

pencils, lipsticks, mascara, nail polish, liquid foundations, blushers, sunscreen creams, skin lotions, skin fresheners, skin cleansing creams, eye shadow, eau de cologne, lotions for face and body care, cold creams, solid powder for compacts, cream foundations, skin whitening creams, perfumes, hair lotions, detergents prepared from petroleum for household cleaning use, liquid soaps, cleansers for detergent purposes, bath soaps, cosmetic soaps, shampoos, hair rinses". The application is docketed as Serial No. 4-2005-010139.

"4. The trademark applied for registration was published for opposition in the E-Gazette trademarks section of the Intellectual Property Office (IPO) website on October 19, 2007.

"5. Prior to the lapse of the initial period to file a Notice of Opposition, the Opposer filed on 17 November 2007 its First Motion for Extension of Time to File Verified Opposition, and then another timely Second Motion for Extension of Time to File Verified Opposition on 17 December 2007, and then another timely Third Motion for Extension of Time to File Verified Opposition on 16 January 2008. The Opposer is now filing its Verified Notice of Opposition within the period provided for under the law.

GROUND FOR OPPOSITION

"6. Mary Quant Limited and the Opposer (together "Mary Quant") own trade mark registrations and applications for the internationally well-known mark "DAISY DEVICE" (a stylized flower representation, particularly a five (5) – petal flower device with a circle in the middle) in over 100 jurisdictions.

"7. The Opposer is the owner of the DAISY DEVICE trademark in the Philippines, Trademark Application No. 4-1994-096687 (filed on August 18, 1994) which now forms Trademark Application No. 4-1994-096687 issued on August 18, 2000.

The goods covered by Opposer's registration 4-1994-096687 under Class 03 are as follows: "Soaps, namely: toilet soap, medicated soap, bath soap, shampoo, cosmetics, namely; lipstick, lip cream, lip conditioner, nail polish, nail polish remover, nail conditioner, eye shadow, eyebrow pencils, eye liner, mascara, blusher, cheek powder foundation, liquid foundation, powder foundation, milky lotion, medicated lotion, skin lotion, cold cream, cleansing cream, medicated cream, vanishing cream, skin whitening cream, hand cream, massage cream, nourishing cream, face powder, baby powder, face packs, face masks, sunscreen lotion, sunscreen cream, suntan lotion, sun oil, make-up remover, bath powder, bath salts, bath oils, essential oils, perfumery, namely; perfume oils, perfume powder, eau-de-cologne, perfumery, dentifrices, namely; toothpaste, tooth powder.

Attached hereto as Exhibit "1" are details of Trademark Registration No. 4-1994-096687 obtained from the Philippine Intellectual Property Office on-line facility.

The Respondent-Applicant's mark MISSHA AND STYLIZED FLOWER DEVICE can be described as follows: a five (5) – petal flower device with a circle in the middle accompanied by the word "MISSHA".

Attached hereto as Exhibit "2" is a copy of an illustration of the Respondent-Applicant's mark MISSHA AND STYLIZED FLOWER DEVICE, which shows the very close and confusing similarity of the major element of the two marks, i.e. the five (5) – petal flower device.

“8. As referred to above Mary Quant also has trademark applications and registrations for the mark “DAISY DEVICE” throughout the world. Details of such applications and registrations in various example jurisdictions (including photocopies of certified copies of UK Trade Mark Certificates for trade mark numbers 888980 and 996393) are, hereto attached as Exhibit 3.

The countries in which Mary Quant owns registered trade marks for DAISY DEVICE in class 03 include, without imitation:

European Community – wide trade marks (CTMs)

Austria
Algeria
Argentina
Australia
Benelux
Canada
China
Columbia
Costa Rica
Cyprus
Czech Republic
Denmark
Ecuador
Egypt
Estonia
Finland
France
Germany
Greece
Hong Kong
Hungary
India
Iran
Ireland
Israel
Japan
Jamaica
Jordan
Latvia
Malaysia
Malta
New Zealand
Norway
Panama
Poland
Pakistan
Romania
Russia
Saudi Arabia
Singapore
South Africa
South Korea
Spain
Taiwan
Thailand
UAE

UK
USA

“9. The history of the Mary Quant brand name dates back to 1955 when its founder Ms. Mary Quant opened a shop called Bazaar with two partners in London. This shop was the predecessor of Mary Quant Limited. In 1958 Mary Quant Limited was incorporated in the UK and officially launched the Mary Quant business.

