



- b) In consideration of the foregoing, respondent-applicant obliges himself to always use the letters JL with the surname CEBRERO in all of his labels considering that his main interest and concern is the perpetuation of said surname;
- c) Respondent-applicant will likewise see to it that the lone presentation of the letters JL with the surname CEBRERO at the outside portion of the goods covered thereby would be entirely different from the Opposer's Double Triple L logo;

hence, it will always consist of, as it presently does, a sailboat with the letters JL inscribed in the sails thereof, provided that the letters JL shall be presented in the same manner that such letters appear in respondent-applicant's trademark 'JL CEBRERO' as shown by copies of the tag/label 'JL CEBRERO' hereto attached as Annex 'A', provided further that whenever the sailboat device shall be used by the respondent-applicant upon his goods, such goods will always be accompanied by the tag/label bearing the 'JL CEBRERO' trademark as above-cited;

- d) In the event that said respondent-applicant fails to observe or comply with the foregoing or make subsequent changes in the presentation of the letters JL in order to conform the same with the Double Triple L logo, giving rise to confusing similarity thereto, then outright cancellation of the respondent-applicant's trademark certificate of registration shall be ordered by this Honorable Office at the instance of Opposer herein;
- e) On the other hand, should Opposer file anew a case against respondent-applicant despite the latter's compliance with the foregoing undertaking, then respondent-applicant shall have the right to file a damage suit in a regular court against the Opposer;

2. This Compromise Agreement has been voluntarily entered into by the parties and not by reason of mistake, fraud, violence, intimidation or undue influence;

3. This Compromise Agreement shall be final and executory upon submission of the same to this Honorable Office.

Finding the said Compromise Agreement to be in order and not contrary to law or rules of this Bureau, the same is APPROVED. The parties are enjoined to observe strictly the provisions thereof.

WHEREFORE, this Opposition is DISMISSED for being moot and academic. Respondent's application for registration of the trademark "JL CEBRERO" (Serial 140. 35237) is given due course.

Let the records of this case be remanded to the Trademark Examining Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director