


BENSON & HEDGES (OVERSEAS)	}	IPC No. 14-2016-00089
LTD.,	}	Opposition to:
Opposer,	}	
	}	Application No. M/0000/01282335
-versus-	}	Date Filed: 09 December 2015
	}	
JAPAN TOBACCO, INC.,	}	Trademark: 
Respondent-Applicant.	}	
x-----x		Order No. 2016 - <u>116</u> (D)

ORDER

The records show that the Opposer timely filed on 25 April 2016, through registered mail, a Verified Notice of Opposition to Trademark Application No. M/0000/01282335. The Opposition is accompanied by a Verification and Certification, Certificate and Special Power of Attorney, among other documents.

The Certificate and Special Power of Attorney being a mere photocopy, this Bureau issued an Order dated 03 May 2016, directing the Opposer to submit within ten (10) days from receipt thereof the original legalized and authenticated Certificate and Special Power of Attorney. On 20 May 2016, the Opposer filed its Compliance submitting the original authenticated Certificate and Special Power of Attorney.

After a careful evaluation of the Opposer's compliance, this Bureau noticed that the Certificate and Special Power of Attorney proving the authority of the counsel to sign and execute the Verification and Certification while executed prior to the filing of the opposition was authenticated only on 26 April 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 Certificate and Special Power 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. M/0000/01282335 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, **31 MAY 2016**


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

Copy furnished:

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