

SWATCH AG (SWATCH SA)	}	IPC No. 14-2015-00387
(SWATCH LTD.),	}	Opposition to:
Opposer,	}	
	}	Application No. 4-2014-00012466
-versus-	}	Date Filed: 09 October 2014
	}	
PRIMEGLOBAL FRANCHISE, INC.,	}	Trademark: SWAP
Respondent-Applicant.	}	
x-----x		Order No. 2016 - <u>118</u> (D)

**ORDER**

The records show that on 19 October 2015, the Opposer timely filed a Verified Notice of Opposition to Trademark Application No. 4-2014-00012466. The Opposition is accompanied by the original Verification/Certification, copies of the Special Power of Attorney and Secretary's Certificate.

Without this Bureau having issued the appropriate Order for the Opposer to complete or cure the defect in the Opposition, the Opposer already filed on 11 November 2015 a Manifestation/Submission attaching therewith the original legalized Special Power of Attorney and Secretary's Certificate both executed by Ms. Jeannine Aebi and Mr. Leopoldo Emsenhuber. The said submissions confirm the authority of the counsel to sign the Verification and Certification portion of the opposition on behalf of the Opposer.

After a careful evaluation of the Opposer's submission, this Bureau noticed that the Special Power of Attorney and the Secretary's Certificate while both executed within the period to file the opposition were authenticated only on 27 October 2015 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:

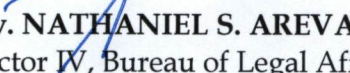
Section 7. *Filing Requirements for Opposition and Petition.* - x x x (b) x x x  
 The verification and certification of nonforum shopping as well as the documents showing the authority of the signatory or signatories thereto, affidavits and other supporting documents, if executed and notarized abroad, 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 Special Power of Attorney and Secretary's Certificate 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. 4-2014-00012466 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 *W*, Bureau of Legal Affairs

Copy furnished:

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