS PRODUCTS S.A) ("*Opposer*"), filed on 26 March 2013 an opposition to Trademark Application Serial No. 4-2012-001663. The application filed by **KT&G CORPORATION** ("*Respondent-Applicant*"), covers the mark "**ESSE COMPACT MENTHOL 1MG MENTHA PIPERITA & DESIGN LABEL**" for use on goods under Class 34. The opposition is anchored on Section 123.1 sub-paragraph (d) 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 upon the Respondent-Applicant on 10 April 2013. The Respondent-Applicant filed its Answer on 02 May 2013.

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 10 May 2013 Order No. 2013-117 referring the case to mediation. The mediator's report dated 18 July 2013 shows that the parties refused to mediate.

On 20 August 2015, however, the Respondent-Applicant filed a Manifestation stating that:

"Respondent-Applicant by undersigned counsel, unto this Honorable Bureau, respectfully manifests that she has just been advised by Respondent's trademarks counsel/agent in Korea, that Respondent is no longer interested in pursuing its above-captioned application.

"Respondent, thus, will no longer be filing its 3rd Year Declaration of Actual Use for the subject mark.

"In view of the foregoing, the subject application/mark should be considered as an abandoned one."

Accordingly, with the Manifestation filed by the Respondent-Applicant, there is no more reason or basis to proceed with this case.

WHEREFORE, premises considered, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-001663 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 01 September 2015.


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

Copy furnished:

PADLAN SALVADOR COLOMA & ASSOCIATES

Counsel for Opposer
Suite 307, 3rd Floor, ITC Building
337 Sen. Gil Puyat Avenue
Makati City

CARAG JAMORA SOMERA & VILLAREAL LAW OFFICES

Counsel for Respondent-Applicant
2nd Floor, The Plaza Royale
120 L. P. Leviste Street
Salcedo Village, Makati City

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