



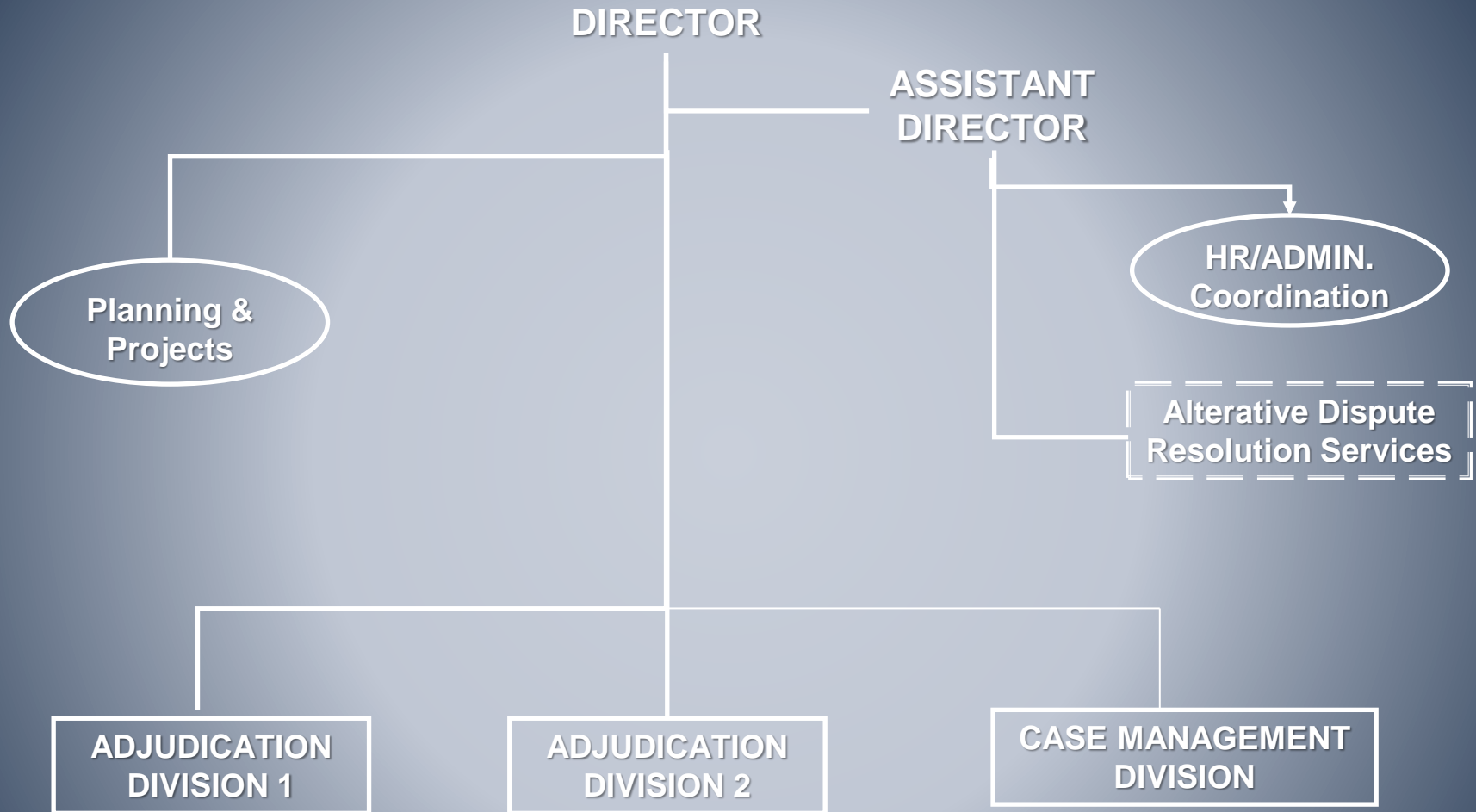
Intellectual Property Office of the Philippines

