



**LEO PHARMA A/S,**

Opposer,

-versus-

**A MENARINI PHILIPPINES, INC.,**

Respondent-Applicant.

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**IPC NO. 14-2016-00263**

Opposition to:

Appln. Ser. No. 4-2015-014281

Date Filed: 16 December 2015

Trademark: **ELIXID**

Order No. 2016- 190 (D)

**ORDER**

The records show that on 19 July 2016, the Opposer timely filed a Verified Notice of Opposition to Trademark Application Ser. No. 4-2015-014281. The records further show that this Bureau issued an Order dated 25 July 2016, directing the Opposer to submit the original and authenticated Power of Attorney/Secretary's Certificate showing authority of Tom Friis-Mikkelsen to sign the Verification and issue a Special Power of Attorney on behalf of the Opposer 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 26 August 2016, the Opposer filed a Submission attaching therewith the original and authenticated Power of Attorney executed by Gitte Pugholm Aabo and Anders Kronborg. The said submission confirm the authority of Tom Friis-Mikkelsen to sign the Verification and Certification and issue a Special Power of Attorney on behalf of the Opposer.

After a careful evaluation of the Opposer's Submission, this Bureau noticed that the Power of Attorney while executed within the period to file the opposition was authenticated only on 22 August 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. 4-2015-014281 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 21 SEP 2016

*Edwin Danilo A. Dating*  
**Atty. EDWIN DANILO A. DATING**  
Director III, Bureau of Legal Affairs

Copy Furnished:

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