

**B & Q PLC,**  
*Opposer,*

**-versus-**

**CHARLES JONATHAN SY,**  
*Respondent-Applicant.*

X-----X

**IPC No. 14-2013-00040**

Opposition to:

Appln. Serial No. 4-2012-004551

Date Filed: 16 April 2012

**TM: B & Q AND DEVICE**

**NOTICE OF ORDER**

**VERALAW (Del Rosario Raboca Gonzales Grasparil)**

*Counsel for Opposer*  
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Legazpi Village, 1223 Makati City

**HECHANOVA BUGAY & VILCHEZ**

*Counsel for Respondent- Applicant*  
G/F Salustiana D. Ty Tower,  
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**GREETINGS:**

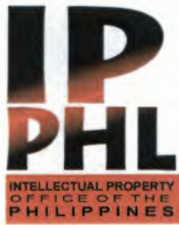
Please be informed that Order No. 2016 - 252 (D) dated 03 November 2016 (copy enclosed) was promulgated in the above entitled case.

Taguig City, 03 November 2016.

**MARILYN F. RETUTAL**  
IPRS IV  
Bureau of Legal Affairs

**Republic of the Philippines**  
**INTELLECTUAL PROPERTY OFFICE**

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B & Q PLC,	}	IPC No. 14-2013-00040
<i>Opposer,</i>	}	Opposition to :
	}	
- versus -	}	Appln. No. 4-2012-004551
	}	Date Filed: 16 April 2012
CHARLES JONATHAN SY,	}	Trademark: B & Q AND DEVICE
<i>Respondent-Applicant.</i>	}	
x-----x		Order No. 2016- 252 (0)

**ORDER**

B & Q PLC ("Opposer") filed on 19 April 2013 an opposition to Trademark Application Serial No. 4-2012-004551. The application, filed by CHARLES JONATHAN SY ("Respondent-Applicant"), covers the mark "B & Q AND DEVICE" for use on goods under Class 26.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 3 May 2013. However, the Respondent-Applicant did not file his Answer.

On 17 March 2016, the Opposer filed a Manifestation stating among others that the registration of "B & Q AND DEVICE" is already deemed abandoned for failure of the Respondent-Applicant to file the required Declaration of Actual Use ("DAU"). Attached to the Opposer's Manifestation is a Certification issued by the Bureau of Trademarks on 16 March 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."

Accordingly, with the abandonment of the application for registration of the mark B & Q AND 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. 4-2012-004551 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

**SO ORDERED.**

Taguig City, 03 November 2016.

*Adoracion U. Zare*  
Atty. ADORACION U. ZARE, LL.M.  
Adjudication Officer, Bureau of Legal Affairs