



LUIS CALVO SANZ S.A.,	}	IPC NO. 14-2012-00553
Opposer,	}	
	}	Opposition to:
-versus-	}	Application Serial No. 4-2012-007332
	}	Date Filed: 19 June 2012
FEDERATED DISTRIBUTORS, INC.,	}	Trademark: <b>CALVO</b>
Respondent-Applicant.	}	
X-----X		Order No. 2015 - <u>206 (o)</u>

**ORDER**

LUIS CALVO SANZ S.A., (“Opposer”), filed on 25 January 2013 an opposition to Trademark Application Serial No. 4-2012-007332. The application filed by FEDERATED DISTRIBUTORS, INC. (Respondent-Applicant), covers the mark “CALVO” for use on goods under Class 29. The opposition is anchored on Section 123.1 sub-paragraph (e) 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 14 February 2013. The Respondent-Applicant, however, was declared in default for failure to file an Answer per Order No. 2013-630.

On 16 September 2015, the Opposer filed a Manifestation stating that upon inquiry with the Bureau of Trademarks, it was confirmed that Respondent-Applicant failed to file the mandatory 3<sup>rd</sup> Year Declaration of Actual Use for the mark **CALVO**. Opposer attached a copy of the Certification issued by the Bureau of Trademarks certifying that no 3<sup>rd</sup> year Declaration of Actual Use was filed for the trademark application for CALVO. The non-filing of the requisite DAU shall result in the removal of the mark from the Trademark Registry of the Intellectual Property Office. Section 124.2 of R. A. 8293 states:

*Sec. 124. Requirements of the Application. – x x x 124.2. The applicant or the registrant shall file a declaration of actual use of the mark with evidence to that effect, as prescribed by the Regulations within three (3) years from the filing date of the application. Otherwise, the application shall be refused or the mark shall be removed from the Register by the Director.*

Accordingly, with the removal of the trademark **CALVO** from the Trademark Registry, 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. 4-2012-007332 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

**SO ORDERED.**

Taguig City, 08 October 2015.

  
**ATTY. NATHANIEL S. AREVALO**  
 Director IV

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**FEDERATED DISTRIBUTORS, INC.**

Respondent-Applicant

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*cpb*