

CITIGROUP INC.

Opposer,
- versus -

IPC 14-2006-00033

Opposition to:
TM Application No. 4-2003-006641
(Filing Date: 25 July 2003)

CONNAUGHT CENTER HOLDINGS, INC.

Respondent-Applicant.

TM: "CITYPERKS"

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Decision No. 2007-14

DECISION

Before this Office is an Opposition filed by Citigroup Inc, a corporation duly organized under and by virtue of the laws of the State of Delaware, with principal office at 399 Park Avenue, New York, New York 10043 U.S.A., against the application for registration of the trademark "CITYPERKS" for discount cards under International Class 35, with Application Serial No. 4-2003-006641 and filed on 25 July 2003 in the name of Respondent-Applicant, Connaught Center Holdings, Inc. with address at 17th Floor Liberty Center, 104 H.V. Dela Costa St., Salcedo Village, Makati City.

The grounds for the opposition to the registration of the trademark CITYPERKS are as follows:

"1. "CITYPERKS" is confusingly similar to and is a colorable imitation of CITIGROUP's CITI family of marks which are registered in most other countries around the world, including the Philippines, and internationally well-known, resulting in confusion as to CITYPERKS services and origin with CITIGROUP, in violation of its rights under Section 147.1 of the Intellectual Property Code, in relation to Section 123.1 (d) and (g) thereof.

"2. "CITYPERKS" is confusingly similar to and is a colorable imitation of CITIGROUP's CITI family of internationally well-known marks, resulting in confusion as to CITYPERKS' services and origin with CITIGROUP, in violation of its rights under Article 6bis of the Paris Convention, Article 16 of the TRIPS Agreement, and Section 123.1 (e) and (f) of the Intellectual Property Code.

Opposer relied on the following facts to support its contentions in this Opposition:

"1. CITIGROUP, its predecessors-in-interest and subsidiaries are, and have always been, the owner of the "CITI" prefix since it was first used by CITIBANK and CITICORP in its business operations and on various banking and financial services long before the alleged date of first use and/or application for registration of the mark "CITYPERKS" by respondent-applicant, not only in USA, its home country, but also in most other countries around the world, including the Philippines.

"2. CITIGROUP's "CITI" family of marks generally follow a basic and distinctive pattern. As seen the Master File Report listing 3, 138 "CITI" Registration owned by CITIBANK, N.A. and CITIGROUP INC. as of 3 November 2005 (a copy of which is attached to the Affidavit accompanying this Opposition as Annex "BB" thereof), when not used alone the prefix "CITI" may be conjoined to a generic or descriptive term like "CITICORP", or to an adjective or noun suggestive of special benefits like "CITIPRIVILEGES", "CITIPREMIERPASS", "CITIELITE", "CITIBEST" or "CITIXTRAS." When pronounced, promoted, overheard, or spelled, "CITYPERKS" may this be unavoidably associated with the "CITI" family of marks, to the detriment of CITIGROUP.

"3. The trademark "CITYPERKS" applied in connection with the use of discount cards is not only similar to CITIGROUP's Philippine-registered trademarks like CITIGOLD AND CITISERVICE, but as a discount card, appears to be closely related to CITIGROUP'S CITICARD, CITIBANK ICARD, and CITIBANK TRAVEL CARD, as well as other well-known CITIPRIVILEGES and CITIBANK REWARDS marks promoted in the Philippines, thus confusing the relevant consumer sector of the public which could, in all likelihood, confuse "CITYPERKS" with the products and services offered by CITIGROUP. Indeed, if the ordinary consumer overhead a radio advertisement or promotional plug advertising "CITYPERKS", it would not even be able to distinguish a prefix ending in "y" from a prefix ending in "i".

"4. In the Philippines, CITIGROUP continues to use its "CITI" marks under International Class 35.

"5. By virtue of CITIGROUP's prior use and prior registration of the "CITI" marks registered in the Philippines, and prior use and registration of the aforementioned "CITI" family of marks in most other countries around the world, said "CITI" marks have become so popular and well-known goodwill established by CITIGROUP with the relevant public that has identified CITIGROUP and CITIBANK as the source of services bearing the aforementioned "CITI" family of marks, that said well-known marks are entitled to protection under Sections 123.1 (e) and (f) and 147.2 of the Intellectual Property Code, in accordance with Philippine treaty obligations relative to the country's undertakings in Article 6(bis) of the Paris Convention and Article 16 of the TRIPS Agreement.

