

CLUETT, PEABODY & CO.,
INC.,

Opposer,

INTER PARTES CASE NO. 1474

OPPOSITION TO:

Appln. Serial No. 29660
Filed : April 6, 1979
Applicant : Gurnamal Sons
Trademark : BLUE ARROW &
ARROW DEVICE
WITHIN A CIRCLE

GURNAMAL SONS,
Respondent-Applicant.

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DECISION NO. 89-20 (TM)
March 25, 1988

DECISION

Cluett, Peabody & Co. notified this Office on December 19, 1980 of its intention to lodge an Opposition to the registration of the trademark "BLUE ARROW & ARROW DEVICE WITHIN A CIRCLE" for T-shirts, briefs, undershirts, sporting wear T-shirts, shorts, sunsuits, pajamas, jackets and creeper suits in Classes 25 and 28 filed on April 6, 1976 by the Gurnamal Sons under Application Serial No. 29660, published on Page 6781, Volume 76, No. 37 of the Official Gazette dated September 15, 1980 which was officially released for general circulation on November 19, 1980.

Opposer is a foreign corporation organized under the laws of the State of New York, U.S.A., with principal address at No. 433 River Street, Troy, New York, U.S.A., while Respondent-Applicant is a domestic partnership organized by two citizens of India under the laws of the Philippines, with business address at R-413 Nueva Street, Binondo, Manila, Philippines.

On December 19, 1980 Opposer filed an Urgent Motion for extension of time to file Opposition to subject application, which was granted and was given thirty (30) days from December 19, 1980 within which to file said Opposition. Opposer filed on January 19, 1981 its Unverified Notice of Opposition which was later verified on March 18, 1981, the grounds of which are as follows:

"1. The opposer is the owner of the trademark ARROW and Device of an Arrow with the following Philippine registrations and applications:

- a. Philippine Trademark Certificate of Registration No. 1639-R issued March 12, 1976 (originally issued under Certificate of Registration No. 5607-R issued November 20, 1956 which was a reconstitution of the original Bureau of Commerce Certificate of Registration No. 1772-S granted on July 30, 1925), for 'collars, outershirts of all kinds (dress, negligee, work), nightshirts, underwear (undershirts, underdrawers, union suits), neckties, handkerchiefs and pajamas', in Class 25;
- b. Philippine Trademark Certificate of Registration No. 26823 issued February 15, 1979 covering the goods 'pajamas, undershirts; underdrawers, neckties and jackets', under Class 25;

- c. Philippine Trademark Certificate of Registration No. 27581 issued May 31, 1979 covering the goods 'bathing trunks, cabana sets, sports jackets, terry beach jackets and wrap-arounds, walking shorts, ski jackets and pants', under Class 25;
- d. Philippine Trademark Certificate of Registration No. 26743 issued February 15, 1979 for the mark ARROW with Arrow Device First in Fashion for 'shirts and sweater', in Class 25; and
- e. Philippine Trademark Application No. 37011 filed December 7, 1978 covering the goods 'hosiery', in Class 25.

The trademark 'BLUE ARROW in Arrow Device within a Circle' sought to be registered by the respondent-applicant so resembles the aforementioned marks of the opposer that the use of the respondent-applicant's aforesaid mark on its goods will cause confusion and mistake, or will deceive the purchasers thereof, such that the public will be misled to believe that the mark of respondent-applicant and the goods on which respondent-applicant's mark is used are those of CLUETT, PEABODY & CO., INC., the opposer herein.

2. The opposer herein believes that the registration of the trademark 'BLUE ARROW in Arrow Device Within a Circle' in the name of respondent-applicant, Gurnamal Sons, will cause great and irreparable injury and damage to herein opposer, pursuant to Section 4(d), Chapter II of Republic Act No. 166, as amended."

