



MASTERCARD INTERNATIONAL

Opposer,

-versus-

**MONEYFOREX DEALER AND
REMITTANCE, INC.,**

Respondent-Applicant.

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IPC NO. 14-2016-00308

Opposition to:

Appln. Ser. No. 4-2016-001368

Date Filed: 09 February 2016

Trademark: **MONEYFOREX**

Order No. 2016-195 (D)

ORDER

The records show that the subject trademark application was published for opposition in the "IPOP HL E-GAZETTE" on 30 May 2016. Under the pertinent rules and regulations, the Opposer has thirty (30) days within which to file its Opposition, hence, the deadline to do so was until 29 June 2016. On 29 June 2016, the Opposer filed a Motion for Extension to File Notice of Opposition. On 13 July 2016, this Bureau issued Order No. 2016-1112 granting Opposer's motion giving said party until 29 July 2016 within which to file the opposition.

On 29 July 2016, the Opposer filed a Second Extension of Time to file the Verified Notice of Opposition. This Bureau issued Order No. 2016-1276 dated 03 August 2016 stating that the Opposer is given a final extension of up to 28 August 2016 to file the opposition. The period lapsed without the Opposer having filed a Verified Notice of Opposition. However, this Bureau Noticed that the Opposer filed via registered mail a Third Motion for Extension of Time to File Notice of Opposition on 30 August 2016.

In this regard, Rule 7, Section 2 of the amended Rules and Regulations on Inter Partes Proceedings (promulgated through Office Order No. 99, s. 2011, which took effect on 17 July 2011) as amended by Office Order No. 14-068 s. 2014 provide:

"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 IPOP HL "Gazette". Upon proper motion anchored on meritorious grounds which must be expressly indicated in the motion, and upon 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 (90) days from the date of the aforementioned publication xxx

Thus, the Rules expressly provide that the Opposer is allowed to file only two (2) motions or requests for extensions within which to file a Verified Notice of Opposition.

**Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE**

Intellectual Property Center # 28 Upper McKinley Road, McKinley Hill Town Center, Fort Bonifacio,

Taguig City 1634 Philippines • www.ipophil.gov.ph

T: +632-2386300 • F: +632-5539480 • mail@ipophil.gov.ph

IPOPHL Memorandum Circular No. 16-007, Section 16 of the Revised Rules and Regulations on Inter Partes Proceedings which took effect on 29 July 2016, specifically provide:

"Effectivity and Transitory Provisions- These amendments shall become effective fifteen (15) days after publication in a newspaper of general circulation. **The amendments shall govern cases filed upon the effectivity thereof.** The authority of the Assistant Director to issue/sign final orders and the authority of the Hearing/Adjudication Officers to sign/issue decisions and final orders, however, shall cover cases filed prior to the effectivity of these amendments, Provided, that Section 2 Rule 16, as hereby amended, shall apply only to cases submitted or deemed submitted for decision or resolution after the effectivity of these amendments.

Rule 2 Section 8 (a) of the amended Rules and Regulations on Inter Partes Proceeding (promulgated through Office Order No. 99 Series of 2011) as amended provide:

"Action on the Notice of Opposition or Motion for extension to File Notice of Opposition and Petition.- (a) **A case is deemed to have commenced upon the filing of a notice of opposition, or a motion for extension of time to file a notice of opposition,** or a petition for cancellation or compulsory licensing.

Henceforth, the case is considered filed upon the first filing of motion for extension last 29 June 2016. Under the rules prior to 29 July 2016, the maximum period to file notice of verified opposition is ninety (90) days and not one hundred twenty (120) days from publication of the trademark application in the IPOPHL "Gazette".

WHEREFORE, premises considered, Opposer's Third Motion for Extension of Time to File Verified Notice of Opposition is hereby **DENIED**. Accordingly, the case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2016-001368 be returned together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, **23 SEP 2016**

Edwin A. Dating
Atty. EDWIN DANILO A. DATING
Director III, 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

ATTY. AVELINO M. GUZMAN, JR.

Respondent-Applicant's Representative
Unit 403 Alfaro Place, 146 L.P. Leviste St.
Salcedo Village, Makati City