



THE ROGEMSON COMPANY INC.,  
Opposer,

-versus-

UNITED LABORATORIES, INC.,  
Respondent-Applicant.

X-----X

}  
} IPC No. 14-2011-00338  
} Opposition to:  
} Appln. Serial No. 4-2010-010555  
} Date filed: 27 September 2010  
} TM: "BIOGENIC"  
}

### NOTICE OF DECISION

#### SIOSON SIOSON & ASSOCIATES

Counsel for Opposer  
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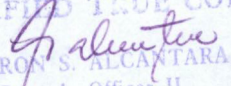
#### GREETINGS:

Please be informed that Decision No. 2012 - 97 dated June 08, 2012 ( copy enclosed)  
was promulgated in the above entitled case.

Taguig City, June 08, 2012.

For the Director:

  
Atty. PAULI U. SAPAK  
Hearing Officer, BLA

CERTIFIED TRUE COPY  
  
SHARON S. ALCANTARA  
Records Officer II  
Bureau of Legal Affairs, IPO



THE ROGEMSON COMPANY INC.,	}	IPC No. 14-2011-00338
Opposer,	}	Opposition to:
	}	
- versus -	}	Appln. Serial No. 4-2010-010555
	}	Date Filed: 27 September 2010
UNITED LABORATORIES, INC.,	}	Trademark: BIOGENIC
Respondent-Applicant.	}	
X-----X		Decision No. 2012 - <u>97</u>

**DECISION  
BASED ON COMPROMISE AGREEMENT**

**THE ROGEMSON COMPANY INC.** ("Opposer"), filed on 29 July 2011 an opposition to Trademark Application Serial No. 4-2010-010555. The application filed by **UNITED LABORATORIES, INC.** ("Respondent-Applicant"), covers the mark **BIOGENIC** for use on goods under Class 5. The opposition is anchored on Section 123.1 (d) of R.A. 8293 otherwise known as The Intellectual Property Code of the Philippines.

On 01 December 2011, the Respondent-Applicant filed its Answer 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 02 February 2012 Order No. 2012-32 referring the case to mediation.

On 16 May 2012, the parties filed a **COMPROMISE AGREEMENT**. The pertinent portions of the document reads:

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

"1. ROGEMSON hereby undertakes that:

a.) the use and registration of its 'BIOGENIC' trademark in relation to goods under Class 5 shall be limited to **Rubbing Alcohol Products** as per its Application No. 4-2009-006270.

b.) it shall not use on its labels, packaging, advertisements and other documents for its BIOGENIC products fonts, colors and designs similar to, or which may cause confusion with the product 'BIOGESIC'.

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

a.) withdraw its application for the registration of the mark 'BIOGENIC' with Application No. 4-2010-010555.

b.) to allow the registration of the trademark 'BIOGENIC' of ROGEMSON but limited only to Rubbing Alcohol.

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

"4. 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 14-2011-00338.

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

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

"7. 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 Trademark Application Serial No. 4-2010-010555 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.


**SO ORDERED.**

Taguig City, 08 June 2012.

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



pus/cpb

  
**CERTIFIED TRUE COPY**  
**SHARON S. ALCANTARA**  
Records Officer II  
Bureau of Legal Affairs, IPO