The Opposer, in support of its Opposition, relied on in the following facts:

"1. That the mark 'BLUE ARROW in Arrow Device within a Circle' appearing on the label as actually used on the goods (T-shirts; briefs; undershirts; sporting wear T-shirts; socks; children's wear, such as T-shirts; shorts; sun suits; pajamas; jackets and creeper suits) of respondent-applicant, closely resembles - in fact is almost identical to - Opposer's aforementioned mark 'ARROW with Arrow Device' (collars; outershirts of all kinds /dress, negligee, work/; nightshirts; underwear /undershirts, underdrawers, union suits necktie; handkerchiefs; pajamas; jackets; bathing trunks; cabana sets; sports jackets; terry beach jacket; wrap-arounds; walking jackets ski jackets and pants; shirts and sweaters and hosiery). A comparison of the labels bearing the mark ARROW Device with the labels bearing the mark 'BLUE ARROW in Arrow Device Within a Circle' of the respondent-applicant will show that the use and registration of the two marks will cause confusion and/or mistake, and this will induce the public to believe that the products bearing the said marks of the respondent-applicant, GURNAMAL SONS, are manufactured by the herein opposer, CLUETT, PEABODY & Co., INC.

2. That the Opposer's aforementioned trademarks have already acquired considerable amount of goodwill through its long and exclusive use in the Philippines as early as 1941 on the aforementioned products and said marks are well-known in the Philippines, United States and other countries.

It may further be noted that the mark applied for the registration in the Philippine Patent Office by the respondent-applicant is used on the goods similar to and/or related with (both are in Class 25) those bearing the aforementioned marks of the opposer herein."

This Office sent in due course to Respondent-Applicant a notification of the filing of an Unverified Opposition to subject application, followed by a Notice to Answer sent on April 9, 1981, enclosing a copy of the Verified Opposition requiring Respondent to file its Answer within fifteen (15) days from receipt.

On May 5, 1981, Respondent-Applicant filed its Answer alleging the following affirmative defenses:

“1. That the subject application has been examined by the Examiner of the mark Division of this Office and has not found any confusing similarity either between the alleged trademarks of opposer and or any other trademark and therefore had the application allowed;

2. That, in appearance, significance and sound the respondent’s trademark is grossly different from any of the alleged registered trademarks of opposer;

3. That the alleged products of opposer are not in the Philippine market as their importation is banned and therefore there would be no confusion as to the source of the goods of the respondent which further are marked as required by our laws and regulations;

4. That the word mark ARROW is generic and is open to appropriation and the respondent’s mark is definitely specific as it is composed of two words and with a device in a circle which makes it grossly different from any other trademark.”

Issues having been joined, several pre-trial conferences were held. On October 19, 1982, the parties were directed to submit within thirty (30) days a stipulation of facts. On August 3, 1983, such stipulation was submitted, contents of which are:

“1. The Opposer, Cluett, Peabody & Co., Inc., a corporation duly organized and existing under the laws of the State of New York, U.S.A., is the owner of the trademark ARROW and Device of an Arrow with the following Philippine registrations and applications:

‘a. Philippine Trademark, Certificate of Registration No. 1639-R issued March 12, 1976 (originally issued under Certificate of Registration No. 5607-R issued November 20, 1956 which was a reconstitution of the original Bureau of Commerce Certificate of Registration No. 1772-S granted on July 30, 1925), for “collars, outershirts of all kinds (dress, negligee, work), nightshirts, underwear (undershirts, underdrawers, union suits), neckties, handkerchiefs and pajamas”, in Class 25;

b. Philippine Trademark Certificate of Registration No. 26823 issued February 15, 1979 covering the goods “pajamas, undershirts, underdrawers, neckties and jackets”, under Class 25;

c. Philippine Trademark Certificate No. 27581 issued May 31, 1979 covering the goods “bathing trunks, cabana sets, sports jackets, terry beach jackets and wrap-arounds, walking shorts, ski jackets and pants”, under Class 25;

d. Philippine Trademark Certificate of Registration No. 26743 issued February 15, 1979 for the mark ARROW with Arrow Device First in Fashion for “shirts and sweaters”, in Class 25; and

e. Philippine Trademark Application Serial No. 37011 filed December 7, 1978 covering the goods “hosiery”, in Class 25.’

2. The Respondent-Applicant, Gurnamal Sons, is a partnership organized and existing under the laws of the Philippines, and has adopted and used and is still using the trademark ‘BLUE ARROW and Arrow Device within a Circle’ which arrow is drawn horizontally with its pointed and pointing to left, on Tennis and Badminton Strings, Hand Grips and Chest Expanders, Pelota Rackets, T-shirts, Briefs, Undershirts, Sporting Wear

T-shirts, Socks, Children's Wear, Supporters and Shorts, which is the subject of a trademark application filed with the Philippine Patent Office on April 6, 1976 with Serial No. 29660, which is the subject of opposition by the Opposer;

