

Head Technology GmbH,

Opposer,

- versus -

IPC NO. C/2021/665


Opposition to:
Application No. 4-2021-519728

BOE United Technology Corporation,
Respondent-Applicant.

Trademark:  海德体育
HEAD SPORTS

xx DECISION NO. 2024 - 16

FINAL ORDER

Head Technology GmbH (Opposer)¹ filed an Opposition to Trademark Application with Serial No. 4-2021-519728. The trademark application filed by BOE United Technology Corporation (Respondent-Applicant)², covers the mark “ 海德体育” for use on “*recorded content software • application software • computer application software for mobile phones • computer communication software to allow customers to access bank account information and transact bank business • computer interface software • computer programmed for data processing • computer programs for accessing and using the internet • computer software for application and database integration • computer software for controlling and managing access server applications • computer software for database management • computer software for encryption • computer software for use in providing multiple user access to a global computer information network • computer software to enable searching of data • data processing software • downloadable software • internet access software • information technology and audiovisual equipment • data storage devices • digital recording media*” under Class 9, “*sporting articles and equipment • exercise platforms • gymnastic apparatus • gymnastic articles • men's athletic supporters [sport articles]*” under Class 28; “*advertising and promotional services • trade show and exhibition services • organization of exhibitions and events for commercial or advertising purposes • organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purpose • distribution of advertising, marketing and promotional material • dissemination of advertisements and of advertising material [flyers, brochures, leaflets and samples]*” under Class 35; “*financial and monetary services, and banking • acquisition and transfer of monetary claims • arranging of finance for sporting, cultural and entertainment projects • computerized financial services • conducting of financial affairs online • financial management services provided via the internet • financial services*”

¹ A corporation with principal address located in Austria.

² A corporation with business address located in Pasay City.

relating to the provision and structuring of capital • financial sponsorship of entertainment activities • online banking services • providing funding for commercial entities • raising of capital • saving account services • fundraising and sponsorship • financial sponsorship • financial sponsorship of sporting activities • fundraising services” under Class 36; and “education, entertainment and sports • conferences, exhibitions and competitions • arranging and conducting of games • conducting of competitions on the internet • organization of games and competitions • gambling • betting services • casino, gaming and gambling services • lottery services • sports and fitness • arranging of soccer games • arranging of sports competitions • organization of sporting events • organization of sports competitions” under Class 41 of the International Classification of Goods and Services³ (Nice Classification).

This Bureau issued a Notice to Answer on 24 March 2022 and served to Respondent-Applicant. On 11 April 2022, the Respondent-Applicant filed its Verified Answer. A Preliminary Conference was conducted and the parties submitted their respective position paper.


Upon review of the trademark database and conferring with the Bureau of Trademarks (BOT) on the records of the subject trademark, the BOT confirmed that the trademark with Trademark Application No. 4-2021-519728 was voluntarily abandoned. In view of the above findings, this case is now submitted for resolution.

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. 4-2021-519728 has already been voluntarily abandoned by the applicant, there is no more factual nor legal basis to proceed with the instant case.


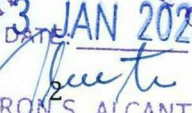
WHEREFORE, premises considered, the instant Opposition to Trademark Application Serial No. 4-2021-519728 is hereby **DISMISSED** for being moot and academic. Let the filewrapper of Trademark Application Serial No. 4-2021-519728 be returned together with a copy of this Decision to the Bureau of Trademarks (BOT) for appropriate action.

SO ORDERED.

Taguig City, 23 DEC 2024


Atty. Leonardo Oliver Limbo
Adjudication Officer
Bureau of Legal Affairs

³ 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.


CERTIFIED TRUE COPY
Date: 23 JAN 2025

SHARON S. ALCANTARA
Administrative Officer II
Bureau of Legal Affairs