“10. The company name Mary Quant Limited was derived in 1958 from the personal name of Ms. Mary Quant.

“11. A version of the daisy device first appeared as a doodle on sketches drawn by Ms Mary Quant, the founder of Mary Quant Limited, when she began designing articles of clothing in the 1950s.

“12. A prior version of the daisy device was first used in the United Kingdom in approximately 1961. The current form of DAISY DEVICE, was first registered in the United Kingdom in 1966 under registration number 898084 for medicated preparations, breath freshening preparations and deodorants.

“13. The DAISY DEVICE has been continuously used in the United Kingdom since its registration. In approximately 1966 Mary Quant Limited commenced its cosmetics arm of the business which has played an important role in the business ever since. In 1973 the DAISY DEVICE was registered in respect of cosmetics under registration number 996393.

“14. The DAISY DEVICE was first registered in combination with the mark/name MARY QUANT under registration number 888980 in 1966 in respect of class 3 goods. As referred to at paragraph 6, since 1966 Mary Quant Limited and the Opponent have registered the DAISY DEVICE in over 100 jurisdictions.

“15. Mary Quant has received numerous awards and recognition including:

- 1960 – Ms. Mary Quant was awarded the Sunday Times International Award “Woman of the year”.
- 1966 – Ms. Mary Quant was bestowed with the OBE Honour.
- 1967 – Ms. Mary Quant was awarded the Fellow of Society Industrial Artistic Design Award.
- 1985 – Award from French Ready to Wear Fashion Foundation.
- 1986 – Pareo Award – Best Product for the holidaymaker.

These awards have helped to build up a very substantial goodwill and reputation in the DAISY DEVICE and the Mary Quant business.

“16. The revenue generated by the sale and licensing of products bearing and advertised in connection with the DAISY DEVICE over the last 40 years has been vast. However, to accumulate the total figures over this period would be a significant exercise particularly given that many sales have been obtained by licensees whose accounts display only royalty payments.

As an example of the scale of the global sales, below is a summary of global sales of products bearing or being sold under and by reference to the DAISY DEVICE between 2005 and 2007 in Japan:

Year	Sales
2005	Over 11,819,629,000 JPY
2006	Over 12,430,652,000 JPY
2007	Over 12,341,105,000 JPY

“17. Sales are made from Mary Quant shops, concessions and over the internet. The attached Exhibit 4, by way of example only, are copy trading reports from the London shop.

“18. The DAISY DEVICE has been promoted and advertised widely through many channels including of magazines, press releases, printed advertisements, packaging of products, pamphlets catalogues and posters. Attached as Exhibit 5 is a copy of a selection of the many articles and advertisements that have appeared over the years in publications circulated throughout the USA, UK and Europe by way of example.

“19. Attached as Exhibit is a selection of copies of recent advertising materials circulated in the Asia, including Korea, Japan and Hong Kong, by way of example.

“20. The DAISY DEVICE is synonymous with the Mary Quant name and brand. Filed with this statement and forming Exhibit 7 are copy pages taken from “A Dictionary of Modern Design” by Jonathan M. Woodham and published by Oxford University Press, a book setting out in alphabetical order the iconic and important contributors to modern design. “Q” is represented by Mary Quant who in turn is represented by a mini shirt design and the DAISY DEVICE. The book also makes specific reference to the fact that the “daisy” logo (the DAISY DEVICE) is a trade mark of the Mary Quant Group of companies throughout the world and reproduced with their permission.

“21. The DAISY DEVICE is also affixed to and/or imprinted on the products themselves. A selection of copy advertising materials, press materials, sample packaging and photographs for cosmetic products is attached at Exhibit 8. As can be seen from these exhibits, the DAISY DEVICE forms an integral part of the Mary Quant brand.

“22. The extent to which the DAISY DEVICE is applied to cosmetic products can be seen from a 1996 book entitled “Mary Quant Classic Make Up and Beauty Book”, published in Great Britain by Dorling Kindersley. The DAISY DEVICE can be seen on all types of cosmetics and cosmetic applicators such as make up brushes. Attached at Exhibit 9 are copy page from the “Mary Quant Classic Make Up and Beauty Book” which clearly display us of the DAISY DEVICE.