3. The Opposer has been using the trademark 'ARROW' in commerce in the Philippines on the goods indicated and specified in the Certificate of Registration mentioned in 'a.' to 'd.' of paragraph 1 hereof since 1925 and up to the present; the trademark under 'e.' of said paragraph 1 hereof is covered by Certificate No. 28833 issued on December 29, 1980;

4. The trademark of the Respondent-Applicant, Gurnamal Sons, which has been used in commerce in the Philippines on goods falling under Class 25 and Class 28 (previously designated as Classes 23 and 40) indicated in its aforementioned application (bearing Serial No. 29660 filed April 1, 1976) since February 2, 1976 and such goods are produced in the Philippines;

5. The parties herein have hereby agreed that the only issue to be decided in this case is whether or not the trademark applied for registration by the Respondent-Applicant, Gurnamal Sons, in its application bearing Serial No. 29660 and filed therein under date of April 6, 1976 which is the subject of opposition by the Opposer, Cluett, Peabody & Co., Inc., is confusingly similar to the ARROW trademark of the Opposer;

6. That the Certificates of Registration (except No. 5607-R) and the application for registration of the Opposer's trademarks were on file after the Respondent's application was filed on April 6, 1976."

Thus, the only issue left to be resolved is -whether or not the trademark "BLUE ARROW & ARROW DEVICE WITHIN A CIRCLE" applied for registration by Respondent-Applicant is confusingly similar to the trademark "ARROW & DEVICE OF AN ARROW" owned and registered in the name of the Opposer.

Opposer asserts that it is so and submitted the following Exhibits on September 15, 1983 to support its contention:

| <u>Exhibits</u> | | <u>Description</u> |
|-----------------|---|--|
| "A" | - | Certified copy of Trademark Certificate of Registration No. R-1639. |
| "B" | - | Certified copy of Trademark Certificate of Registration No. 26823. |
| "C" | - | Certified copy of Trademark Certificate of Registration No. 27581. |
| "D" | - | Certified copy of Trademark Certificate of Registration No. 26743. |
| "E" | - | Certified copy of Trademark Certificate of Registration No. 28833. |

In its Memorandum dated and submitted to this Office on September 15, 1983, Opposer maintained that in determining whether or not confusing similarity exists, the "Test of Dominancy" should be applied as decided by the Supreme Court as follows:

"In the cases involving infringement of trademark brought before the Court, it has been consistently held that there is infringement of trademark when the use of the mark

involved would be likely to cause confusion or mistake in the mind of the public or to deceive purchasers as to the origin or source of the commodity; that whether or not a trademark causes confusion and is likely to deceive the public is a question of fact which is to be resolved by applying the 'test of dominancy', meaning, if the competing trademark contains the main or essential or dominant features of another by reason of which confusion and deception are likely to result, then infringement takes place; that duplication or imitation is not necessary, a similarity in the dominant features of the trademarks would be sufficient." (Philippine Nut Industry, Inc. vs. Standard Brands, Inc., 65 SCRA 575; PP. 579-580)

Opposer pointed out that the dominant feature in both the Opposer's and Respondent's marks is the word "ARROW"; that in a similar case wherein it was held that the trademark "PHILIPPINE PLANTERS CORDIAL PEANUTS" is confusingly similar to the trademark "PLANTERS COCKTAIL PEANUTS" because of the word "PLANTERS" in both marks, the Supreme Court ruled, thus:

"1. The first argument advanced by Petitioner which we believe goes to the core of the matter in litigation is that the Director of Patents erred in holding that the dominant portion of the label of Standard Brands in its can of salted peanuts consists of the word PLANTERS which has been used in the label of Philippine Nut for its own product. According to Petitioners, PLANTERS cannot be considered as the dominant feature of the trademarks in question because it is a mere descriptive term, an ordinary word which is defined in Webster International Dictionary as 'one who or not that which plants or sows; a farmer or an agriculturists' (pp. 10-11, Petitioner's Brief). We find the argument without merit. While it is true that PLANTERS is an ordinary word, nevertheless it is used in the labels not to describe the nature of the product, but to protect the source or origin of the salted peanuts contained in the cans. The word PLANTERS printed across the upper portion of the label in bold letters easily attracts and catches the eye of the ordinary consumer and it is that word and none other than sticks in his mind when he thinks of salted peanuts." (Philippine Nut Industry, Inc. vs. Standard Brands, Inc., supra)

