

CFA INSTITUTE,	}	IPC No. 14-2015-00455
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2015-00005158
	}	Date Filed: 14 May 2015
INSTITUTE OF ENTREPRENEURIAL	}	
MANAGEMENT, INC.,	}	Trademark: CTA CHARTERED
Respondent-Applicant.	}	TREASURY ANALYST
x-----x	x	Order No. 2016 - <u>09</u> (D)

ORDER

The records show that this Bureau issued an Order dated 10 November 2015, giving the Opposer a final extension of thirty (30) days or until 06 December 2015 within which to file the Verified Notice of Opposition.

On 07 December 2015, the Opposer timely filed, thru registered mail, its Notice of Opposition to Trademark Application No. 4-2015-00005158. Without this Bureau having issued the order to comply, the Opposer already filed on 06 January 2016 a Manifestation and Compliance submitting therewith the Verification and Certificate of Non-Forum Shopping and the original legalized and authenticated Special Power of Attorney executed by Sheri Littlefield-Moreno in Virginia, U. S. A. on 07 December 2015 and authenticated by the Philippine Consular Service in Washington, U. S. A. on 18 December 2015, as proof of authority of the counsel to execute the Verification and Certificate of Non-Forum Shopping on behalf of the Opposer.

This Bureau notices that while the Opposition was timely filed within the prescribed period, the Special Power of Attorney was executed only on 07 December 2015 in Virginia, U. S. A. and authenticated on 18 December 2015 or after the filing of the Opposition, contrary to the provision of Rule 2, Section 7 (b) of the amended Rules and Regulations on Inter Partes Proceedings (*promulgated through Office Order No. 99, s. 2011, as further amended by Office Order No. 14-068, s. 2014*), which provides that:

Section 7. *Filing Requirements for Opposition and Petition.* - x x x (b) x x x
The verification and certification of nonforum shopping as well as the documents showing the authority of the signatory or signatories thereto, affidavits and other supporting documents, if executed and notarized abroad, must have been authenticated by the appropriate Philippine diplomatic or consular office. The execution and authentication of these documents must have been done before the filing of the opposition or petition. [Emphasis supplied]

Therefore, the Special Power of Attorney which was executed and authenticated only after the filing of the opposition violates the above-quoted provision.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2015-00005158 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 18 January 2016.


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

Copy furnished:

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