

HAGGAR COMPANY,
Petitioner,

INTER PARTES CASE NO. 1088

PETITION FOR CANCELLATION

Cert. of Regn. No. SR-2710

Issued : December 20, 1976

Registrant : Jag & Hagggar Jeans &
Sportswear Corporation

Trademark : HAGGAR

Used on : Textile products –
pants and shirts

- versus -

JAG HAGGAR JEANS &
SPORTSWEAR CORPORATION
Respondent-Registrant.
x-----x

DECISION NO. 88-25 (TM)
May 19, 1988

DECISION

This is a Petition filed by Hagggar Company (Petitioner) seeking the cancellation of Certificate of Registration No. SR-2710 issued on December 20, 1976 in favor of Respondent-Registrant, Jag & Hagggar Jeans & Sportswear Corporation, for the trademark "HAGGAR" used on textile products -pants and shirts.

Petitioner is a foreign corporation organized and existing under the laws of the United States of America of the United States America, holding office at Dallas, Texas, U.S.A., while Respondent-Registrant is a domestic corporation organized and existing under the laws of the Philippines with business address at 1399 Samson Road, Caloocan, City, Metro Manila.

The Petition sets forth the following arguments:

"a) That the registrant was not entitled to register the mark at the time of its application for registration thereof;

b) That the registration is in violation of and will run counter to Sec. 37 of Republic Act 166 and Art. 8 of the Union Convention of Paris of March 20, 1883 for the Protection of Industrial Property."

On December 29, 1977, Respondent filed its Answer denying specifically all the material allegations of the Petition and raising therein special and affirmative defenses.

After the pre-trial conference, the case was set for hearing on the merits. A series of incidents ensued which considerably caused the snag in the immediate disposal thereof, coupled with the reorganization of the then Ministry of Trade into Ministry of Trade and Industry which was also subsequently reorganized into the new Department of Trade and Industry.

On April 28, 1988, Cancellation Order No. 88-1 was issued by this Bureau ordering the above-named trademark registration cancelled for failure of Respondent-Registrant to file the 5th and 10th anniversary affidavits of use/non-use of the said registration in accordance with 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 registration 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 nonuse and is not due to any intention to abandon the same, and pay the required fee.”
(Underscoring supplied)

Pursuant to the aforestated Order and provision of law, the herein Petition for Cancellation is hereby ordered DISMISSED for being moot and academic.

Let the records of this case be transmitted to the Application, Publication & Documentation Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director