



VOLVO TRADEMARK HOLDING AB, }  
 Opposer, }  
 }  
 -versus- }  
 }  
 IVAN OCHAVILLO, }  
 Respondent-Applicant. }  
 x-----x

IPC No. 14-2016-00138  
 Opposition to:  
 Application No. 4-2013-00000066  
 Date Filed: 04 January 2013  
 Trademark: **V VOLTUS INFINITE  
 POSSIBILITIES**  
 Order No. 2016 - 283 (D)

**ORDER**

The Opposer filed a Manifestation to the effect that the Bureau of Trademarks has issued a certification stating that the required 3<sup>rd</sup> year declaration of actual use of the mark covered by the opposed application that was due for filing on 4 January 2016 has not been filed. According to the Opposer, the opposed publication was published in error as it was no longer valid by operation of law at the time of its publication on account of the failure of the applicant to file the required 3<sup>rd</sup> year declaration of actual use. Thus, the Opposer stated that the instant opposition can no longer proceed to determination on the merits and there is also no longer any need to pay the fee for the opposition.

Upon request of this Bureau, the Bureau of Trademarks issued a Certification confirming the non-filing of 3<sup>rd</sup> year Declaration of Actual Use by the Respondent-Applicant which was due for filing on 04 January 2016.

Rule 204 of the Rules and Regulations on Trademarks, Service Marks, Tradenames and Marked or Stamped Containers, as amended provides that:

Rule 204. *Declaration of Actual Use.* - x x x all applicants or registrants shall file a declaration of actual use of the mark with evidence to that effect within three (3) 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.

In view of the non-filing of the required declaration of actual use by the Respondent-Applicant, the Opposer opted not to file the Verified Notice of Opposition and pay the filing fee for the opposition as required under Rule 7, Section 2 and Rule 2, Section 8 of Office Order No. 99, as amended.

*ead*

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2013-00000066 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, **T4 DEC 2016**

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

Copy furnished:

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