



**BOEHRINGER INGELHEIM  
PHARMA GMBH & CO. KG,**  
Opposer,  
  
-versus-  
  
**KYOWA HAKKO KIRIN CO., LTD.,**  
Respondent-Applicant.  
X-----X

**IPC NO. 14-2016-00104**

Opposition to:

Appln. Ser. No. 4-2015-010529

Date Filed: 10 September 2015

Trademark: **REGPARA**

Order No. 2016- 127 (D)

**ORDER**

The records show that on 02 May 2016, the Opposer timely filed a Verified Notice of Opposition to Trademark Application Ser. No. 4-2015-010529. The records further show that this Bureau issued an Order dated 06 May 2016, directing the Opposer to submit the original legalized and authenticated Special Power of Attorney and/or Secretary's Certificate, or proof of authority of the person who executed the Verification and Certification within ten (10) days from receipt of the Order. The Order states that the Opposer's failure to comply with the same shall cause the dismissal of the case.

On 03 June 2016, the Opposer filed a Compliance attaching therewith the original legalized and authenticated Power of Attorney executed by Dr. Oliver Kurt Blattner and Dr. Maximillian Kammler. The said compliance confirm the authority of the counsel to sign the Verification and Certification portion of the opposition on behalf of the Opposer.

After a careful evaluation of the Opposer's compliance, this Bureau noticed that the Power of Attorney while executed within the period to file the opposition were authenticated only on 25 May 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 non-forum 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 Power of Attorney 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. 4-2015-010529 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, **30 JUN 2016**

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

Copy furnished:

**CASTILLO LAMAN TAN PANTALEON & SAN JOSE**

Counsel for Opposer  
2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 9<sup>th</sup> Floors The Valero Tower  
122 Valero Street, Salcedo Village  
1227 Makati City

**KYOWA HAKKO KIRIN CO. LTD.**  
**c/o E.B. ASTUDILLO & ASSOCIATES**  
Respondent-Applicant's Representative  
10<sup>th</sup> Floor Citibank Center  
8741 Paseo de Roxas, Makati City