“23. As a consequence of extensive sales, advertising, promotions and internet presence the DAISY DEVICE has achieved goodwill, reputation and a high level of public awareness throughout the UK and in countries overseas. In particular, the DAISY DEVICE and the Mary Quant name and brand name are extremely well known in Japan where the Opponents the DAISY DEVICE is listed as a “famous mark” by the Japanese Patent Office. Attached at Exhibit 10 is a print out from the on-line Japanese Trade Mark Registry which displays the DAISY DEVICE as a “Well-Known Trade Mark”.

“24. Due to the continuous use of the DAISY DEVICE it is also well known in the United Kingdom. Exhibit 11 is the first page of UK only Google search results against the search term “Mary Quant”. Approximately 62,000 UK only search results are generated from this search term.

“25. Mary Quant owns various domain names including, maryquant.co.jp and maryquant.co.uk are used to promote the extensive range of Mary Quant products sold by reference to the DAISY DEVICE. The Japanese website, www.maryquant.co.jp operates an on-line shop from which goods can be purchased. Products bearing the DAISY DEVICE can also be purchased by mail order from the London shop. Print outs from the Japanese and UK websites are attached at Exhibit 12. The DAISY DEVICE is prominently displayed on each of these websites both in black and white and in different colours. The print outs further demonstrate the wide use of the DAISY DEVICE on all types of products and packaging.

“26. In recent years Mary Quant’s business has significantly expanded, particularly in Asia where the majority of its 200 plus shops and outlets are located.

“27. Mary Quant Limited and the Opposer have taken action throughout the world to protect the substantial value and reputation of the DAISY DEVICE. Legal action and legal complaints have been instigated and issued on occasions against person and/or entities using marks identical or confusingly similar to the DAISY DEVICE in various parts of the world.

“28. By a judgment dated 01 July 1998 approved by the Commercial Division of the Cour de Cassation on 09 October 2001 the Fourth Chamber of the Paris Court of Appeal decided that by reproducing the design of a flower styled with five petals, Andre Courreges infringed the DAISY DEVICE trade mark, ordered Courreges Design to pay Mary Quant Limited the sum of 100,000 French Francs by way of damages and interest prohibited Courreges Design and Andre Courreges from using the sign infringing the DAISY DEVICE and authorized Mary Quant Limited to publish the terms of the judgment in Le Monde. Filed with this statement at Exhibit 13 is a copy of the judgment together with the Le Monde publication.

“29. In Spain much notoriety attaches to the DAISY DEVICE. This has been recognized over the years by the Spanish Trade marks Office in the context of Notices of Opposition that have been filed against registration of “daisy” device trade marks and/or similar designs that either are or incorporate designs that are similar to the DAISY DEVICE. A large number of such applications have been refused in Spain. Filed with this Statement at Exhibit 14 are details of the Spanish trade mark applications which have been successfully opposed over the years.

“30. Notoriety also attaches to the DAISY DEVICE in Chile where a trade mark applications made by the Respondent-Applicant incorporating or similar to the DAISY DEVICE have recently been successfully opposed by the opposer.

“31. Despite numerous successful oppositions the Respondent-Applicant has continued to use and apply to register various marks comprising daisy devices and which are very similar to the DAISY DEVICE.

“32. By way of example, a number of trademark applications made by the Respondent-Applicant worldwide have been successfully opposed by the Opposer on the grounds of similarity to the DAISY DEVICE or voluntarily

withdrawn by the Respondent-Applicant, a summary of these marks are attached at Exhibit 15.

“33. The Respondent-Applicant also applied under application number 4-2005-37164 to register the mark “Mary Kant” in Korea in respect of cosmetic products. The Opposer also successfully opposed this application.

“34. Subsequently, legal proceedings were issued against the Respondent-Applicant in Korea. An application for an interim injunction was made by the Opposer and a Decision for the Seoul Nambu District Court was rendered on 17 August 2006 ordering that the Respondent-Applicant cease use of the trademark and destroy all products, packaging, advertisements and pamphlets bearing the trademark. The Opposer subsequently appealed the injunction, and at a hearing on 27 June 2007 the court issued settlement terms of this settlement provide that the Respondent-Applicant cease use of the trademark, that sales of products carrying the trademark should cease to take place in Korea on 17 August 2007, and that the Respondent-Applicant pays damages to the opposer of KRW 10,000,000 for any and each breach of the terms of the settlement.

