

JOE'S JEANS SUBSIDIARY, INC.,	}	IPC No. 14-2014-00226
Petitioner,	}	
	}	
-versus-	}	Petition for Cancellation of:
	}	Registration No. 4-2004-004785
	}	Date Issued: 24 October 2005
ANTONIO B. DEUS,	}	Trademark: JOE'S JEANS
Respondent-Registrant.	}	
X-----X		Order No. 2016- <u>291(D)</u>

## ORDER

JOE'S JEANS SUBSIDIARY, INC ("Petitioner"), filed on 03 June 2014 a petition for cancellation of Trademark Registration No. 4-2004-004785. The registration issued to ANTONIO B. DEUS ("Respondent-Registrant") covers the mark "JOE'S JEANS" for use on goods under Classes 18 and 25 of the International Classification of Goods<sup>1</sup>. The petition is anchored on Sec. 123.1(e) and Sec. 151.1(b) of R.A. No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code").

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Registrant on 14 July 2014. On 21 November 2014, Respondent-Registrant filed its Answer to the petition refuting the Petitioner's allegations.

In compliance to Office Order No. 154, s. 2010 ("*Rules of Procedure for IPO Mediation Proceedings*") and Office Order No. 197, s. 2010 ("*Mechanics for IPO Mediation and Settlement Period*"), this Bureau issued on 04 March 2015 Order No. 2015-43 referring the case to mediation. The mediation, however, was terminated and the preliminary conference was conducted.


On 22 November 2016, the Petitioner filed a Motion to Withdraw Petition for Cancellation stating that the withdrawal is sought to avoid further legal and other costs in the handling of the matter. Accordingly, in view of the Motion to Withdraw Petition for Cancellation filed by the Petitioner, there is no more reason or basis to proceed with this case.

**WHEREFORE**, premises considered, the instant cancellation case is hereby **DISMISSED**. Let the filewrapper of Certificate of Registration No. 4-2004-004785 be returned, together with a copy of this Order to the Bureau of Trademarks for information and appropriate action.

<sup>1</sup> The Nice Classification is a classification of goods and services for the purpose of registering trademark and services marks, based on the multilateral treaty administered by the World Intellectual Property Organization. The treaty is called the Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks concluded in 1957

**SO ORDERED.**

Taguig City, 22 DEC 2016.

  
**ATTY. LEONARDO OLIVER F. LIMBO**  
Adjudication Officer  
Bureau of Legal Affairs

Copy furnished:

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*cpb*