"6. The use of the prefix "CITI" by CITIBANK pursuant to its USA registration as early as March 26, 1959 (as evidenced a copy of the Certificate of Renewal hereto attached as Annex "B"), and the large amounts of money spent by CITIGROUP and CITIBANK to promote its "CITI" family of marks in the Philippines and in many other countries all over the world, account for the international consumer popularity and distinction that CITIGROUP and CITIBANK enjoy as the recognized owner and source of high quality services which the public has come to associate with the "CITI" family of marks. Due to its obvious similarity to the "CITI" family marks, "CITYPERKS" would unwittingly and unavoidably receive undue mileage and benefits from CITIGROUP's promotional and advertising expenses allowing respondent-applicant the benefits of name recall without any cost to the latter.

"7. The distinctive and valuable goodwill associated with the "CITI" family of marks runs the risk of being diluted, if not tarnished, financially lessened, and prejudicially weakened, if the trademark "CITYPERKS" is registered by respondent-applicant, an entity not connected to or affiliated with CITIGROUP.

"8. So confusingly similar is the trademark "CITYPERKS" sought to be registered by respondent-applicant when applied to or used in conjunction with Discount Cards, that the likelihood of confusion with "CITIGROUP's products and services and the general deception of the relevant public as to the source or origin of "CITYPERKS" is practically inevitable.

"9. So veritably similar to the "CITI" family marks is the trademark "CITYPERKS" that its use by respondent-applicant could unwittingly and unavoidably suggest that a connection with CITIGROUP's products and services, particularly with respect to the use of CITICARD and CITIBANK Rewards promotions, that it may even result in defrauding CITIGROUP of its long-established business.

The Notice to Answer dated 29 March 2006 was sent to Respondent-Applicant's Counsel, Tantoco Villanueva De Guzman & Llimas directing it to file its Verified Answer within a

prescribed period from receipt. The Bureau received Respondent's Verified Answer on May 16, 2006.

Respondent in its Answer interposed the following ADMISSIONS and DENIALS:

1. "Respondent-Applicant SPECIFICALLY DENIES the allegations contained in paragraph 1 of the Notice of Opposition, Respondent-Applicant not being familiar with the juridical personality of the Plaintiff;
2. " Respondent-Applicant ADMITS the allegations in paragraph 2 of the Notice of Opposition with respects to the circumstance of the Respondent-Applicant;
3. " For lack of knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs 3 and 4 of the Notice of Opposition with regard to Opposer's corporate profile and circumstances pertaining to the alleged registration of certain trademarks and Opposer's supposed rights under such registration, the Respondent-Applicant SPECIFICALLY DENIES the same;
4. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph 5 of the Notice of Opposition for lack of basis to support the same since, as will hereinafter be discussed and show, there can be no confusion between CITYPERKS and CITI marks. Moreover, the words "CITY" and "PERKS" are words of general application and meaning and, needless to say may be used by anyone;
5. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph 6 of the Notice of Opposition. As will be shown and discussed below, the provisions of law cited by Opposer are wholly irrelevant and entirely inapplicable to the instant case as the mark subject of the application does not bear any resemblance to the mark allegedly owned by Opposer, such that the likelihood of deception or of causing confusion is highly improbable and exists only in the mind of Opposer;
6. "Respondent-Applicant SPECIFICALL DENIES the allegation in paragraph 7 of the Notice of Opposition with regard to the alleged ownership and intellectual property rights over the marks mentioned therein, specifically the use of the term "CITI", for lack of information sufficient to form a belief as to the truth or falsity thereof. Moreover, the provisions of law cited by the Opposer are totally inapplicable in the instant case since, as will hereinafter be shown and discussed, the "CITYPERKS" and "CITI" marks are neither identical nor similar to each other, and the use of "CITYPERKS" would not at all indicate nor even suggest in the slightest possible way a connection to CITIGROUP. Thus, Opposer's claim of damage, potential or actual, is completely baseless and merely illusory;
7. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph 8 of the Notice of Opposition for lack of basis to support the same. As will hereinafter be shown and discussed, there is no similarity at all between "CITI" and "CITYPERKS";
8. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph 9 and 10 to the extent that the same cites provisions of law that are wholly irrelevant, immaterial and inapplicable to the instant application. Likewise, Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (a) on page 10 of the Notice of Opposition for lack of information sufficient to form a belief as to the truth or falsity thereof;
9. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (b) on page 10 of the Notice of Opposition with regard to the use of the prefix "CITI" for lack information sufficient to form a belief as to the truth or falsity thereof and

