

FRUCOR BEVERAGES LIMITED,
Opposer,

-versus-

GEORGE NOCOM PUA,
Respondent- Applicant.

X-----X

IPC No. 14-2012-00026
Opposition to:
Appln. Serial No. 4-2011-010715
Date Filed: 08 September 2011
TM: "MYZONE"

NOTICE OF ORDER

A.Q. ANCHETA & PARTNERS
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GEORGE NOCOM PUA
Respondent-Applicant
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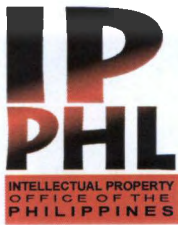
GREETINGS:

Please be informed that Order No. 2017 - 95(0) dated May 11, 2017 (copy enclosed) was promulgated in the above entitled case.

Pursuant to Section 2, Rule 9 of the IPOPHL Memorandum Circular No. 16-007 series of 2016, any party may appeal the final order to the Director of the Bureau of Legal Affairs within ten (10) days after receipt of the final order together with the payment of applicable fees.

Taguig City, May 15, 2017.


MARILYN F. RETUTAL
IPRS IV
Bureau of Legal Affairs



FRUCOR BEVERAGES LIMITED,	}	IPC No. 14-2012-00026
<i>Opposer,</i>	}	Opposition to:
	}	
- versus -	}	Appln. No. 4-2011-010715
	}	Date Filed: 08 September 2011
GEORGE NOCOM PUA,	}	Trademark: MYZONE
<i>Respondent-Applicant.</i>	}	
x-----x		Order No. 2017- 95(D)

ORDER

FRUCOR BEVERAGES LIMITED (“Opposer”) filed on 14 March 2012 an opposition to Trademark Application Serial 4-2011-010715. The application, filed by GEORGE NOCOM PUA (“Respondent-Applicant”), covers the mark “MYZONE” for use on goods under Class 5.

This Bureau issued a Notice to Answer and served a copy thereof to Respondent-Applicant on 27 March 2012. Respondent-Applicant did not file an Answer. Accordingly, the Bureau issued Order 2012-1307 dated 01 October 2012 declaring the Respondent-Applicant to have waived his right to submit Answer and the case was submitted for decision.

However, the records of the Intellectual Property Office of the Philippines, in particular the Trademarks Registry would show that Respondent-Applicant failed to file the 3rd Year Declaration of Actual Use.

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 refusal of the application for registration of the mark MYZONE, 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. 4-2011-010715 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 11 May 2017.


Atty. ADORACION U. ZARE
 Adjudication Officer, Bureau of Legal Affairs