

TILLOTS PHARMA AG,
Opposer,

-versus-

THE GENERICS PHARMACY, INC.,
Respondent-Applicant.

IPC No. 14-2014-00337
Opposition to:
Appln. Serial No. 4-2014-001634
Date Filed: 07 February 2014

TM: NASACOL

X-----X

NOTICE OF ORDER

ORTEGA BACORRO ODULIO CALMA & CARBONELL

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140 L.P. Leviste Street, Salcedo Village
Makati City

THE GENERICS PHARMACY, INC.

Respondent- Applicant
459 Quezon Avenue,
Quezon City

GREETINGS:

Please be informed that Order No. 2017 - 19 (D) dated 25 January 2017 (copy enclosed) was promulgated in the above entitled case.

Pursuant to Section 2, Rule 9 of the IPOPHL Memorandum Circular No. 16-007 series of 2016, any party may appeal the decision to the Director of the Bureau of Legal Affairs within ten (10) days after receipt of the decision together with the payment of applicable fees.

Taguig City, 25 January 2017.

MARILYN F. RETUAL
IPRS IV
Bureau of Legal Affairs

Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE

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TILLOTS PHARMA AG,
Opposer,

-versus-

THE GENERICS PHARMACY, INC.,
Respondent-Applicant.

X ----- X

IPC No. 14-2014-00337
Opposition to Trademark
Application No. 4-2014-001634
Date Filed: 07 February 2014
Trademark: **"NASACOL"**

Order No. 2017- 19 (0)

ORDER

Tillots Pharma AG¹ ("Opposer") filed an opposition to Trademark Application Serial No. 4-2014-001634. The contested application, filed by The Generics Pharmacy, Inc.² ("Respondent-Applicant"), covers the mark "NASACOL" for use on *"pharmaceutical product used as analgesic, antipyretic and antihistamine for prevention and treatment of common colds, sinusitis and allergic rhinitis"* under Class 05 of the International Classification of Goods³.

The records show, however, that in IPC Case No. 14-2014-00314⁴, which involves the subject application, this Bureau already rendered a decision⁵, the dispositive portion of which provides:

"WHEREFORE, premises considered, the instant opposition is hereby **SUSTAINED**. Let the filewrapper of Trademark Application Serial No. 4-2014-001634 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action."

The parties did not appeal the afore-quoted decision. Thus, on 16 January 2017, this Bureau issued an Entry of Judgment/Execution of Decision stating:

"The Decision became final and executory on October 18, 2016 and accordingly, is hereby recorded in this Bureau's Book of Entries of Judgment."

¹ A corporation duly organized and existing under and by virtue of the laws of Switzerland, with business address at Baslerstrasse 15, 4310 Rheinfelden, Switzerland.

² With business address at 459 Quezon Avenue, Quezon City, Philippines.

³ 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.

⁴ Aventis Pharma, S.A. vs. The Generics Pharmacy, Inc.

⁵ Decision No. 2016-317 dated 16 September 2016.


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With the finality of the decision sustaining the opposition to the subject trademark application, there is no more actual controversy or legal basis to proceed with this case.

WHEREFORE, premises considered, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2014-001634 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, **25 JAN 2017**


ATTY. Z'SA MAY B. SUBEJANO-PE LIM
Adjudication Officer
Bureau of Legal Affairs