

ASICS CORPORATIONS

Petitioners

PETITIONS FOR CANCELLATION

INTER PARTES CASE NO. 2063

OPPOSITION TO:

Cert. of Regn. No. 22173
Issued : February 24, 1975
Registrant : Rubberworld Inc.,
Trademark : TIGER
Used on : Shoes and sandals

- versus -

-and-

INTER PARTES CASE NO. 2064

OPPOSITION TO:

Cert. of Regn. No. SR-1744
Issued : April 3, 1973
Registrant : Rubberworld Inc.,
Trademark : TIGER
Used on : Shoes and sandals

RUBBERWORLD, INC.,
Respondent-Registrant.

x-----x

DECISION NO. 88-33 (TM)

June 15, 1988

DECISION

Above-captioned cases pertain to Petitions for Cancellation of trademark "TIGER" registered in the Principal Register under Registration 22173 on February 24, 1975, and in the Supplemental Register under Registration No. SR-1744 on April 3, 1973 for shoes and sandals in favor of Rubberworld, Inc.

Petitioner is a foreign corporation organized under the laws of Japan with principal office and place of business at No. 1-1 Minatojima-Nakamachi 7-chome, Chuo-Ku, Kobe City, Hyogo Prefecture, Japan, while Respondent-Registrant is a domestic corporation with principal place of business at 326 Quirino Highway, Quezon City.

Answering the Petitions, Respondent averred as an Affirmative Defense that Petitioner has no cause of action because Registration No. 22173 has been cancelled. This Bureau confirmed Respondent's allegations. Records show that no affidavit of use/non-use was filed for Registration No. 22173 pursuant to Section 12 of Republic Act 166, as amended) which reads:

"SEC. 12. Duration. - Each certificate of registration shall remain in force for twenty years: Provided that registrations under the provisions of this Act shall be cancelled. By the Director, unless within one year following the fifth, tenth and fifteenth anniversaries of the date of issue of the certificate of registration, the registrant shall file in the Patent Office an affidavit showing that the mark or tradename is still in use or showing that its non-use is due to special circumstances which excuse such non-use and is not due to any intention to abandon the same, and pay the required fee."

Likewise, Certificate of Registration No. SR-1744 was cancelled for the same reason under Cancellation Order No. 154 dated October 16, 1986.

WHEREFORE, premises considered, Inter Partes Cases Nos. 2063 and 2064 are hereby DISMISSED for being moot and academic.

Let the records of the case be remanded to the Patent, Trademark and EDP Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director