

**VOLVO TRADEMARK  
HOLDING AKTIEBOLAG,**

*Opposer,*

- versus -

**DAOMENG YAO,**

*Respondent-Applicant.*

**IPC NO. C/2021/579**

Opposition to:  
Application No. 4-2021-509938

Trademark: **VOLANT**

**DECISION NO. 2024 - 15**

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## FINAL ORDER

VOLVO TRADEMARK HOLDING AKTIEBOLAG (Opposer)<sup>1</sup> filed an Opposition to Trademark Application with Serial No. 4-2021-509938. The trademark application filed by DAOMENG YAO (Respondent-Applicant)<sup>2</sup>, covers the mark "**VOLANT**" for use on "bicycles, collapsible bicycles, electric bicycles and electric collapsible bicycles, and structural parts and accessories therefor, namely, bicycles baskets, bicycle brake casing and bicycle brake pads, bicycle brake discs, bicycle brakes and gear levers for bicycle wheels, bicycle chains, bicycle frames, bicycle gears, bicycle gears, namely, cranks, bicycle pedals, bicycle rims, bicycle saddle covers, bicycle saddles, bicycle seat posts, bicycle seat tubes, bicycle wheels, chain guards for bicycles, change- speed gears for bicycles, derailleurs for bicycles, direction signals for bicycles, forks, frame for luggage carriers for bicycles, front fork joints for bicycles, gears wheels for bicycles, handlebar grips, handlebars, handlebar stems, handle bar ends, saddlebags for bicycles, spokes for bicycle wheels, tires, toe straps for bicycle pedals and clips for bicycle pedals, water bottle cages for bicycles, wheel hubs for bicycles • mopeds • motorized scooters • motors for bicycles • pumps for bicycles and cycles • kickstands for bicycles and cycles suspension for bicycles • brake discs for motorcycles • brake pedals [parts of motorcycles] • covers for motorcycle saddles • fitted motorcycle covers • freewheels for motorcycles • handlebar grips for motorcycles • inner tubes for motorcycle tires • kickstands for motorcycles • luggage carriers for motorcycles • luggage racks for motorcycles • motorcycle chains • motorcycle drive chains • motorcycle engines • motorcycle foot pegs • motorcycle frames • motorcycle handlebars • motorcycle kickstands • motorcycle saddles • motorcycle sidecars • motorcycle swing arms • motorcycle tires • motorcycles • motorcycles for motocross • mudguards for motorcycles • panniers adapted for motorcycles • pedals for motorcycles • roller chains for motorcycles • saddle covers for bicycles or motorcycles • saddlebags adapted for motorcycles • saddles for motorcycles • shift levers for motorcycles • shock absorbers for motorcycles • tyres for motorcycles • structural parts for motorcycles • warning horns for motorcycles • wheel hubs for motorcycles • wheel rims for motorcycles • wheels for motorcycles • armoured cars • automobiles • camping cars • cars • casting cars • dining cars • dining cars [carriages] • electric cars • hand cars • golf cars [vehicles]

<sup>1</sup> A corporation with principal address located in Sweden.

<sup>2</sup> A natural person with business address located in Valenzuela City.

• hybrid cars • ladle cars • lifting cars [lift cars] • motor cars • racing cars • sports cars" under Class 12 of the International Classification of Goods and Services<sup>3</sup> (Nice Classification).

This Bureau issued a Notice to Answer on 5 January 2022 and served to Respondent-Applicant on 28 January 2022. However, the Respondent-Applicant did not file any Answer. In view of this, this Bureau declared the Respondent-applicant in default. The Opposer then submitted its compliance. Accordingly, the case is submitted for decision.

Upon checking with the records and conferring with the Bureau of Trademarks (BOT) on the status of the subject trademark, the BOT confirmed that the trademark with Trademark Application No. 4-2021-509938 was already refused for non-filing of the required Declaration of Actual Use (DAU).

Under Sec. 124.2 of the IP Code, it provides that:


**Sec 124.2** The applicant or the registrant shall file a declaration of actual use of the mark with evidence to that effect, as prescribed by the Regulations within three (3) years from the filing date of the application. Otherwise, the application shall be refused or the mark shall be removed from the Register by the Director.

Considering the foregoing, the instant case has been rendered moot and academic. The main purpose of an Opposition proceeding is to prevent the registration of an applied trademark in favor of the Respondent-Applicant. Since the Trademark Application No. 4-2021-509938 has already been refused for failure to file the required DAU, there is no more factual nor legal basis to proceed with the instant case.

**WHEREFORE**, premises considered, the instant Opposition to Trademark Application Serial No. 4-2021-509938 is hereby **DISMISSED** for being moot and academic. Let the filewrapper of Trademark Application Serial No. 4-2021-509938 be returned together with a copy of this Decision to the Bureau of Trademarks (BOT) for appropriate action.

**SO ORDERED.**

Taguig City, 23 DEC 2024

  
**Atty. Leonardo Oliver Limbo**  
Adjudication Officer  
Bureau of Legal Affairs

<sup>3</sup> The Nice Classification of Goods and Services is for registering trademarks and service marks based on multilateral treaty administered by the WIPO, called the Nice Agreement Concerning the International Classification of Goods and Services for Registration of Marks concluded in 1957.