SPECIFICALLY DENIES the rest for lack of basis to support the same, as will hereinafter be explained;

10. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph c on page 10 and 11 of the Notice of Opposition for lack of basis to support the same, as will hereinafter be shown and discussed;
11. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (d) on page 11 of the Notice of Opposition for lack of information sufficient to form a belief as to the truth or falsity thereof;
12. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (e) on page 11 of the Notice of Opposition for lack of information sufficient to form a belief as to the truth of falsity thereof;
13. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (f) on page 12 of the Notice of Opposition with regard to the circumstances of Opposer for lack of information sufficient to form a belief as to the truth or falsity thereof, and SPECIFICALLY DENIES the rest, for being self-serving and bereft of factual and legal basis, as will hereinafter be explained;
14. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (g) of page 12 of the Notice of Application for being self-serving and for lack of factual and legal basis, as will hereinafter be shown and discussed;
15. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (h) on page 12 of the Notice Application for being self-serving and for lack of factual and legal basis, as will hereinafter be shown and explained;
16. "Respondent-Applicant SPECIFICALLY DENIES the allegation in paragraph (i) of page 13 of the Notice of Application, particularly the allegations of fraud, considering the Opposer does not even have a right, intellectual or proprietary, over the use of the mark "CITY", the same being generic and incapable of appropriation.

and by way defense further stated the following, to wit:

- a. "the trademark sought to be registered "CITYPERKS" does not in any way resembles CITIGROUP's "CITI" mark and would not in any imaginable way cause confusion or deceive the public;
- b. "CITY", the first of the trademark sought to be registered is spelled differently from "CITI". The word "PERKS", on the other hand, cannot be confused with a still non-existent product or financial service or promotional endeavour of CITIBANK or CITIFINANCIAL. Simply put, to allow the Opposer to claim a right over a matter that does not exist is ludicrous;
- c. "It is worthy of note that the words "CITY" and "PERKS", are words of general description and meaning which cannot be exclusively appropriated by any one and are thus open for everyone to use. Thus, the instant opposition has no legal basis at all.
- d. "Applying the dominancy test, there is NOT EVEN an iota of similarity in the appearance of the two products, taking into consideration the marks' respective individual dominant features. CITYPERKS membership form with the picture of the CITYPERKS privilege card on page 91 of the Handy City Pages 2003-2004 edition, which was attached as Exhibit "1" and made an integral part hereof, would readily reveal the lack of any similarity whatsoever to "CITI". Furthermore, a review of the

Opposer's Annexes "FF-1" to "FF-16" and "GG-1" to "GG-8", easily affirms the absence of any similarity between the two marks. In fact, juxtaposing the two marks highlights the differences between them. Verily, the writing style, font, form, shape, format, color and the background or setting in which the words appear are obviously different such that the two cannot be mistaken even by persons not familiar with the two services or products.

