

REYCO INDUSTRIAL SALES
CORPORATION
Opposer,

IPC 14-2006-00175

-versus -

Opposition to:
TM Application No. 4-2005-003543
(Filing Date: 20 April 2005)

MARVIN VILLAFLORES,
Respondent-Applicant.

TM: "ITOMI & DESIGN"

x-----x

Decision No. 07-126

DECISION

For decision is the Notice of Opposition filed by Reyco Industrial Sales Corporation, opposer, a corporation duly organized under Philippine laws with address at 1054-56 R. Regente St. Binondo, Manila against Application Serial No. 4-2005-003543 for the registration of the trademark "TOMI & design" for goods under class 7 namely: "Oil seal, valve seal, gaskets (full set overhauling cylinder head)" in the name of Marvin Villaflores, respondent-applicant, with address at 3220 Narra Street, Barangay Obrero, Tondo, Manila.

The grounds for the opposition are as follows:

10. It is true that pursuant to Section 122 of Republic Act No. 8293, the ownership of a mark shall be acquired through registration thereof but such ownership, as above-discussed, may be rebutted by a showing the a claimant has actually used in the industry long before the registrant has actually used the same.

10.1 Said Honorable Supreme Court:

"x x x In a complaint for infringement involving two similar trademarks, the trademark owner who is the prior user thereof prevails. And as between two competing marks which are both registered, the registrant who has prior use thereof has a better right than that of non-user or later user. x x x (Emerald Garments Manufacturing Corporation vs. Court of Appeals, 66 SCRA 865, 251 SCRA 600 [19951]).

Even with the earlier filing date of the Respondent-Applicant with the Honorable Office, it is respectfully submitted that the Opposer has the legal and beneficial right and ownership to use the mark "TOMI" as it is the first to adopt and to use the above-named trademark in actual trade and commerce in the Philippines.

10.2 As the prior and continuing user therefore of the mark, it is further respectfully submitted that the registration of the mark "TOMI" in favor of Respondent is violative of Section 123.1 (e) of Republic Act No. 8293 or the "Intellectual Property Code of the Philippines", the pertinent portion of which reads:

"Sec. 123. Registrability – 123.1 A mark cannot be registered if it: x x x

(e) Is identical with, or confusing similar to, or constitute 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 has been obtained as a result of the promotion of the mark;

“1.1 PROOF OF ACTUAL AND PRIOR USE. Sales invoices provided the best proof than that there were actual sales of the trader’s products in the country and that there was actual use for certain period of the trader’s trademark through these sales. (Converse Rubber Corporation vs. Universal Rubber Products Incorporated, 147 SCRA 154 [1987]).

11.1 On 21 November 2006, the Opposer submitted and filed its Declaration of Actual Use (DAU) with this Honorable Office, a requirement of the mark law which should be complied with within three (3) years of the trademark application and within one (1) year from the fifth (5th) anniversary of the registration of the mark (Section 124.2 and 145, *ibid.*).

The DAU is a declaration under oath by the applicant or its authorized representative that the mark was actually used and is in use in trade and commerce in the Philippines. It necessarily must include documents and proofs showing the use of the mark. For this purpose, a copy of the DAU as filed by the Opposer with its attachments that include Sales Invoices, photographs of promotional materials and actual products prominently showing the mark “TOMI”, is herein attached as Exhibit G for the Opposer and made an integral part hereof.

11.2 In its DAU, the Opposer said:

x x x

5. The mark was first used in commerce by the applicant more than ten (10) years ago. Its use in commerce in 1996 is herein evidenced by Sworn Affidavits from customer/clients. Annexes A & B to this Declaration and made an integral part hereof.

5.1 As proof of actual and continued use in trade, I am attaching a series of sales invoices bearing the Mark over the years in the name of the company issued to different buyers, Annexes C to L to this Declaration and made integral parts hereof.

