



STAHL'S INC.,	}	IPC No. 14-2015-00554
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2015-00005579
	}	Date Filed: 25 May 2015
DENKI KAGAKU KOGYO	}	
KABUSHIKI KAISHA,	}	Trademark: THERMOFILM
Respondent-Applicant.	}	
x-----x		Order No. 2016 - <u>71</u> (D)

ORDER

The records show that on 11 January 2016, the Opposer timely filed its Notice of Opposition to Trademark Application No. 4-2015-00005579. The Opposition is accompanied by a Verification executed by Chris Anderson Lawson, Special Power of Attorney and Secretary's Certificate executed by Basil M. Briggs in favor of Mr. Lawson, among other documents.

The Verification, Special Power of Attorney and Secretary's Certificate being mere photocopies, this Bureau issued Order No. 2016-213 dated 28 January 2016, directing the Opposer to submit within ten (10) days from receipt thereof the original legalized and authenticated copies of the said documents. On 19 February 2016, the Opposer, by way of Manifestation and Submission, submitted the original legalized and authenticated Notice of Opposition containing the Verification, Special Power of Attorney and Secretary's Certificate attesting to the capacity of Opposer's representative as signatory on its behalf.

After a careful evaluation of the Opposer's submission, this Bureau noticed that the Verification, Special Power of Attorney and Secretary's Certificate while all executed on 07 January 2016 or prior to the filing of the opposition, the same were authenticated only on 19 January 2016 and 28 January 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 Verification, Special Power of Attorney and Secretary's Certificate 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. 4-2015-00005579 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 04 April 2016.


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

Copy furnished:

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