# **“Best Practice Sharing on Trademark Opposition Proceedings”**

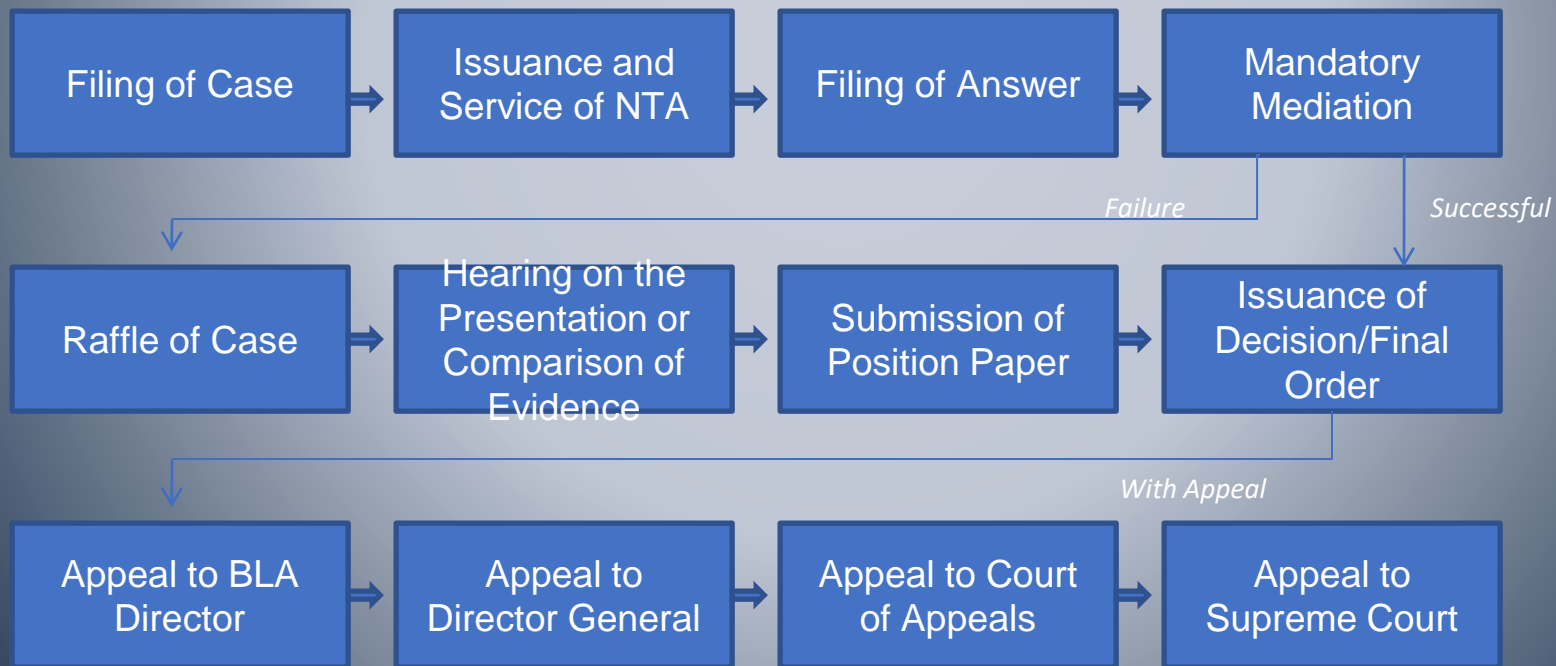
**Marianne A. Isabedra**

October 20, 2022

# BLA ORGANIZATIONAL STRUCTURE



# Trademark Opposition Workflow



# Filing Requirements for TM Opposition

- Opposition must be in writing
- Verification and Certification of Non-Forum Shopping
- Affidavits of witnesses, documentary or object evidence
- Power of Attorney or other proof of authority
- Other supporting documents mentioned in the Notice of Opposition

# Period to File Opposition

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- 30 days after the publication of the mark in the IPOPHL Gazette
- One (1) extension of 45 days

# Grounds for Dismissal of Opposition

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- Filed out of time
- Lack of Jurisdiction
- Failure to state a cause of action
- Non-payment of fees
- Non-compliance with the filing requirements
- Failure to file the Opposition or Motion through the prescribed mode

# Case Management

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- **Electronic Filing of Pleadings and Online Payment of Fees** *[IPOP HL Memorandum Circular Nos. 2020-031 and 2020-034; IPOP HL Memorandum Circular No. 2022-013, Amendments to the Rules and Regulations on Inter Partes Proceedings]*
- **Electronic Service of Orders, Notices, Decisions, Final Orders and Entries of Judgment** *[IPOP HL Memorandum Circular No. 2021-015; IPOP HL Memorandum Circular No. 2022-013, Amendments to the Rules and Regulations on Inter Partes Proceedings]*
- **Industrial Property Administration System-Legal [IPAS-Legal]**

# Mediation Proceedings

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- **Mandatory Mediation** [*IPOPHL Memorandum Circular No. 008, Revised Rules on Mediation; IPOPHL Memorandum Circular No. 2021-023, Supplemental Guidelines in the Conduct of Mediation of IP Cases; IPOPHL Memorandum Circular No. 2020-047, Amendments to the Revised Rules on Mediation*]
- **Online Mediation Proceedings** [*IPOPHL Memorandum Circular No. 2020-012 , Supplemental Advisory on IPOPHL Services Re Mediation; IPOPHL Memorandum Circular No. 2020-047, Amendments to the Revised Rules on Mediation*]



# Adjudication Proceedings

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- **Online Hearings/Conferences** *[IPOPHL Memorandum Circular No. 2020-021, Advisory on IPOPHL Services Re Conduct of Hearings/Conferences in Inter Partes Cases and IP Rights Violation Cases]*
- **Period to File the Opposition and Answer** *[IPOPHL Memorandum Circular No. 2022-013, Amendments to the Rules and Regulations on Inter Partes Proceedings]*

# Sample Case

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## LIKELIHOOD OF CONFUSION

**Merop**

vs.

**MERO**

Earlier Mark

Contested Mark



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# THANK YOU!