5.2 The Mark is actually and still presently used in the Philippines for the various automotive spare parts, such as the following:

- Engine Support
- Transmission Mounting
- Suspension Bushings
- Shock Absorber Mounting
- Shock Absorber Mounting
- Suspension Arms
- Torque Rod Bush
- Center Bearing Cushions/Assembly
- Stabilizer Link Rods

5.3 The Applicant also uses the Mark for its promotional T-shirts, Photograph of Shirts is herein attached as Annex to this Annex M to this Declaration and made integral parts hereof;

6. The goods above-mentioned also uses presently rendered, distributed and also sold in the following outlets in the country;

GREAT PARTS SALES INCORPORATED	351 G. Araneta Avenue, Quezon City
AUTO TEST ENTERPRISES	8 De Guzman Street, Bangkulase, Navotas, Metro Manila
J.O. MULTI PARTS	187-M N. Domingo St., Barangay Balong

ENTERPRISE	Bato, San Juan
WILBES MERCHANDISIN G.	167 Calamba St., Talayan Village, Quezon City, M.M.
BINDY PARTS SALES	1248 Soler St., Binondo, Manila
AUTOBARN SALES CENTER	Unit C Gedisco Complex 4 th Avenue, Caloocan City

7. This Affidavit is executed to attest to the truth of the foregoing and for the purpose of complying with the requirements of Section 124.2 and 145 of Republic Act No. 8293 and the Trademark Regulations and for whatever legal purpose this may serve.

11.3 The following day, on 22 November 2006, the Opposer submitted a Supplemental Declaration of Actual Use (DAU) to bolster the fact that it has used, is using and will still use the Mark in its business. A copy of the Supplemental DAU is herein attached as Exhibit H and made an integral part hereof.

11.4 Clearly, with the sales invoices or proof of sale of the products bearing the Mark from 1999 until this year, 2006, and photographs thereof, it was shown that the Opposer has continuously engaged in the trading of automotive spare parts using the Mark.

“12. TESTIMONIES OF CUSTOMERS. Accordingly, the most convincing proof of use of a mark in commerce is the testimony of witnesses as customers or the orders of during a certain period of time. This would also prove that the mark is well-known in the automotive spare parts industry where Opposer is an active participant of. The affidavits of the Opposer’s clients/customers, Exhibits I to N to this Petition show:

12.1 How long they have been dealing with the Opposer, the average of which does not fall below four (4) years;

12.2 The fact that they know the Opposer to be the owner of the “TOMI” mark:

12.3 The fact that they know of no other manufacturer/distributor of such brand; and

12.4 That the customers will not buy the “TOMI” brand from other sellers.

13. By way of reiteration, all these sales invoices, sworn statements of buyers/clients of the Petitioner and the different photographs with the “TOMI” mark are likewise respectfully submitted to be convincing, if not more than enough proof, to show that the Opposer and not the Respondent-Applicant, has the clear right to the subject trademark. As prior user of the mark, the Opposer herein establishes its proprietary right to the claim and to the exclusion of others, including herein Respondent-Applicant

13.1 It may be interesting to note that after verification from Records Section of this Honorable office, that nearly three years since Respondent-Applicant filed his trademark application and even with the registration in his name, the Respondent has not filed a DAU. The Honorable Supreme Court opined:

“x x x As between actual use of mark without registration, and registration of the mark without actual use thereof, the former prevails over the latter. For rule widely accepted and firmly entrenched, because it has come down through the years, is that actual use in commerce or business is a pre-requisite to the acquisition of the right of ownership (Emerald Garments Manufacturing Corporation vs. Court of Appeals, 251 SCRA 600 [1995]).

Non-filing of the DAU at this time negates any assertion that the Respondent has proprietary claim over the mark.

13.2 It is also baffling why the Respondent-Applicant would choose to register the Mark in three (3) different occasions (Exhibit D to F) and under similar classes at that.

14. At this point, Respondent-Applicant may choose to argue on the flimsy basis that he is applying for the registration of the Mark under Class 7 while the Opposer is applying for the same mark under Class 12 of the Nice classification. The drawings of the mark may also be said to be totally different. At first blush, there seems to be no conflict if both are allowed separate and distinct registrations as they are in different categories.

14.1 Please note however that in Respondent-Applicant's application (Exhibit D), the designated goods, ie. Oil seal, valve seal and gaskets, clearly fall under the larger category of automotive spare parts. The Opposer is filing its application under Class 12 and all designated goods encompass ALL kinds of automotive spare parts INCLUDING those being applied for by Respondent-Applicant (Exhibit C). It is humbly submitted that the goods applied for by the Respondent-Applicant is subsumed within the same category as that applied for by the Opposer and registration in his favor would infringe on the proprietary rights of the Opposer.

