

MASTERCARD INTERNATIONAL, INC.,	}	IPC No. 14-2015-00473
	}	Opposition to:
Opposer,	}	
	}	Application No. 4-2014-00014903
-versus-	}	Date Filed: 03 December 2014
	}	
VIEW STAR TRADING CORPORATION,	}	Trademark: TANAUAN CITY
	}	ZENTRUM
Respondent-Applicant.	}	
x-----x		Order No. 2016 - <u>08</u> (D)

ORDER

The records show that this Bureau issued an Order dated 26 November 2015, giving the Opposer a final extension of thirty (30) days or until 13 December 2015 within which to file the Verified Notice of Opposition.

On 14 December 2015, the Opposer timely filed its Notice of Opposition to Trademark Application No. 4-2014-00014903. Without this Bureau having issued the order to comply, the Opposer already filed on 13 January 2016 a Manifestation attaching therewith the original legalized and notarized Special Power of Attorney executed by Colm J. Dobbyn on 10 December 2015 and authenticated by the Consulate General of the Philippines in New York on 29 December 2015, as proof of authority of the 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 14 December 2015 and the Special Power of Attorney was duly executed on 10 December 2015, the same was authenticated only on 29 December 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 nonforum 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 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. 4-2014-00014903 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 18 January 2016.


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

Copy furnished:

VIRGILAW

Virgilio M. Del Rosario & Partners

Counsel for Opposer

The Peak, Unit 602

107 L. P. Leviste Street, Salcedo Village

Makati City

VIEW STAR TRADING CORPORATION

Respondent-Applicant

YTMI Compound

Brgy. Makiling, Calamba City

Laguna