Respondent-Applicant, on the other hand, in its Memorandum dated October 24, 1983 submitted to this office, contends that "there is no confusion created by the simultaneous use of the two trademarks involved in this case" for the following reasons:

- (1) Respondent-Applicant's trademark is different in appearance from the trademark of the Opposer. – The trademark of Respondent-Applicant is composed of two words "BLUE ARROW" and Device consisting of a blue arrow pointing to the left and a circle which encloses the composite mark, while the trademark of the Opposer is composed of a word ("ARROW" in bold letters with an arrow crossing the letters and pointing to the right).
- (2) In sound, the two marks are different. – It takes more time to read or pronounce a two-worded mark than a one-worked mark.
- (3) In meaning, the two marks are also different. – If one sees an arrow without a circle, it refers to Opposer's mark, but when one sees a blue-arrow within a circle, it certainly is referring to Respondent-Applicant's trademark. The lone word "ARROW" is very broad, while the composite mark "BLUE-ARROW" is restricted to BLUE arrow only.
- (4) The Respondent-Applicant's trademark deserves to be registered despite Opposer's registered trademark. – The Supreme Court ruled in the case of Acoje Mining Co., Inc. vs. Director of Patents (G.R. No. L-28744, April 29, 1971) that for the purpose of the law, "the similarity between the two labels is such that there is a possibility or likelihood of the purchaser of the older brand mistaking the newer brand for it". Hence, the Supreme Court ruled that "LOTUS" can be registered for Acoje Mining Co., Inc. despite the existence of a current registration of the same mark for the

Philippine Refining Company. It also cited the ruling of the Supreme Court when it declared that "PICI" is not confusingly similar to ICI (Imperial Chemical Ind. vs. Poly Industrial Company, Inc., G.R. No. 57319, Feb. 1, 1982).

- (5) The two trademarks being grossly different, one cannot be mistaken for the other even if they are not side by side. – Even if the goods of Respondent-Applicant are shown to purchasers in the absence of Opposer's goods so labeled with its trademark, still the purchaser can visualize that the goods shown to him are different from the goods of the Opposer because of their gross difference. If the trademark of the Opposer has gained a name and is widely known, as alleged, then this is a way by which is cannot be mistaken for another mark.
- (6) There is no complete appropriation by Respondent-Applicant of the trademark of Opposer. – A mark cannot be considered as confusingly similar to another mark when the latter has added another word to the former's mark. In the case of Caron Corporation v. Conde, Ltd., 213 N.Y.S., 7th 735, 1926), CARONIA was not considered confusingly similar to CARON. There are many instances in which the rule of incomplete appropriation was applied:

"NARCISSE NOIR" and "NARCISSUS" -
(Madame Bergaud, etc. v. Chua Ki,
Inter Partes Case No. 143, Dec. 23, 1960)

"QUEEN OF THE WEST" and "WEST" –
(General Banking Co. v. Gorman,
295 Fed. 168, p. 423)

"RICHARD HELLMAN'S BLUE RIBBON" and "BLUE RIBBON" –
(California Prune Growers v. Derby Flour, 101 F/2/ 838)

"CHICKEN OF THE SEA" and "WHITE CHICKEN" –
(Van Camp Sea Food v. Alexander Stewart Organization, 48 F/27 950)

"U_LAVE" and "LAVA" -
(Waltke & Co. v. Schafer & Co., 263 Fed. 650)

(7) The two marks involved in this case should be viewed in their entirety and not dissected into elemental parts. - Respondent's mark should be viewed as a whole (BLUE ARROW AND DEVICE) and not viewed in part, in which case confusion would not take place at all. The following cases may give light in the resolution of the case:

"In determining this matter, the marks must be considered as a whole and not dissected." (Apex Elect. Mfg. Co. v. Landers, et al., 41 F/2/ 99; B. F. Goodrich Co. v. Hockmayer, et al., 40 F/2/ 99)

"The buyer will not stop to dissect the marks. If he is deceived, he will be deceived by the mark as a whole, and not by any particular part of it." (Celotex Co. v. Millington, 49 F/2/ 1053, C.C.P.A., 1931)

To arrive at a judicious resolution of the issue on confusing similarity, common sense and jurisprudence dictate that the subject marks' similar and distinguishing features should be considered as follows:

(1) Similar Features –

- a) The words in the marks. - Both contain the word "ARROW": Opposer's mark uses the word "ARROW" alone (Exhs. "A", "B", "C" and "D"), or in combination

with the words 'First in Fashion' after it, to read "ARROW First in Fashion" (Exh. "D"), while Respondent- Applicant's mark uses the word "ARROW" prefixed by the word "BLUE" to read "BLUE-ARROW". (See file wrapper.)

