

LAINIERE DE ROUBAIX,
Petitioner,

INTER PARTES CASE NO. 1610

PETITION FOR CANCELLATION

- versus-

Cert. of Regn. No. 28267
Issued : October 3, 1980
Registrant : J&P Garment Makers,
Inc.
Trademark : RODIER PARIS
Used on : Shirts, sportshirts

J & P GARMENT MAKERS, INC.,
Respondent-Registrant.

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DECISION NO. 88-103 (TM)
October 12, 1988

DECISION

Lainiere de Roubaix, a French corporation, filed a petition for Cancellation of Certificate of Registration No. 28627 issued on October 3, 1980 to J & P Garment Makers, Inc., a domestic corporation, for the trademark "RODIER PARIS & DEVICE" ("PARIS" disclaimed) used on goods under Class 25.

Records show that Respondent-Registrant filed its Answer to the Petition. After trial, Petitioner filed its Formal Offer of Evidence and Memorandum, while Respondent-Registrant filed its Comments and/or Objections to Petitioner's Formal Offer of Evidence but failed to present its own evidence.

Records further show that Respondent-Registrant also failed to file an Affidavit of Use or Non-Use on the fifth anniversary as required by Section 12 of Republic Act 166, as amended, the pertinent provision of which reads as follows:

"SEC. 12. Duration.- Each Certificate of Registration shall remain in force for twenty years: Provided, That registrations under the provision 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, an affidavit showing that the mark or trade-name is still in use or showing that its non-use is due to special circumstances which excuse such non-use and is not due to any intention to abandon the same, and pay the required fee."

WHEREFORE, the Petition is DISMISSED; Certificate Registration No. 28627 is CANCELLED.

Let the records of this case be remanded to the Application, Issuance and Publication Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director