14.2 In this respect, the Supreme Court held that "products would be considered as not falling under the same class only if they are so dissimilar that the purchaser would think the first user made the second user's goods (Ang v. Teodoro, 74 Phil. 50 [1942], Sterling Products International, Inc. v. Farbenfabriken Bayer Aktiengesellschaft, 27 SCRA 1214 [1969]). "TOMI" kids being used to identify automotive spare parts products offered and sold by the prior user which is the Opposer and those which will be marketed eventually by the junior appropriator, the Respondent-Applicant. Hence, to eventually allow the Respondent-Applicant to use the Mark would result in confusion of goods in the minds of the buying public.

14.3 Should registration of the Mark be granted to the Respondent-Applicant, any product he will peddle will definitely confuse the buyer's of automotive spare parts into thinking that they are actually the products that the Opposer are selling in the market. The Opposer's reputation in the public, that it sells good and quality products, will be threatened by a competitor who only banked on the goodwill brought about by the appropriation of the Mark. Worse, Opposer's business will suffer should it turn out that "TOMI" products sold in the market by the Respondent-Applicant, if and when he does sell to the market, are of inferior quality,

"15. With the above discussion, it is the humble submission of the Petitioner that is has shown that it is the lawful and legal owner of the Mark through prior use and appropriation thereof. The Petitioner thereof has the legal right to apply the Mark for registration under the class applied for as time and again, the Supreme Court has ruled that:

"The question of ownership is determined by priority of the use of the mark or trade name or commerce in the Philippines, and it belongs to him who first used and gave it value in the country. (US vs. Kyburze, 28 Phil. 475 [1914]; Chun Te vs. Ng Kian Giab, 18 SCRA 747 [19661]).

Opposer attached as its documentary evidence the following.

Exhibit "A"	One page document showing Philippine Automotive Trader's Ass'n Member's List
Exhibit "B"	Opposer's TM application for the mark TOMI dated 2004
Exhibit "C"	Opposer's TM application for the mark TOMI dated September 11, 2006 for goods under Class 12

Exhibit "D"	Print-out from the IPO website showing status of application fro the mark TOMI under Class 12, deemed registered in the name of Marvin Villaflores
Exhibit "E"	Print-out from IPO website showing pending application status of the mark TOMI under Class 12 and 7
Exhibit "F"	Print-out from IPO website showing pending application status of the mark TOMI under Class 7
Exhibit "H"	Supplemental Declaration of Actual Use (with Annexes)

In its Answer, respondent-applicant admitted allegations regarding the pending applications with qualifications, denied the other allegations and raised the following special and affirmative defenses, as follows:

"12. Respondent-Applicant would like this Honorable Office to take notice of the opposer's admission insofar as it admits that engages in the business of sale and distribution of automotive spare parts.

12.1 The Opposer, being a mere seller and distributor of automotive spare parts, does not earn him the right to cause the application fro registration of a trademark that it only deals with.

12.2 Having said this, the Opposer has no personality to oppose Respondent-Applicant's application for registration of the trademark "TOMI & Design" which the latter is actually using for the automotive spare parts he caused to be manufactured in another country and imported to the Philippines fro local sales.

13. Respondent-Applicant is the owner of the trademark "TOMI" as evidenced by the Certificate of Registration with no. 4-2004-006104 issued by this Honorable Office on 24 November 2006.

13.1 Copy of the Certificate of Registration is hereto attached as Annex "1" and made an integral part hereof.

"14. Firstly, Section 122 and Section 138 of the Intellectual Property Code of the Philippines state:

"Section 122. How Marks are Acquired – The right in the mark shall be acquired through registration made validly in accordance with the provisions of this law.

"Section 138. Certificate of Registration – A certificate of registration of a mark shall be prima facie evidence of the validity of the registration, the registrant's ownership of the mark and the registrant's exclusive right to use the same in connection with the goods or services and those that are related thereto as specified in the certificate.

