

REVLON, INC.,
Opposer,

INTER PARTES CASE NO. 3289

OPPOSITION TO:

Application Serial No. 60684
Filed : January 9, 1987
Applicant : Revillon Luxe
Trademark : REVILLON FRENCH
LINE
Used on : Soaps, perfumery,
essential oils, cosmetics,
hair lotion and dentifrices.
-and-

- versus -

INTER PARTES CASE NO. 3290

OPPOSITION TO:

Application Serial No. 60686
Filed : January 9, 1987
Applicant : Revillon Luxe
Trademark : REVILLON
Used on : Soaps, perfumery,
essential oils, cosmetics,
hair lotion and dentifrices.

REVILLON LUXE,
Respondent- Applicant.

x-----x

DECISION NO. 89-34 (TM)
June 13, 1989

DECISION

This is a consolidation of two (2) opposition cases, namely:

- (1) INTER PARTES CASE NO. 3289 filed on November 18, 1988 by Revlon, Inc. against the registration of the trademark "REVILLON FRENCH LINE" for soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices and other goods in Class 3 applied for on January 9, 1987 by Revillon under Application Serial No. 60684, published on Page 9, Volume 1, No. 8 of the October 21, 1988 issue of the BPTTT Official gazette; and
- (2) INTER PARTES CASE NO 3290 filed likewise on November 18, 1988 by the same party (Revlon, Inc.) against the registration of the trademark "REVILLON" for the same goods, applied for by the same Respondent under Application Serial No. 60686 and published on Page 8 of the same publication, as appearing above in Inter Partes Case No. 3289.

Opposer, Revlon, Inc., is a foreign corporation duly organized under the laws of Delaware, U.S.A., with principal office at 767 Fifth Avenue, New York, New York 10153-0033, U.S.A., while Respondent-Applicant, Revillon Luxe, is a French Joint Stock Company with business address at 42 Rue la Boetie, Paris, France.

The common grounds alleged in these opposition cases are:

“1. The trademark REVILLON FRENCH LINE and REVILLON so resembles Opposers registered trademark REVLON, which has been previously used in commerce in the Philippines and other parts of the world and not abandoned, as to be likely, when applied to or used in connection with goods of Applicant, to cause confusion, mistake and deception on the part of the purchasing public

2. The registration of the trademark REVILLON FRENCH LINE and REVILLON in the name of the Applicant will violate Section 37 of Republic Act No. 166, as amended, and Section 6bis and other provisions of the Paris Convention for the Protection of Industrial Property to which the Philippines and the United States are parties.

3. The registration and use by Applicant of the trademarks REVILLON FRENCH LINE and REVILLON will diminish the distinctiveness and dilute the good will of Opposer`s trademark REVLON.

4. The registration of the trademarks REVILLON FRENCH LINE and REVILLON in the name of the Applicant is contrary to the other provisions of the Trademark Law.”

In both cases, Respondent was sent Notices to file its Answer to the said Notices of Opposition within fifteen (15) days from receipt of thereof. Seasonably, Respondent filed its Answer to both Notices of Opposition denying all the material averments alleged therein.

Both cases were scheduled for pre-trial conference on March 16, 1989. On said hearing, only the Opposer was able to submit its Pre-trial Brief. However, both parties through their respective counsels manifested that there was an ongoing negotiation between their clients abroad for the amicable settlement of these cases.

On May 11, 1989, both parties through their respective counsels filed a Joint Motion to dismiss these two (2) cases (Inter Partes Cases Nos. 3289 and 3290), subject to the terms and conditions agreed upon in their Compromise Agreement which provides that:

“Respondent-Applicant hereby amends the specification of goods entered in its trademark application by substituting the following:

‘perfumery, cosmetics, namely toilet waters, face powders, talc & beauty face milk, any perfumery

The foregoing specification is in consonance with a trademark agreement entered into by the parties herein on 2 August 1948. x x x

Respondent-Applicant likewise undertakes to file the requisite Petition for Amendment with the Director of Patents immediately upon filing of this Motion.”

The foregoing terms and conditions are lawful, fair, equitable and not against sound public policy.

WHEREFORE, subject to the quoted provisions of the Compromise Agreement, inter Partes Cases Nos. 3289 and 3290 are DISMISSED for having become Moot.

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

SO ORDERED.

IGNACIO S. SAPALO
Director