“35. In Hong Kong, legal proceedings are on-going but the Respondent-Applicant is currently prevented from using its daisy device on its own by way of an interim injunction issued by the High Court on 12 October 2005.

“36. In Japan, a legal dispute has now been settled with the Respondent-Applicant’s group company agreeing not to use any marks which are identical or similar to a number of Mary Quant’s trademarks.

“37. In Australia and New Zealand, undertakings were obtained from Pacific Publications PTY Limited in February 2003 to cease and desist from any usage of marks infringing the DAISY DEVICE.

“38. In Taiwan, the Opposer took criminal action against the Respondent-Applicant and the Respondent-Applicant’s local licensee who were distributing various products bearing a mark infringing the DAISY DEVICE and manufactured by the Respondent-Applicant. Criminal proceedings were issued in both Taipei and Kaoshiung, and consolidated in Taipei. The licensee’s premises in Kaoshiung were also raided. The Opposer subsequently took civil action against the Respondent-Applicant and the licensee, and a confidential settlement of this action was reached in June 2007. The Respondent-Applicant is no longer using any trademark infringing the DAISY DEVICE in Taiwan.

“39. In the UK, the Opposer has taken successful legal action against two UK companies concerning use of trademarks which infringe the DAISY DEVICE mark. The actions have been successful, with the infringing companies agreeing to cease use of the infringing trademarks. The terms of settlement of another action brought by the Opposer in the UK against a UK company are currently being negotiated.

“40. The Opposer was the first to adopt and register the trademark DAISY DEVICE for trade and commerce in the Philippines. The Opposer’s trade mark DAISY DEVICE proceeded to registration in the Philippines prior to the trademark application of the Respondent-Applicant.

“41. The Respondent-Applicant operates in the same market as the Opposer and it is likely that the Respondent-Applicant has known of the DAISY DEVICE since the Respondent-Applicant’s incorporation in 2000.

“42. Registration of the mark MISSHA AND STYLIZED FLOWER DEVICE in the name of Respondent-Applicant would violate the pertinent provision of Republic Act No. 8293 (Intellectual Property code), hereunder quoted as follows:

“SEC. 132. Registrability – 123.1. A mark cannot be registered if it:

xxx

(d) Is identical with a registered mark belonging to a different proprietor or a mark with an earlier filing or priority date, in respect of:

- (i) The same goods and services, or*
- (ii) Closely related goods or services, or*
- (iii) If it nearly resembles such a mark as to be likely to deceive or cause confusion;*

(e) Is identical with, or confusingly similar to, or constitutes a translation of a mark which is considered by the competent authority of the Philippines to be well-known internationally and in the Philippines, whether or not it is registered here, as being already the mark of a person other than the applicant for registration, and used for identical or similar goods or services: Provided, That in determining whether a mark is well-known, account shall be taken of the knowledge of the relevant sector of the public, rather than of the public at large, including knowledge in the Philippines which had been obtained as a result of the promotion of the mark.”

“43. Opposer’s trademark registration in the Philippines includes the same class of goods as the application made by the Respondent-Applicant. Moreover, Respondent-Applicant’s mark MISSHA AND STYLIZED FLOWER DEVICE closely resembles Opposer’s mark “DAISY DEVICE”, particularly the major element of both marks, i.e., the five (5) – petal flower representation. This gives rise to a confusing similarity between these marks which will cause confusion and deception among the consuming public as to the origin of the Respondent-Applicant’s goods, to the prejudice of Opposer.

“44. The Respondent-Applicant’s mark will be applied to small cosmetic products such as lipsticks, mascara and nail polish. When applied to small items of cosmetics such items as these the impact of any element of the mark which could be said to be distinctive from the DAISY DEVICE will be dramatically reduced. The overall shape of the mark, which is identical to the DAISY DEVICE, and the internal ring will remain prominent.

“45. In addition, Opposer’s trademark “DAISY DEVICE” should be afforded the protection under the laws given to well-known trademarks. Accordingly, Opposer’s trade mark registration number 4-1994-096687 should be given preference and priority over and against Respondent-Applicant’s application MISSHA AND STYLIZED FLOWER DEVICE which is designed to take advantage of the extensive goodwill already established by Opposer’s well-known trademark “DAISY DEVICE”.

“46. Respondent-Applicant’s application closely resembles and appears to be an imitation of Opposer’s duly registered trademark and is likely to cause confusion, mistake and deception to the buying public. It is highly likely that such

confusion between Opposer's and Respondent-Applicant's respective businesses and products will result in damage to the Opposer's business together with the dilution and loss of distinctiveness of Opposer's trademark DAISY DEVICE.