- e. "The CITYPERKS membership discount card glaringly emphasizes the huge dissimilarities between the two marks:
1. The font of "CITYPERKS" is wide and thick, while that of "CITI" is predominantly thin;
 2. The color of the font of "CITYPERKS" is violet, while that of "CITI" is dark blue with a red semi circle on top of the last letters "ITI";
 3. The background in which the word "CITYPERKS" appears is bright yellow with a drawing of the city skyline with the top view of buildings and the setting sun, similarity found in the "Handy City Pages" logo, while no such background setting can be found in any of the promotional materials for "CITI" mark distributed locally or abroad as seen in Opposer's Annexes "FF-1" to "FF-16" and "GG-1" to "GG-8";
 4. The background setting of the card has "CITYPERKS" with the same "Handy City Pages" logo right next to the said word, displayed in duplication horizontally filling up the whole discount card. No such background setting can be found in any of the promotional materials for "CITI" marks distributed locally or abroad as seen in Opposer's Annexes "FF-1" to "FF-16" and "GG-1" to "GG-18", this dispelling any notion of confusion or similarity in the two marks;
 5. It must be stressed that the name of the issuing company, Handy City Pages, is prominently displayed in the upper right most corner of the aforesaid card. This unmistakably and very clearly identified the card as one issued by Handy City Pages and not by CITIGROUP or any of its affiliates or subsidiaries;
- f. "In the case of American Cyanamid Company vs. The Director of Patents and Tiu Chian, the Supreme Court ruled that:
- "An examination of the documentary evidence submitted by the parties confirms the findings of the Director of Patents that there are striking differences between the two labels, Exhibits B and C, which preclude the possibility of the purchasing public confusing one product with the other. Said labels are entirely different in size, background, colors, contents, and pictorial arrangement: in short. The general appearances of the labels bearing the respective trademarks are so distinct from each other that petitioner cannot assert that the dominant features, if any, of its trademark were used or appropriated in respondent's own."
- g. "Equally confirmatory rulings can be found in the cases of Mead Johnson & Company vs. N.V.J. Van Dorp Ltd et. al., G. R. No. L-17501, April 27, 1963 and in Bristol Myers Company vs. The Director of Patents & United American Pharmaceuticals Inc., G.R. No. L-21587, May 19, 1966, where the Supreme Court held that there was no confusing resemblance or similarities on the basis of the dissimilarities between the trademark labels.
- h. "It is manifestly clear that the two products do not contain any similar dominant features. Thus, whatever visual impressions that may be created by the marks in the public mind would expectedly be very different from each other. It is very unlikely that one would be mistaken to the other. Accordingly, Opposer's fear that it will suffer damage is merely imaginary and clearly unfounded.

- i. "Further, to follow the Opposer's supposition that "CITYPERKS" when pronounced, promoted, or overheard through a radio advertisement/promotional plug advertisement or otherwise, may be associated with the "CITI" family of marks would lead to the ridiculous conclusion that everyone shall henceforth be precluded from using the word "City", which is a generic word. This is absolutely absurd.
- j. "The foregoing evident and glaring differences would preclude even the remotest possibility of confusing "CITY" with CITIGROUP's "CITI" mark. Consequently, "CITYPERKS" will not receive undue mileage and benefits from CITIGROUP's promotional and advertising expenses. Neither will the "CITI" family of mark's goodwill be diluted or tarnished, nor its financial condition weakened as there will be no general deception to the public regarding the source of "CITYPERKS".
- k. "The malicious imputation by the Opposer that the use of the mark "CITYPERKS" by herein Respondent-Applicant would unwittingly and unavoidably suggest a connection with respect to the use of CITIBANK and CITIBANK Rewards promotion, such that it may even result to defrauding CITIGROUP of its long established business is clearly misplace and has no basis in fact or law. As has been repeatedly mentioned, the two marks are not even similar to each other and their differences are too obvious not be noticed by anyone.
- l. "Evidently, the instant opposition is patently unfounded, immensely ridiculous and lacks factual and legal basis.

From receipt of the Answer, a reply and a rejoinder were subsequently filed by the parties. A Preliminary Conference of the instant suit was initially held on 27 June 2006 wherein the parties manifested their desire to explore the possibility of amicable settlement and requested for time. For failure of the parties to arrive at an amicable settlement, this Bureau terminated the preliminary conference on 16 November 2006 and submitted the case for decision.

Considering that the case was mandatory covered by the Summary Rules under Office Order No. 79, this Bureau required the parties through their counsels to submit their respective position papers. Opposer filed its position paper on 15 January 2007 while Respondent-Applicant filed their on 22 January 2007.

