

PARFUMS CHRISTIAN DIOR,	}	IPC No. 14-2015-00578
Opposer,	}	Opposition to:
	}	
	}	
-versus-	}	Application No. 4-2015-00008212
	}	Date Filed: 24 July 2015
	}	
KAYZIE FASHION UPDATE, INC.,	}	Trademark: SALVAGE
Respondent-Applicant.	}	
x-----x	x	Order No. 2016 - <u>59</u> (D)

**ORDER**

The records show that on 01 February 2016, the Opposer timely filed a Verified Notice of Opposition to Trademark Application No. 4-2015-00008212. The Opposition is accompanied by a Verification and Certification Against Forum Shopping, Special Power of Attorney executed by Riccardo Frediani and Certification by Claude Martinez proving the authority of Mr. Frediani to issue the Special Power of Attorney.

The Special Power of Attorney and the Certification being mere photocopies, this Bureau issued an Order dated 22 February 2016, directing the Opposer to submit within ten (10) days from receipt thereof the original legalized and authenticated copies of the said documents. On 11 March 2016, the Opposer filed its Compliance submitting the notarized and legalized Special Power of Attorney together with the Certification.

After a careful evaluation of the Opposer's compliance, this Bureau noticed that the Special Power of Attorney executed by Riccardo Frediani and the Certification by Claude Martinez while executed prior to the filing of the opposition were both authenticated only on 09 February 2016 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:

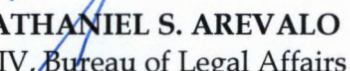
Section 7. *Filing Requirements for Opposition and Petition.* - x x x (b) x x x  
 The verification and certification of nonforum shopping as well as the documents showing the authority of the signatory or signatories thereto, affidavits and other supporting documents, if executed and notarized abroad, 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 and the Certification while executed within the period to file the Opposition but 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. 4-2015-00008212 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 21 March 2016.

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

Copy furnished:

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