

CAMPBELL SOUP COMPANY,
Opposer,

-versus-

RICHARD YU,
Respondent-Applicant.

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IPC NO. 14-2015-00361

Opposition to:

Appln. Ser. No. 4-2014-012682

Date Filed: 14 October 2014

Trademark: **V10**

Order No. 2016- 13 (D)

ORDER

The records show that this Bureau issued Order No. 2015-1475 dated 09 October 2015, directing the Opposer to submit the original, legalized and authenticated Verification and Certification of Non-Forum Shopping within ten (10) days from receipt of the Order. The Order further states that the Opposer's failure to comply with the same shall cause the dismissal of the case.

On 26 October 2015, the Opposer filed a Manifestation and Motion attaching thereto the original, legalized and notarized Verified Notice of Opposition, Affidavit of Jill N. Johnston and the Special Power of Attorney, which were duly authenticated by the Philippine Consular Service, Washington, District of Columbia, United States of America, on 07 October 2015.

This Bureau notices that while the Opposition was timely filed on 28 September 2015 and the original, legalized and notarized Verified Notice of Opposition, Affidavit of Jill N. Johnston and the Special Power of Attorney were duly executed on 22 September 2015, the same were authenticated only on 07 October 2015 or after the filing of the Opposition. This is contrary to of Rule 2, Section 7 (b) of the amended Rules and Regulations on Inter Partes Proceedings (promulgated through Office Order No. 99, s. 2011, as further amended by Office Order No. 14-068, s. 2014), which provides:

Section 7. Filing Requirements for Opposition and Petition. - x x x (b) x x x The verification and certification of non-forum shopping as well as the documents showing the authority of the signatory or signatories thereto, affidavits and other supporting documents, if executed and notarized abroad, must have been authenticated by the appropriate Philippine diplomatic or consular office. The execution and authentication of these documents must have been done before the filing of the opposition or petition. [Emphasis supplied]

Therefore, the original legalized and notarized Verified Notice of Opposition, Affidavit of Jill N. Johnston and the Special Power of Attorney while executed within the period to file the Opposition but authenticated only after the filing of the opposition violates the above-quoted provision.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2014-012682 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 28 January 2016.


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

Copy Furnished:

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