14.1 On January 1998, the Intellectual Property Code of the Philippines (IPCP) took effect. This IPCP now governs the acquisition, enjoyment and disposition of Intellectual Property Rights in the Philippines.

14.2 The IPCP gave way to the changes in the concept of ownership of trademarks, trade names and service marks from Actual Use Rule or First User-Owner Rule, which was then the rule under the old law, to the First-to-File Rule or First-Filer-Owner Rule.

14.3 First-Filer-Owner Rule means to the first one to file the trademark application, generally, to him the mark's exclusive use shall be granted. The right to the registration of the mark attaches to one who is first in filing the application for registration.

14.4 This new rule is now the one being practiced worldwide because of the Agreement on Trade Related Aspects of Intellectual Property Rights. Adoption of this new concept of ownership of the mark is a commitment of the Philippine Government to the world through the aforesaid agreement.

14.5 It is therefore quite clear on how this new system works in respect to acquiring ownership or right to exclusive use of the mark which is REGISTRATION. And registration commences upon application for registration is filed with the Intellectual Property Office.

14.6 The Opposer admitted in its Notice of Opposition that Respondent-Applicant was the first one to file an application to register the mark "TOMI & Design". Moreover, as the holder of a Certificate of Registration for the trademark "TOMI" and an actual user of the mark, Respondent-Applicant has the better right to cause the registration of the mark "TOMI & Design" under his name. In contrast to the Opposer, who is just a mere trader, distributor of "TOMI" and various automotive spare parts, cannot defeat Respondent-Applicant's right to cause the registration of the trademark "TOMI & Design" for the reason that it caused the manufacturing of the "TOMI automotive spare parts in another country and imports the same to the Philippines for sale to consumers.

14.7 Assuming for the sake of argument that the Opposer was correct in its claim to be the first to use the mark "TOMI & Design", under the present IPCP rule the Opposer cannot claim a better right against Respondent-Applicant who first file an application to register the mark "TOMI & Design" with the Intellectual Property Code, much more, Respondent-Applicant was granted a Certificate of Registration of the mark "TOMI".

14.8 The Opposer has deafeningly been silent and invisible during all the time that Respondent-Applicant was using and spending so much money promoting and expanding the coverage of the mark "TOMI" here in the Philippines. This deafening silence and invisibility of the Opposer could only have been motivated by an evil scheme. The application for registration of the mark "TOMI & Design" by Respondent-Applicant is for the purpose of enhancing the mark's design and to distinguish his class 12 products from the class7.

14. Secondly, the Opposer is opposing Respondent-Applicant's application to register the mark "TOMI & Design" on the ground that it was the first user thereof.

15.1 In support to its claim of priority use of trademark "TOMI", the Opposer attached several of its sales invoices issued on several different dates as well as sworn statements of its alleged witnesses.

15.2 Respondent-Applicant re-pleads the allegations stated above and further states:

15.3 In appending Opposer's sales invoices to their Notice of Opposition, it would like to create an impression that it has been selling and distributing "TOMI" automotive spare parts to various clienteles as early as the year 1999.

15.4 However, a careful perusal of annexed sales invoices of the Opposer will show this Honorable Office that the afore-described sales invoices were altered by inserting the word "TOMI" at the end of every item written in the sales invoices to make it appear that the mark has been carried by the Opposer.

15.5 Apparently, the word "TOMI", which was intentionally and forcibly inserted at the end of every item written on sales invoices was only an after thought on the part of the Opposer

motivated by a scheme to take away from Respondent-Applicant's the right to over the mark "TOMI & Design", a mark which latter spent money to promote and made known for its quality.

15.6 This insertion of the word "TOMI" on the annexed sales invoices of the Opposer is wanting in credibility. These were done to mislead this Honorable Office to believe that the Opposer has been using the mark "TOMI" when the truth of the matter the items reflected on the sales invoices could have been another brand that the Opposer is carrying for sale to the public.

15.7 This act of disregarding the trademark "TOMI" in the issuance of its sales invoices manifests the Opposer's lack of concern over the mark for the reason that it never spent money to promote the mark but only profit for its distribution, as it clamed in its Petition.

