

E. REMY MARTIN & C°,
Opposer,

-versus-

LOUIS XIII HOLDINGS LIMITED,
Respondent-Applicant.

X-----X

IPC No. 14-2016-00118

Opposition to:

Appln. Serial No. 4-2013-003435

Date Filed: 26 March 2013

TM: LOUIS XIII & DEVICE

NOTICE OF ORDER

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GREETINGS:

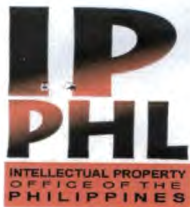
Please be informed that Order No. 2016 - 151 (D) dated August 09, 2016 (copy enclosed) was promulgated in the above entitled case.

Taguig City, 11 August 2016.

Atty. GINALYN S. BADIOLA
Adjudication Officer
Bureau of Legal Affairs

Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE

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E. REMY MARTIN & C ^o ,	}	IPC No. 14-2016-00118
<i>Opposer,</i>	}	Opposition to :
	}	
- versus -	}	Appln. No. 4-2013-003435
	}	Date Filed: 26 March 2013
LOUIS XIII HOLDINGS LIMITED,	}	Trademark: LOUIS XIII & DEVICE
<i>Respondent-Applicant.</i>	}	
x-----x		Order No. 2016- 151 (D)

ORDER

E. REMY MARTIN & C^o ("Opposer"), filed on 16 May 2016 an opposition to Trademark Application Serial No. 4-2013-003435. The application, filed by LOUIS XIII HOLDINGS LIMITED ("Respondent-Applicant"), covers the mark "LOUIS XIII & DEVICE" for use on goods under Classes 35, 36, 39, 41 and 43.

This Bureau issued a Notice to Answer and served a copy thereof to Respondent-Applicant on 31 May 2016. However, the Respondent-Applicant did not file its Answer.

On 09 June 2016, the Opposer filed a Motion to Admit stating that upon verification with the Office of the Director General of the Intellectual Property Office, said Office confirmed that indeed Respondent-Applicant failed to file the required Declaration of Actual Use (DAU). Thus, Opposer invokes the mandate of Rule 204 of the Rules and Regulations of the IP Code and prays for the refusal of the Respondent-Applicant's application. Attached to the Opposer's motion is a Certification issued by the Bureau of Trademarks on 26 April 2016.

Article 124.2 of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines ("IP Code") states:

"124.2. The applicant or the registrant shall file a declaration of actual use of the mark with evidence to that effect, as prescribed by the Regulations within three (3) years from the filing of the application. Otherwise, the application shall be refused or the mark shall be removed from the Register by the Director."

Furthermore, Rule 204 of the Rules & Regulations on Trademarks, Service Marks, Trade Names and Marked or Stamped Containers ("Trademark IRR") provides:

"RULE 204. *Declaration of Actual Use.* - The Office will not require any proof of use in commerce in the processing of trademark applications. However, without need of any notice from the Office, all applicants or registrants shall file a declaration of actual use of the mark with evidence to that effect within three years, without possibility of extension, from the filing date of the application. Otherwise, the application shall be refused or the mark shall be removed from the register by the Director motu proprio."

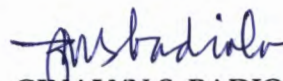
Accordingly, with the refusal of the application for registration of the mark LOUIS XIII & DEVICE, there is no more reason nor basis to proceed with this case.

WHEREFORE, premises considered, the instant opposition case is hereby **DISMISSED**.

Let the filewrapper of Trademark Registration No. 4-2013-003435 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 09 August 2016.



Atty. GINALYN S. BADIOLA
Adjudication Officer, Bureau of Legal Affairs