- b) The ARROW Device. - Both marks contain an arrow device with the shaft passing horizontally under or through the word/s (Exhs. "A", "B", "C" "D" "E" and file wrapper of Respondent's application).
- c) The letter style used. - Both marks are written in capital letters with a little slant to the right (same exhibits as above).
- d) The goods the marks are used on. - Both marks are used on goods under Class 25. Opposer's goods are outershirts of all kinds (dress, negligee, work), underwear, undershirts, underdrawers, neckties, handkerchiefs and pajamas (Exh. "A"), bathing trunks, cabana sets, sport jackets, terry beach jackets and wrap-arounds, walking shorts, ski jackets and pants (Exh. "C"), pajamas, undershirts, underdrawers, neckties and jackets (Exh. "B"), shirts and sweaters (Exh. l'D"), and hosiery (Exh. "E"); while Respondent-Applicant's goods are T-shirts, briefs, undershirts, sporting wear T-shirts, children's wear, supporters and shorts, after deleting eighteen (18) goods, originally applied for under Class 28. (See file Wrapper, response to Paper No. 3 dated October 3, 1977 and response to Paper No. 5 dated April 17, 1978.)

(2) Distinguishing Features

- a) The words in the marks. - The Opposer's mark contains a single word -- "ARROW" (Exhs. "A" "B", "C" and "E") or "ARROW First in Fashion" (Exh. "D"); while Respondent's mark always contains the two-word "BLUE-ARROW".
- b) The ARROW device. - Opposer's arrow device is a thin one, horizontally piercing through or under the word "ARROW " pointing to the right (see attached facsimiles); while the arrow device of Respondent-Applicant is a big one pointing to the left upon which the words "BLUE-ARROW" are written in its broad shaft.
- c) The color scheme. - Opposer's mark has no definite claim for color, while Respondent has adopted the color blue in its arrow device (see facsimiles).
- d) The goods covered. - The goods upon which the Opposer uses its mark are only those mentioned above under Class 25, while in the case of Respondent-Applicant, aside from those mentioned above under Class 25 also, its mark was originally used on tennis rackets, badminton rackets, table tennis rackets, tennis and badminton strings, tennis and table tennis balls, badminton shuttle cocks, volleyballs, soccer balls, handgrips and chest expanders, pelota rackets, wrist sweatband, head sweatbands and squash rackets, which were later deleted upon its own request (see responses to Paper No. 3 and Paper No. 5 dated October 3, 1977 and April 17, 1978, respectively).
- e) Other differences. - Respondent-Applicant's mark is inside a circle, while that of the Opposer is not.

This Office agrees with the Opposer that in resolving the issue on confusing similarity between "ARROW" for the Opposer, and "BLUE-ARROW" within a Circle" for Respondent, the "test of dominancy" should apply. Accordingly, the common dominant features of the contending marks are the word "ARROW" and the "ARROW DEVICE". As seen therefrom, the similarities are: both marks use the word "ARROW" and the "ARROW DEVICE; the word "ARROW" in both are written in a similar style (slightly slanted capital letters); both are used on similar, if not identical goods (clothing under Class 25). Their differences are: the Opposer's mark is the plain

word "ARROW" while Respondent's is the word "ARROW" preceded by the word "BLUE" to read "BLUE-ARROW"; Respondent has adopted the blue color scheme while the Opposer has no claim for color; the Opposer's arrow device has a thin shaft under or piercing the word "ARROW" and pointing to the right, while that of Respondent has a broad shaft pointing to the left upon which the words "BLUE-ARROW" are written; Opposer's goods which use the mark belong to Class 25, while Respondent's goods originally belong to Classes 25 and 28 but was pared down to Class 25 upon written request of Respondent; and the Opposer's mark is plain "ARROW" with an arrow device, while Respondent's mark is "BLUE-RIBBON & ARROW DEVICE WITHIN A CIRCLE" in its application form but of the 23 labels it submitted, only one showed the mark within a circle and apparently intercalated with a blue ball pen. A submitted plastic label for badminton and tennis strings is with a blue circle but such goods had been deleted from the original list of goods (supra).

