



In the presentation of evidence, Opposer submitted their trademark registration for CERBERUS issued by this Office (Exhibit B-7) under Registration No. 19158 dated 18 June 1973. Hence, Registration of the mark CERBERUS in the name of the Respondent-Applicant is proscribed by par. D. Section 4 of Republic Act 166 which provides:

“Section 4. Registration of trademarks, tradenames and service-marks on the principal register. x x x The owner of a trade-mark, trade-name or service-mark used to distinguish his goods, business or services from the goods, business or services of others shall have the right to register the same on the principal register, unless it:

xxx

“(d) Consists of or comprises a mark or trade-name which so resembles a mark or trade-name registered in the Philippines or a mark or trade-name previously used in the Philippines by another and not abandoned, as to be likely, when applied to or used in connection with the goods, business or services of the applicant, to cause confusion or mistake or to deceive purchaser”.

Furthermore, Opposer presented in evidence its registration for the mark “CERBERUS” in the following grounds:

- a. SWITZERLAND (Exh. “B-1”)
- b. FINLAND (Exh. “B-2”)
- c. DENMARK (Exh. “B-3”)
- d. COLUMBIA (Exh. “B-4”)
- e. AUSTRALIA (Exh. “B-5”)
- f. U.S.A. (Exh. “B-6”)
- g. GREECE (Exh. “B-8”)
- h. Other countries which are members of the Madrid Convention (Exh. 9)

In as much as the Philippines and the countries above-enumerated are members by the Treaty of Paris for the Protection of Intellectual Properties, this Office is bound by the provisions of the said Treaty particularly Section 6bis which states that –

“The countries of the Union undertake, either administratively of their registration so permits, or at the request of an interested party, to refuse or to cancel the registration and to prohibit the use of a trademark, which constitutes a reproduction, imitation or translation, liable to create confusion, of a mark considered by the competent authority of the country a being already the mark or a person entitled to the benefits of the present Convention and used for identical or similar goods. These provisions shall apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion with.”

WHEREFORE, premises considered the herein Notice of Opposition is, as it is hereby SUSTAINED. Accordingly, Serial No. 43528 for the mark “CERBERUS” filed by Respondent-Applicant, Antonio V. Urbano, is hereby REJECTED.

Let the records of this case be demanded to the Application, Issuance and Publication Division for appropriate action with this Decision. Likewise, let a copy of this Decision be furnished Trademark Examining Division for information and to update its record.

SO ORDERED.

IGNACIO S. SAPALO  
Director