16. Thirdly, the Opposer's attached sworn statements of its alleged customers are self-serving. Undeniably, the affiants are the Petitioner's customers for its various automotive spare parts. In the course of doing business with the affiants, the Opposer extends credit lines to them; hence, any favor asked by the Opposer will definitely be given by the affiants. In sum, their testimonies are biased to the Opposer.

17. Fourthly, the Opposer claims that the mark "TOMI" has already been its mark being a prior and continuing user of it. It also argued that the registration of the mark "TOMI" in favor of Respondent-Registrant is in violation of Section 123.1 (e) of the Intellectual Property Code of the Philippines (IPCP).

17.1 For Respondent-Registrant to be denied registration of the mark "TOMI" under Section 123.1 (e) of the Intellectual Property Code of the Philippines (IPCP), the following elements must concur:

- a. The mark is identical with or confusingly similar to or constitutes a translation of a mark which I considered by competent authority of the Philippines to be well-known internationally; and
- b. 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 has been obtained as a result of the promotion of the mark;

17.2 Even here in the Philippines, the word "TOMI" does not automatically brings to the mind of every Filipino an automotive spare parts or Reyco Industrial Sales Corporation, like when Filipino speak of toothpaste the word that will come out of their mouths is Colgate.

17.3 The Opposer, as admitted in the Notice of Opposition, is just a distributor of "TOMI" automotive spare parts. For the information of the Opposer and of this Honorable Office, Respondent-Applicant is an importer of automotive spare parts branded as "TOMI". These "TOMI" spare parts extend to brake master assembly, brake master cylinder, clutch master assembly, wheel cylinder, clutch operating assembly, clutch cover, clutch operating kit, clutch disc, cv joint, piston assembly, tie rod end, engine valve, cylinder liner, water pump assembly, brake shoe, brake pads, ball joint, idler arm, etc. With the complete line of "TOMI" automotive spare parts and as its importer here in the Philippines, the Opposer, as a distributor thereof, cannot claim to have a better right over the mark "TOMI" in its name for Respondent-Applicant is holding on to a Certificate of Registration for the mark "TOMI" issued by this Honorable Office.

Respondent-Applicant attached a copy of Certificate of Registration No. 4-2004-006104 of the mark TOMI for goods under class 12 namely: as Exhibit "1".

The preliminary conference was set on 16 April 2007 after which the parties were required to submit their respective position papers for failure to reach any amicable settlement. The basic issue is whether respondent-applicant has the right to register the mark TOMI and design for goods under Class 7. Corollary issues is whether opposer's mark is well-known and who between the parties is the originator and creator of the mark "TOMI & Design"

For comparison, the marks of the contending parties are reproduced hereunder:

The Intellectual Property Code provides:

"Section 122. How marks are Acquired. The rights in a mark shall be acquired through registration validly made in accordance with the provisions of this law."

Under the new law, trademark rights are acquired by a person who is first-to-file an application for registration of the mark. In other words, as between two persons who use and adopt an identical mark in goods faith, the mark belongs to the person who first lodges an application for registration of the mark.

However, it goes without saying that only the owner of a mark has the right to file for its registration. A person who is not the true owner and creator of a mark has no right to file an application for its registration. For example, mere distributors or brokers with no authority from the actual owner of the mark have no right to acquire trademark rights if they register without authority from the actual owner of the mark.

It must be emphasized that the person who files an application for the mark is not required to prove commercial use of the mark being applied for at the time the applicant files an application. The law merely requires that the applicant file a declaration of actual use within three years from the filing of the application for trademark registration. Section 124.2 states:

"Section 124.2. The applicant of the registrant shall file a declaration of actual use of the mark with evidence to that effect, as prescribed by the Regulations within three (3) years from the filing date of the application. Otherwise, the application shall be refused or the mark shall be removed from the Register by the Director."

In other words, it is not a requirement that the applicant immediately use the mark before or upon filing an application but he must use the mark within three years from the filing date for purpose of filing the declaration of actual use.

Evidence show that as between the opposer and the respondent-applicant, it is the respondent-applicant who first filed an application for the mark "TOMI & Design". Respondent-applicant filed his application under Application no. 42005003543 on April 20, 2005 for goods under class 7 while the opposer filed its application for the mark TOMI, for goods under class 12 on September 11, 2006. (Exhibit "C"). Undeniably, as it appears from the evidence, respondent-applicant was also granted Certificate of Registration No. 4-2004-006104 (Exhibit "D" and Exhibit "1") for the mark TOMI for goods under class 12 on March 18, 2006, earlier than the filing date of Opposer for an application for the same mark on the same goods.

