



UNITED LABORATORIES, INC.,	}	IPC No. 14-2011-00165
Opposer,	}	
	}	Opposition to:
- versus -	}	Appln. Serial No. 4-2010-007406
	}	Date Filed: 08 July 2010
THE PROCTER AND GAMBLE COMPANY,	}	Trademark: ACTILIFT
Respondent-Applicant.	}	
x-----x		Decision No. 2012- <u>54</u>

**DECISION
BASED ON COMPROMISE AGREEMENT**

UNITED LABORATORIES, INC. ("Opposer") filed on 25 April 2011 an opposition to Trademark Application Serial No. 4-2010-007406. The application filed by THE PROCTER AND GAMBLE COMPANY, ("Respondent-Applicant") covers the mark ACTILIFT for use on goods under Class 3. The opposition is anchored on Section 123 of Republic Act No. 8293 otherwise known as The Intellectual Property Code of the Philippines.

The Respondent-Applicant filed its Answer on 24 August 2011 refuting the material allegations of the Opposer.

In compliance to Office Order No. 154, s. 2010 ("*Rules of Procedure for IPO Mediation Proceedings*") and Office Order No. 197, s. 2010 ("*Mechanics for IPO Mediation and Settlement Period*"), this Bureau issued on 29 September 2011 Order No. 2011-290 referring the case to mediation.

On 10 February 2012, this Bureau received a "MEDIATOR'S REPORT" indicating the successful mediation of the instant case. Attached to the report is the parties' "COMPROMISE AGREEMENT" submitted to this Bureau for approval. The Agreement states, among other things:

"NOW, THEREFORE, in view of the above premises and for other good and valid considerations, the Parties hereby agree as follows:

"1. The parties recognize and acknowledge each other's right to use, apply for, register and maintain their trademarks ACTILIGHT and ACTILIFT in connection with their respective goods as so stipulated in this Agreement.

"2. P & G hereby undertakes that:

(a) The use and registration of its ACTILIFT trademark in relation to goods under Class 3 covering Washing preparations for laundry use; Bleaching preparations for laundry use; Detergents for laundry use; Washing powder; Fabric conditioners; Fabric enhancers; Fabric softeners; Cleaning preparations for household use; Fabric refreshers; Soaps, Color-brightening chemicals for household purposes (laundry), stain removers, Laundry detergent; Cleaning, Polishing, Scouring and Abrasive preparations; Color-Removing preparations; Laundry starch; Laundry Wax and other similar goods, shall be limited to what is enumerated and depicted in its Trademark Application No. 4-2010-007406.

(b) P & G shall neither oppose any application that UNILAB will file with the IPO for the registration of UNILAB's ACTILIGHT trademark nor seek the cancellation of UNILAB's existing registration for ACTILIGHT trademark.

(c) P & G shall pay UNILAB the amount of Twelve Thousand Three Hundred Twenty Two Pesos (Php12,322.00).

"3. UNILAB, on the other hand, agrees:

(a) to allow the registration of the trademark ACTILIFT but limited only to those goods listed in P & G's present application;

"4. This Compromise Agreement shall be limited to the territory of the Philippines and shall bind the Parties, their assignees or successors-in-interest exclusively.

"5. The parties hereby release, waive and quitclaim any and all claims or causes of action against each other related to or involved in any of the matters alleged in IPC No. 14-2011-00165.

"6. The parties undertake to observe the terms and conditions of this Agreement in utmost good faith.

"7. Each party shall bear its respective expenses incurred in this case.

"8. This Agreement shall become effective and enforceable immediately upon approval by this Honorable Office of a duly signed copy thereof.


This Bureau finds that the Agreement has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good custom, public order or public policy.

In this regard, an approved Compromise Agreement shall have the effect of a decision or judgment on the case and shall be enforced accordingly in accordance with the pertinent rules of IPO and the Rules of Court. (Sec. 5, Office Order No. 154, s. 2010)

WHEREFORE, premises considered, the submitted Compromise Agreement is hereby **APPROVED**. Let the filewrapper of the subject trademark application be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 19 March 2012.


ATTY. NATHANIEL S. AREVALO
Director IV
Bureau of Legal Affairs