In support of its prayer for the rejection of Application Serial No. 4-2003-06641 for the mark CITYPERKS, Opposer's evidence consisted, among other, of the Intellectual Property Philippines (IPP) issued Certificate of Registration for CITI family of marks namely CITIBANK, CITIBANK PAYLINK, CITIBANK SPEEDCOLLECT, CITIBANKING, CITICARD, CITICORP, CITIFINANCIAL, CITIGOLD, CITIGROUP, CITIPHONE BANKING, CITISERVICE (Annexes "D-P", Opposer); Certificates of Registration issued in other countries for CITI family of marks namely CITIPRIVILEGES, CITIBEST, CITIEXTRAS, CITIBANK WORLD PRIVILEGES, CITIBANK ULTIMA, CITIBANK REWARD, CITI PREMIER PASS, CITIELITE, CITIBANK ICARD, CITIBANK TRAVEL CARD, CITI.YOU (Annexes "A-AA", Opposer); Affidavit of Anne Moses, Assistant Secretary and Chief Trademark Counsel of Citigroup Inc. in New York; Samples of marketing and advertising materials for CITI family of marks in the Philippines.

Attached as documentary evidence, among others, for the Respondent-Applicant are CITYPERKS membership from showing a picture of CITYPERKS discount or privilege card (Exhibit "1", Respondent); Special Power of Attorney which appointed Tantoco Villanueva De Guzman and Llamas Law Offices to be their attorney-in-fact in this present suit.

The issues to be resolved in the instant Opposition case are:

- (a) Whether or not Respondent-Applicant's trademark CITYPERKS is confusingly similar to Opposer's CITI family of marks such that Opposer will be damaged by registration of CITYPERKS mark in the name of Respondent-Applicant; and

(b) Whether or not Respondent-Applicant's trademark application for CITYPERKS should be granted registration.

Opposer filed its application for its first service mark CITICORP in the Philippines on 05 August 1974 and was granted registration on March 1987 with date of first use of the subject service mark on 06 December 1973 under a duly issued Certificate of Registration No. 36857 (Annex "J", Opposer). Respondent applied for the registration of the mark CITYPERKS in the Philippines on 25 July 2003, or more than sixteen (16) years after Opposer obtained its Philippine registration. Although Opposer has shown prior registration thereof, were the evidence sufficient to prove confusing similarity in both trademarks?

This Bureau finds that the issue of confusing similarity can best be resolved by comparative examination or analysis of the marks in question. A comparison of Opposer's and Respondent-Applicant's marks will show that Respondent's CITYPERKS is not confusingly similar to any of Opposer's registered CITI family of marks.

The mark CITI is a coined, invented or made-up word, one that would not naturally occur to other traders to use, examples of famous coined words are the trademarks *Rolex*, *Kodak* and *Kotex*, to name a few. It is the word CITI that dominated the whole appearance notwithstanding the insertion of combination of other words in Opposer's family of marks, CITIBANK, CITIGROUP, CITIFINANCIAL, CITIGOLD, CITISERVICE, among others (Annexes "D-P", Opposer). To achieve a distinctive trademark, Respondent-Applicant, on the other hand, combined and used to common or ordinary words CITI and PERKS as appellation for its membership discount cards (Exhibits "1" Respondent). The mark CITYPERKS was printed and stylized in complete variation to the Opposer's CITI family of marks. Although aurally as emphasized by Opposer, they sound exactly the same when uttered, CITI vis-à-vis CITY, the presentation of the labels are totally different. Applicant's CITYPERKS mark is in blue color with a yellow background, the letters are written in horizontal form with the letters "C" and "P" capitalized but wider in font as against Opposer's CITI marks which is predominantly of the color blue/violet and the letters in narrow print. Although the few services of business engaged in by both Opposer and Respondent-Applicant are apparently or relatively similar, the particular kind of Opposer's business are for the most part associated with banking and finance. It is observed that an ordinary consumer's attention would not be drawn on the minute similarities that were noted but on the differences or dissimilarities of both service marks that are glaring and striking to the eye.

In the case of *Mead Johnson vs. N.V.J. Van Dorp, Ltd.*, 7 SCRA 768, no less than the Supreme Court ruled that: while there are similarities in spelling appearance and sound between "ALACTA" and "ALASKA" the trademarks in their entirety as they appear in their respective labels show glaring and striking differences or dissimilarities such as in size of the containers, the colors of the labels, inasmuch as one used light blue, pink, and white, while Van Drop containers uses two color brands, yellowish white and red; furthermore than mark "ALACTA" has only the first letter capitalized and is written in black while the mark "ALASKA" has all the letters capitalized written in white except that of the condensed full cream milk which is in red.