The foregoing clearly establishes that the similarities are marked, glaring and striking, while their differences are only slight and insignificant.

In effect, Respondent - by adopting "BLUE--ARROW AND ARROW DEVICE WITHIN A CIRCLE" - has taken a free ride, so to speak, on the reputation and goodwill of the "ARROW" with an arrow device mark of Opposer. This was likely calculated to mislead the buying public into believing that the goods sold by Respondent bearing the mark applied for was manufactured and sold by the Opposer. The Supreme Court, in a similar case, ruled:

"A similar question was asked by this Court in *Clarke vs. Manila Candy Co.*, 36 Phil. 100, when it resolved in favor of plaintiff a case of unfair competition based on an imitation of Clarke's packages and wrappers of its candies the main feature of which was one rooster. The Court queried thus: 'x x x why, with all the birds in the air and all the fishes in the sea, and all the animals on the face of the earth to choose from, the defendant company (Manila Candy Co.) selected two roosters as its trademark, although its directors and managers must have been well aware of the long-continued use of a rooster by the plaintiff with the sale and advertisement of its goods? x x x A cat, a dog, a carabao, a shark or an eagle stamped upon the container in which candies are sold would serve as well as a rooster for purposes of identification as the product of defendant's factory. Why did defendant select two roosters as its trademark?'

Petitioner contends, however, that there are differences between the two trademarks, such as the presence of the word 'Philippine' above PLANTERS on its label, and other phrases, to wit: 'For Quality and Price, Its Your Outstanding Buy', the address of the manufacturer in Quezon City, etc., plus a pictorial representation of peanuts overflowing from a tin can, while in the label of Standard Brands, it is stated that the product is manufactured in San Francisco, California, and on top of the tin can is printed 'Mr. Peanut' and the representation of a humanized peanut.

We have taken note of those alleged differences but We find them insignificant in the sense that they are not sufficient to call the attention of the ordinary buyer that the labeled cans come from distinct and separate sources. The word 'Philippine' printed in small type in petitioner's label may simply give to the purchaser the impression that the particular can of PLANTERS salted peanuts is locally produced or canned but that what he is buying is still PLANTERS canned salted peanuts and nothing else." (*Phil. Nut Industry, Inc. v. Standard Brands, Inc.*, 65 SCRA 575, P. 583)

The use of the dominant word "BLUE ARROW" will, indeed, tend to create in the minds of unwary purchasers that the goods or products under such marks come from the same source origin to the prejudice of Opposer's products. On this score, the Supreme Court, in addition to the above citations, prescribed a guiding formula:

"x x x that whether or not a trademark causes confusion and is likely to deceive the public is a question of fact which is to be resolved by applying the test of dominancy,

meaning if the competing trademark contains the main or essential or dominant features of another by reason of which confusion and deception are likely to result, then infringement takes place, that duplication or imitation is not necessary or similarity in the dominant feature of the trademark would be sufficient.” (Co Tiong Sa vs. Director of Patents, 1954, 95 Phil. 1; Clark v. Manila Candy Co., 36 Phil. 100; Alhambra Cigar & Cigarettes vs. Mojica, 27 Phil. 266)

Furthermore, in meaningful prose, the Supreme Court, through Justice Cecilia Munoz Palma, stated:

“x x Differences there will always be, but whatever differences exist, these pale into insignificance in the face of an evident similarity in the dominant feature and overall appearance of the labels of the parties.” (Phil. Nut Industry, Inc. v. Standard Brands, Inc., supra)

A more categorical judicial observation on the “profit motive” of the junior adopter of a certain mark was enunciated in another case by the Supreme Court, to wit:

“Of course, as in all the cases of colorable imitations, the unanswered riddle is why, of the millions of terms and combinations of letters and designs available, the appellee had to choose those so closely similar to another’s trademark if there was no intent to take advantage of the goodwill generated by the other mark.” (American Wire & Cable Co. v. Director of Patents, 31 SCRA 544)

WHEREFORE, the Opposition is hereby given due course. Accordingly, Respondent’s Application Serial No. 29660 for the trademark “BLUE-ARROW & DEVICE WITHIN A CIRCLE” for goods under Class 25 is hereby REJECTED.

Let the records of this case be transmitted to the Trademark Examining Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director