Despite allegations that respondent has not filed a declaration of actual use (DAU), records show that respondent-applicant filed his DAU within three years from filing, particularly

on September 20, 2006. In his notarized DAU, respondent-applicant stated that his goods were sold in the following outlets: Daishin A.C.I., Metro Gold Auto Supply, Chakee Trading, BNJ Arrow and Auto Supply. As proof of actual use, respondent-applicant filed photographs of goods of a full set gasket bearing the logo or mark TOMI.

Having determined that respondent-applicant enjoys priority in point of filing for the mark "TOMI & Design" and has given evidence of its use in commerce, the Bureau believes that respondent-applicant enjoys a better right to the mark rather than the opposer. The law provides:

"Section 123. Registrability. 123.1 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 services, or
- ii. Closely related goods...or
- iii. If it nearly resembles such a mark as to likely to deceive or cause confusion..."

Preceding from the foregoing, a mark cannot be registered if the same resembles a previously registered mark such that their contemporaneous use will cause deception and confusion. At most, if opposer's use of the identical or similar mark TOMI is proven to be in good faith, it shall not be liable for infringement by its contemporaneous use of the marks. Section 159 of the Intellectual Property Code states:

"Section 159. Limitation to Actions for Infringement – Notwithstanding any other provision of this Act, the remedies given to the owner of a right infringed under this Act shall be limited as follows:

159.1 Notwithstanding the provisions of Section 155 hereof, a registered mark shall have no effect against any person who, in good faith, before the filing date of the priority date, was using the mark for purposes of his business or enterprise;

Provided, that his right may only be transferred or assigned together with his enterprise or business in which the mark is used..xxx"

Opposer avers that it is the owner of the mark by showing use by submitting affidavits of customers alleging around ten years ago and sales invoice, originals of the latter, were attached to belatedly in its Position Paper as Annex "A-F". A perusal of the original sales invoices show that these were issued only on the following dates: October 10, 2006, December 14, 2006, January up to April 2007. These evidence are insufficient to prove its ownership of the mark TOMI.

Finally, we cannot accede to opposer's assertion that it is the owner of a well-known mark. Rule 102 of the Rules and Regulations on Trademarks set the following criteria or any combination to be taken in account in determining well-knownness:

- a. The duration, extent and geographical area of use of the mark, in particular, the duration, extent and geographical area of any promotion of the mark, including advertising or publicity and the presentation at fairs or exhibitions, of the goods and/or services to which the mark applies;
- b. The market share in the Philippines and in other countries of the goods and/or services to which the mark applies;

- c. The degree of the inherent or acquired distinction of the mark;
- d. The quality image or reputation of the acquired mark;
- e. The extent to which the mark has been used in the world;
- f. The exclusivity of the use attained by the mark in the world;
- g. The commercial value attributed to the mark in the world;
- h. The record of successful protection of the rights in the mark;
- i. The outcome of litigations dealing with the issue of whether the mark is a well-known mark; and
- j. The presence or absence of identical or similar goods or services owned by persons other than the person claiming that his mark is a well known mark.

The evidence presented by opposer does not indicate that it has commercial transactions on an international scale, hence the mark TOMI is not a well-known mark.

WHEREFORE, premises considered the OPPOSITION filed by REYCO INDUSTRIAL SALES CORPORATION is, as it is hereby, DENIED. Accordingly, Application Serial No. 4-2005-003543 filed by Respondent-Applicant, MARVIN VILLAFLORES on 20 April 2005 for the mark "TOMI & Design" used on goods, under Class 7 namely "oil seal, valve seal, gaskets (full set overhauling, cylinder head)", is as it is hereby, GIVEN DUE COURSE.

Let the filewrapper of "TOMI & Design", subject matter of this case together with a copy of this Decision be forwarded to the Bureau of Trademarks (BOT) for appropriate action.

SO ORDERED.

Makati City, 31 August 2007.

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