*IPO BOT Form No. 2*

## DECLARATION OF NON-USE

Please check one:

[ ] Within three (3) years from filing

[ ] Within one year from the fifth (5th) anniversary of the registration of the mark

*Registration No.:* \_\_\_\_\_\_\_\_\_\_\_\_\_\_ *Date Issued:* \_\_\_\_\_\_\_\_\_\_\_\_

[ ] Registered under Republic Act No. 166

[ ] Tenth (10th) anniversary

 *Registration No.: \_\_\_\_\_\_\_\_\_\_\_\_\_ Date Issued: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

[ ] Fifteenth (15th) anniversary

 *Registration No.: \_\_\_\_\_\_\_\_\_\_\_\_ Date Issued: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of legal age, citizen of \_\_\_\_\_\_\_\_\_\_\_under oath, depose and state:

1. I am the authorized officer of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the registrant/owner of the trademark “\_\_\_\_\_\_\_\_\_\_” (“Mark”);

2. The Mark

 [ / ] was accorded filing date of \_\_\_\_\_\_\_\_\_\_\_\_ (Application No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

 [ / ] was issued Registration No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for the following class of goods:

Class(s) Goods

3. The Mark is not yet in use in commerce in the Philippines. The products on which the trademark “\_\_\_\_\_\_\_\_\_\_\_\_” will be used is still the subject of an application for product registration filed in, and pending presently with the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. It would take some time for the certificate of product registration to be issued by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Immediately after the issuance of the Certificate of Product Registration, registrant would immediately commence the local sale and distribution of “\_\_\_\_\_\_\_\_\_” products. Hence, the unintended but justifiable non-use of the trademark “\_\_\_\_\_\_\_\_\_\_” at this point in time.

4. As proof of the mentioned justifiable reason of non-use, attached are copies of documents which were already submitted to the Department of Agriculture Fertilizer and Pesticide Authority.

5. Registrant hereby appoints the law firm FEDERIS & ASSOCIATES LAW OFFICES,with address at Suites 2004 & 2005, 88 Corporate Center, 141 Valero St., Salcedo Village, Makati City, Philippines, members of the bar as its attorney with powers to sign and/or file Declarations of Actual Use and Petitions for Renewal, and to do whatever is necessary and proper to be able to comply with all legal maintenance requirements to keep applications and/registrations valid, and to do such other necessary acts or deeds and/or transact business with the Intellectual Property Office for the effective performance of the powers granted herein.

6. This declaration is executed to attest to the truth of the foregoing and for the purpose of complying with the requirements of R.A. 8293 and the Trademark Regulations.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Name:

 Official Title:

 *(To be notarized, no legalization required)*