

ASICS CORPORATION,
Opposer,

INTER PARTES CASE NO. 3213

OPPOSITION TO,

- versus

Application Serial No. 48784
Filed : July 27, 1982
Applicant : Rubberworld (Phil.),
Inc.
Trademark : TIGER
Used on : Rubber shoes and rubber
sandals

RUBBERWORLD (PHIL.), Inc.,
Respondent-Applicant.

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DECISION NO. 88-111 (TM)
December 1, 1988

DECISION

Asics Corporation, on August 17, 1988, lodge its opposition to the registration of the trademark "TIGER" used on rubber shoes and rubber sandals applied for by Rubberworld (Phil.), Inc. under Application Serial No. 48784, which was published for opposition on Page 42, Volume 1, No. 5 of the Official Gazette of this Bureau, released for circulation on July 18, 1988.

Opposer is a foreign corporation organized and existing under the laws of Japan with principal office and place of business at 1-1 Minatojuma-Nakamachi 7-Chome, Chou-Ku, Kobe City, Hyogo Prefecture, Japan, while Respondent-Applicant is a local corporation duly organized under the laws of the Philippines with business address at No. 328 Quirino Highway, Novaliches, Metro Manila, Philippines.

The grounds alleged in the verified Notice of Opposition filed on October 26, 1988 are:

"(i) The registration of the trademark 'Tiger' in the name of respondent-applicant will mislead the purchasing public and make it convenient for respondent-applicant to pass off its goods x x x as those of the latter, resulting in damage to both the public and the opposer;

(ii) The trademark 'Tiger' is, if not identical, so confusingly similar to the trademark 'Tiger' owned and being used by the opposer such that registration of the trademark 'Tiger' in the name of respondent-applicant will run counter to Section 4(d) of Republic Act No. 166, otherwise known as the Philippine Trademark Law as well as Article 6bis of the Paris Convention for the Protection of Industrial Property of which Japan, Opposer's national country, is a member and to which convention the Philippines has acceded as of September 27, 1965;

(iii) The registration of the trademark 'Tiger' in the name of respondent-applicant will violate the proprietary rights and interests of the opposer over its trademark 'Tiger' and will therefore cause great and irreparable injury to the latter."

Respondent-Applicant was twice served a Notice of Opposition, filed a Motion to withdraw its Application Serial No. 48784 for the trademark "TIGER".

WHEREFORE, foregoing premises considered -

- (a) The Notice of Opposition in Inter Partes Case No. 3213 is DISMISSED for having become moot; and
- (b) Respondent's Application Serial No. 48784 for the trademark "TIGER" is hereby declared WITHDRAWN and/or VOLUNTARILY ABANDONED.

Let the records be forwarded to the Application, Issuance & Publication Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director