Similarly, the Supreme Court recognized the following as registrable trademarks for medicinal products: BIOFERIN and BUFFEREIN (*Bristol Myers Company vs. The Director of Patents and United American Pharmaceuticals, Inc.*, 17 SCRA 128); and SULMET and SULMETINE (*American Cyanamid Company vs. Director of Patents, et. al.* G.R. No. L-23954, April 29, 1977).

Opposer's coined word CITI, with red half circle on top of ITI, is combined with a generic word/s such as PHONEBANKING (Annex "O", Opposer), SERVICE (Annex "P", Opposer), SPEEDCOLLECT (Annex "F", Opposer), among other, that described the nature or identity of the service for which it is used. Looking at the word-combination of both marks, purchasers are unlikely to be confused precisely as CITI, which is not a word that exists in any dictionary,

remains to be the dominant portion in all of Opposer's CITI marks, which is not present in Applicant's service mark CITYPERKS. The adoption of CITI in Opposer's family of marks does not create for or confer upon Opposer the right to exclusively appropriate the word CITY. CITY is an ordinary and generic word and no one has exclusive use to it. The use of CITY may constitute a valid trademark particularly in combination with another word which does not particularize the service or article it pertains or describes the nature of the services it offers, as it was in this case. The combination of words and syllables can be registered as trademarks for as long as it can individualize the goods of a trader from the goods of its competitors.

Bolstering this observation is the pronouncement by the Court in the case of *Ethepa vs. the Director of Patents, Westmont Pharmaceutical, Inc.*, 16 SCRA 495, "that while the word by itself cannot be used exclusively to identify one's goods it may properly become a subject of a trademark by combination with another word or phrase; hence, Ethepas's "Pertussin" and Westmont's "Atussin"

Opposer further argues that CITY family of marks are well-known citing provision for the protection of well-known marks for goods or services which are either identical or similar and dissimilar as well contained in Section 123.1 of the Intellectual Property Code of the Philippines (R.A. 8293). Emphasis is placed on paragraph (f) which is the pertinent provision that is applicable to the present case, thus:

"Section 123. Registrability. – 123.1. A mark cannot be registered if it:

x x x

- (i) Is identical with, or confusingly similar to, or constitutes a translation of a mark considered well-known in accordance with the preceding paragraph, which is registered in the Philippines with respect to goods or services which are not similar to those with respect to which registration is applied for: Provided, That use of the mark in relation to those goods or services would indicate a connection between those goods or services, and the owner of the registered mark: Provided further, That the interest of the owner of the registered mark are likely to be damaged by such use;"

x x x

Before evidence showing well-knownness of the mark is assessed and evaluated, there must be shown or established identicalness and/or confusing similarity of the trademarks in question. In as much as this Bureau finds no identicality or confusing similarity between the subject service marks in the light of discussions on the evidence adduced and/or presented to this Bureau, the issued of well-knownness of the mark has become unnecessary.

All told, confusion or deception to the purchasing public or the apprehension, if at all, that the public may be misled into believing that there is some connection or association between Opposer's banking business and other related services using its CITI family of marks and Applicant's membership discount card with CITYPERKS as label or source identifier, the likelihood that these services may be mistaken as coming from the same origin is far-fetched.

Based on the foregoing and despite allegation of prior use by Opposer in the Philippines of CITI family of marks, this Bureau resolves to grant protection to Respondent-Applicant's mark CITYPERKS, the two marks not being confusingly similar.

WHEREFORE, based on the foregoing facts and the evidence, the Notice of Opposition filed by herein Opposer is, as it is hereby, DENIED. Accordingly, the application bearing Serial

No. 4-2003-006641 for the mark "CITYPERKS" filed on 25 July 2003 for use on discount cards is hereby GIVEN DUE COURSE.

Let the filewrapper of CITYPERKS, subject matter of this case be forwarded to the Bureau of Trademarks for appropriate action in accordance with this DECISION.

SO ORDERED.

Makati City, 14 February 2007

ESTRELLITA BELTRAN-ABELARDO
Director, Bureau of Legal Affairs
Intellectual Property Office