

**FEDERATION INTERNATIONALE
DE FOOTBALL ASSOCIATION,**

Opposer,

-versus-

ARIS DOMINGO BELTRAN,
Respondent-Applicant.

X-----X

IPC NO. 14-2015-00284

Opposition to:

Appln. Ser. No. 4-2015-000007

Date Filed: 05 January 2015

Trademark: **MOUNTAIN BIKE
WORLD CUP**

Order No. 2016- 10 (D)

ORDER

The records show that this Bureau issued Order No. 2015-1225 dated 24 August 2015, directing the Opposer to submit the original, legalized and authenticated Special Power of Attorney 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 16 September 2015, the Opposer filed a Manifestation and Compliance attaching therewith the original legalized and notarized Special Power of Attorney executed by Marcus Kattner and Thierry Regenass on 06 August 2015 and authenticated by the Embassy of the Philippines at the City of Berne, Switzerland on 11 September 2015, as proof of authority of counsel to execute the Verification and Certification Against Forum Shopping on behalf of the Opposer.

This Bureau notices that while the Opposition was timely filed on 17 August 2015 and the Special Power of Attorney was duly executed on 06 August 2015, the same was authenticated only on 11 September 2015 or after the filing of the Opposition, contrary to the provision 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 that:

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 Special Power of Attorney which was executed within the period to file the Opposition but authenticated only after such filing violates the above-quoted provision.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2015-000007 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 26 January 2016.



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

Copy Furnished:

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