"47. Opposer's trademark and also the Mary Quant business have acquired goodwill in numerous jurisdictions and accordingly, Opposer's rights under the provisions of IP Code and Paris Convention on the Protection of Industrial Property must be protected.

"48. Finally, Opposer is attaching hereto the duly executed Verification of Opposition and proof of authorization to act on behalf of the Opposer.

Opposer essentially prays, thus, that the application for registration of the subject mark be denied.

On September 17, 2008, respondent-applicant filed an ANSWER [TO NOTICE OF OPPOSITION] alleging the following:

"1. Respondent-Applicant received Order No. 2008-1291 dated September 02, 2008 giving the Respondent-Applicant a non-extensible period of thirty (30) days from August 18, 2008 or until September 17, 2008 within which to file the Answer to the Notice of Opposition filed by the Opposer.

"2. Opposer has no cause of action against Respondent-Applicant.

"3. The registration of Respondent-Applicant's MISSHA and stylized flower device for nourishing creams, eyebrow pencils, lipsticks, mascara, nail polish, liquid foundations, blushers, sunscreen creams, skin lotions, skin fresheners, skin cleansing creams, eye shadow, eau de cologne, lotions for face and body care, cold creams, solid powder for compacts, cream foundations, skin whitening creams, perfumes, hair lotions, detergents prepared from petroleum for household cleaning use, liquid soaps, cleansers for detergent purposes, bath soaps, cosmetic soaps, shampoos, hair rinses under class 03 is not proscribed under Republic Act 8293, the treaty obligations of the Philippines and the recent jurisprudence on the subject.

"4. Respondent-Applicant's MISSHA and stylized flower device, taken in its entirety, is not confusingly similar to opposer's mark, and its registration is unlikely to cause any confusion to the public or particular group or class of consumers.

"5. MISSHA and stylized flower device has been identified to Respondent-Applicant through long years of use, promotion and marketing.

"6. There is a claim for the colors red and black for the Respondent-Applicant's stylized flower device, which makes it unlikely to cause any confusion to the public.

Respondent-registrant prays, thus, that the opposition be dismissed for lack of merit and allow the registration of Application Serial No. 4-2005-010139.

The issues to be resolved are as follows:

1. Whether or not respondent-applicant's mark is confusingly similar to opposer's mark "Daisy Device"; and

2. Whether or not respondent-applicant is entitled to the registration the mark "MISSHA AND STYLIZED FLOWER DEVICE".

Respondent-applicant's "MISSHA AND STYLIZED FLOWER DEVICE" is depicted below:



Meanwhile, opposer's "Daisy Device" is depicted below:



A careful perusal of the respective marks of opposer and respondent-applicant shows that the dominant features of said marks are their respective flower devices: Opposer's "Daisy Device" and respondent-applicant's flower device beside the word "MISSHA" are the features of the parties' marks that immediately capture the eye. Moreover, both devices bear a striking resemblance: Both consist of a simple, one-dimensional figure of a flower with five (5) petals and a circular figure in the middle of the flower figure (Underscoring supplied). Notwithstanding the word "MISSHA" that accompany the flower devices of the respective marks, a side-by-side comparison of the competing marks shows confusing similarity between them as the respective flower devices are the dominant features which are almost identical.

Per the Dominancy Test which considers the dominant features of the competing marks, or which gives greater weight to the similarity of the appearance of the product arising from the dominant features of the mark attached to said product in determining whether such mark is confusingly similar with another mark, opposer's "Daisy Device" and the flower device in respondent-applicant's mark "MISSHA AND STYLIZED FLOWER DEVICE" gives the same visual and aural impressions to the public's mind in the light of the goods to which they are used respectively by opposer and respondent-applicant (*McDonald's Corporation v. MacJoy Fastfood Corporation*, G.R. No. 166115, February 2, 2007; *McDonalds Corporation v. L.C. Big Mak, Inc.*, G.R. No. 143993, August 18, 2004). Similarity in size, form and color, while relevant, is not conclusive. Neither duplication/imitation, or the fact that the infringing label suggests an effort to emulate, is necessary. The comparing marks need only contain the main, essential or dominant features of another; and that confusion and deception are likely (*Sterling Products International, Inc. v. Farbenfabriken Bayer Aktiengesellschaft*, G.R. No. L-19906, April 30, 1969; *Lim Hoa v. Director of Patents*, G.R. No. L-8072, October 31, 1956; *Co Tiong Sa v. Director of Patents, et al.*, G.R. No. L-5378, May 24, 1954). Actual confusion is not required: Only likelihood of confusion on the part of the buying public is necessary so as to render two marks confusingly similar so as to deny the registration of the junior mark (*Sterling Products International, Inc. v. Farbenfabriken Bayer Aktiengesellschaft, et al.*, *supra.*). In the case at bench, moreover, the

