



INTELLECTUAL PROPERTY OFFICE  
OF THE PHILIPPINES  
BUREAU OF TRADEMARKS  
Intellectual Property Center, 28 Upper McKinley  
Rd., McKinley Hill Town Center, Fort Bonifacio,  
Taguig City 1634, Philippines  
Website: <http://www.ipophil.gov.ph>

IPAS FORM NO.	
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The International Bureau  
World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

NOTIFICATION OF A PROVISIONAL REFUSAL OF PROTECTION  
OF AN INTERNATIONAL REGISTRATION DESIGNATING  
THE PHILIPPINES  
Rule 17(1)

International Registration No: 1297545	IR Date (Filing Date): 7 December 2015
Holder: MIRAFLEX S.A.S. [CO]	
Mark: MIRA FLEX	

The mark has been examined, but the issues below prevent the Intellectual Property Office of the Philippines (IPOPHL) from granting the registration of the mark for all the goods and/or services.

**Registrability Issue:**

There are no grounds for refusal of the mark on substantive issues. However, Section 131 of the IP Code requires that the mark be registered in the foreign country of first filing before the mark subject of this application can be registered by the IPOPHL.

The applicant has six (6) months from the mailing or notification date appearing on the IPOPHL notice (to be found on the upper right corner of this notice) to submit a copy of the registration of the foreign application and its English translation, if the document is not in English, or inform the IPOPHL whether or not the mark has been registered in the foreign IP Office. If the mark is not registered in the country of first filing within the six-month period, the applicant may, before the lapse of such period, request an extension of time of one (1) year from expiry of the initial six months period to submit a copy of the foreign registration and its English translation, if the document is not in English, or inform the IPOPHL of the fact of registration of the mark. The corresponding fee must be paid directly to the IPOPHL.

If no request for extension is made or no information on the registration of the mark in the foreign office of first filing is submitted within the six-month period, the IPOPHL will publish the mark for opposition, but the claim of priority will be deemed waived.

**SEC. 131. Priority Right**

131.1. An application for registration of a mark filed in the Philippines by a person referred to in Section 3, and who previously duly filed an application for registration of the same mark in one of those countries, shall be considered as filed as of the day the application was first filed in the foreign country.

131.2. No registration of a mark in the Philippines by a person described in this section shall be granted until such mark has been registered in the country of origin of the applicant.

**RULE 202. Priority Right; Basis for Claiming Priority Right.** — (a) An application for registration of a mark filed in the Philippines by a person referred to in Rule 201, and who previously duly filed an application for registration of the same mark in one of those countries, shall be considered as filed as of the day the application was first filed in the foreign country.

(b) No registration of a mark in the Philippines by a person described in this rule shall be granted until such mark has been registered in the country of origin of the applicant. However, the mark may be allowed for publication for the purpose of opposition, but such publication shall be withheld until it has been ascertained that the mark has been registered in the country of origin of the applicant. [as amended by Office Order No. 13-61 (2013)]

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**RULE 618. Allowance of applications with a claim of priority right.** — If the only issue remaining in an application with a priority right claim based on a foreign application is the registration of such foreign application, the Examiner shall allow the application.

The Examiner shall verify whether or not the mark has been registered from the online trademarks database of the foreign IP Office where the application was filed. If the foreign application has been registered, the allowed mark shall be published for opposition.

If the foreign application has not been registered at the time of allowance or if the foreign IP Office does not have an online trademarks database, the Examiner shall, in the notice of allowance, require the applicant to submit a photocopy of the foreign registration within six (6) months from mailing date of the notice. Upon request of the applicant and subject to the payment of the required fee, the period to submit a copy of the foreign registration may be extended for a period of one (1) year, counted from the expiry of the initial period of six (6) months. If the applicant does not request an extension or is unable to submit a copy of the foreign registration within the extension period, the claim to the right of priority shall be deemed waived. The application will thereafter be published for opposition upon payment of the required fees. [As amended by Office Order No. 13-061 Series of 2013].

**Information relating to subsequent procedure:**

The response must be filed by a duly authorized representative with a local address in the Philippines (The list of agents in the Philippines is available on the IPOPHL website). After the issue raised by the Examiner in the provisional refusal is settled, the mark will be published for purposes of opposition. If no opposition to the registration of the mark is filed, the Office will issue a statement of grant of protection.

All responses or communications should be addressed to: THE DIRECTOR OF TRADEMARKS, Intellectual Property Office of the Philippines, 14/F Intellectual Property Center, No. 28 Upper McKinley Road, McKinley Hill Town Center, Fort Bonifacio, Taguig City 1634, Philippines. Responses or communications must be filed by the applicant's local representative in the Philippines.

**Additional information:**

The IPOPHL requires the submission of the Declaration of Actual Use (DAU) within three (3) years from the date of international registration or the date of subsequent designation and within one (1) year from the fifth year anniversary of the date of grant of protection of the mark. The provisions governing the filing of the DAU are contained in the Trademark Regulations, as amended by Office Order No. 13-56, s. 2013.

  
**ROLANDO LEANO**  
Trademark Examiner

  
**MARITES Q. SALVIEJO**  
Supervising Examiner