

SUYEN CORPORATION,	}	IPC No. 14-2016-00028
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2015-007179
	}	Date Filed: 29 June 2015
JAC INTELLECTUAL PROPERTY	}	
PTY. LTD.,	}	Trademark: 2XU HUMAN
Respondent-Applicant.	}	PERFORMANCE. MULTIPLIED.
x-----x	}	Order No. 2016 - <u>11</u> (D)

ORDER

SUYEN CORPORATION ("Opposer") filed on 04 January 2016 a Motion (For Additional Time to File Verified Notice of Opposition) to Trademark Application No. 4-2015-007179.

The records and the trademarks search database show, however, that the subject trademark application is still under examination with the Bureau of Trademarks.

In this regard, Rule 7, Section 2 of the Rules and Regulations on Inter Partes Proceedings, as amended, provides the period for filing opposition, to wit:

*"Section 2. Period to file opposition. - The verified notice of opposition must be filed within 30 days from the date of the publication of the trademark application in the IPOPHL "Gazette". Upon proper motion anchored on meritorious grounds which must be expressly indicated in the motion, and the payment of the filing fee for opposition and other applicable fees, the Bureau may grant an additional period of 30 days within which to file the opposition. A second motion for extension of 30 days may be granted on compelling grounds and upon payment of the applicable fees; *Provided*, that in no case will the filing of the opposition exceed ninety (90) days from the date of the aforementioned publication, *Provided, further*, that if the last day for filing of the verified opposition or motion for extension falls on a Saturday, Sunday, holiday, non-working day or on a day when the Office or the Bureau is closed for business as may be declared by the Director General, the filing must be done the next succeeding working day." [Emphasis supplied]*

It is apparent from the above-quoted provision that an opposition to trademark application may be filed from the time the mark sought to be opposed has been published for opposition in the IPOPHL "Gazette". Thus, considering that the subject trademark application has not yet been published for opposition and is still pending examination with the examiner of the Bureau of Trademarks, there is no factual or legal basis for the Opposer to file the instant motion for additional time to file the verified notice of opposition.

WHEREFORE, premises considered, the instant opposition case is hereby **DISMISSED**.

SO ORDERED.

Taguig City, 27 January 2016.



Atty. NATHANIEL S. AREVALO
Director IV, Bureau of Legal Affairs

Copy furnished:

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