confusion is heightened as the goods to which the respective marks are used belong to the same class, and are identical and/or related: Class 03.

In this case, then, there is at the least likelihood of confusion of business if the simultaneous use of the marks on the goods to which they are applied, is allowed. An ordinarily prudent purchaser would be induced to assume that respondent-applicant's product under Class 03 originates from opposer or that there is a connection between the two parties when, in fact, there is none (*Sterling Products International, Inc. v. Farbenfabriken Bayer Aktiengesellschaft, et al., supra.*)

As to the first issue, thus, this Bureau rules in the affirmative.

Section 123.1 (d) of the IP Code provides:

"A mark cannot be registered if it:

(d) Is identical with a registered mark belonging to a different proprietor . . . in respect of:

(i) The same goods . . . or

(ii) Closely related goods . . . or

(iii) If it nearly resembles such a mark as to be likely to deceive or cause confusion . . ."

Pursuant to the aforequoted provision, the application for registration of the subject mark may not be allowed: Opposer's mark "Daisy Device" which is confusingly similar to respondent-applicant's mark "MISSHA AND STYLIZED FLOWER DEVICE", and which is applied to goods that are similar and/or closely related to respondent-applicant's goods, is registered on August 18, 2000 per Registration No. 41994096687 for goods under Class 03 namely "*Nourishing creams, eyebrow pencils, lipsticks, mascara, nail polish, liquid foundations, blushers, sunscreen creams, skin lotions, skin fresheners, skin cleansing creams, eye shadow, eau de cologne, lotions for face and body care, cold creams, solid powder for compacts, cream foundations, skin whitening creams, perfumes, hair lotions, detergents prepared from petroleum for household cleaning use, liquid soaps, cleansers for detergent purposes, bath soaps, cosmetic soaps, shampoos, hair rinses*". To repeat, even before respondent-applicant filed the instant application for registration of the subject mark "MISSHA AND STYLIZED FLOWER DEVICE", opposer has already registered a mark which respondent-applicant's mark nearly resembles as to likely deceive or cause confusion and which is applied to goods to which respondent-applicant's goods under Class 03 are similar or closely related. Section 123.1 (d) of the IP Code squarely applies to the instant case.

Moreover, Section 138 of the IP Code provides that a certificate of registration of a mark is *prima facie* evidence of the validity of the registration, the registrant's ownership of the mark, and of the registrant's exclusive right to use the same in connection with the goods and those that are related thereto specified in the certificate (Underscoring supplied.).

Thus, as to the second issue of whether or not Respondent-Applicant is entitled to the registration of subject mark MISSHA AND STYLIZED FLOWER DEVICE, this Bureau rules in the negative.

WHEREFORE, premises considered, the VERIFIED OPPOSITION is, as it is, hereby SUSTAINED. Consequently, Application Serial No. 4-2005-010139 for the registration of the mark "MISSHA AND STYLIZED FLOWER DEVICE" filed on October 13, 2005 by respondent-applicant ABLE C & C COMPANY LIMITED for goods under Class 03, namely, "*Nourishing creams, eyebrow pencils, lipsticks, mascara, nail polish, liquid foundations, blushers, sunscreen*

creams, skin lotions, skin fresheners, skin cleansing creams, eye shadow, eau de cologne, lotions for face and body care, cold creams, solid powder for compacts, creamy foundations, skin whitening creams, perfumes, hair lotions, detergents prepared from petroleum for household cleaning use, liquid soaps, cleansers for detergent purposes, bath soaps, cosmetic soaps, shampoos, hair rinses" is, as it is hereby, REJECTED.

Let the filewrapper of this case together with a copy of this Decision be forwarded to the Bureau of Trademarks for appropriate action.

SO ORDERED.

Makati City, January 26, 2009

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