

SCANDINAVIAN AIRLINES
SYSTEM DENMARK-NORWAY-
SWEDEN,

Opposer,

INTER PARTES CASE NO. 3057

OPPOSITION TO:

Application Serial No. 55634
Filed : February 6, 1985
Applicant : Sunshine Textile Mills
Corporation
Trademark : SAS & STRIPE DEVICE
Used On : Jeans, T-shirts, jackets,
blouses shirts, pants and
shorts

SUNSHINE TEXTILE MILLS
CORPORATION,
Respondent-Applicant.

DECISION NO. 88-95 (TM)
August 30, 1988

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DECISION

Scandinavian Airlines System Denmark-Norway-Sweden filed on March 28, 1988 an Unverified Notice of Opposition against the registration of the trademark "SAS & trademark DEVICE" used on jeans, T-shirts, jackets, blouses, shirts, pants and shorts applied for on February 6, 1985 by Sunshine Textile Mills Corporation under Application Serial No. 55634, which was published for opposition on Page 61, Volume I. No. 1 of the BPTTT Official Gazette dated February 25, 1988, but was officially released on March 8, 1988.

Opposer is a foreign corporation organized under the laws of Sweden, with principal office at SAS, STOUA, S-16187 Bromma, Sweden, while Respondent-Applicant is a domestic corporation organized under the laws of the Philippines, with business address at Malanday, Valenzuela, Metro Manila, Philippines.

On May 17, 1988, Opposer submitted its verified Notice of Opposition based on the following grounds:

"1. The trademark 'SAS' and Device, which has been previously registered in Opposer's name under Registration Certificate No. 38282, dated February 24, 1988 and used in commerce in the Philippines and other parts of the world and not abandoned, is likely, when applied to or used in connection with the goods of the Applicant, to cause confusion, mistake or deception on the part of the purchasing public, who will be misled into believing that the goods of the applicant come from or are under the sponsorship of Opposer.

2. The registration of the trademark 'SAS' and Device will contravene 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 Sweden are parties.

3. The registration of and use by Applicant of 'SAS' and Device will diminish the distinctiveness and dilute the goodwill of Opposer's previously registered trademark 'SAS' and Device or preclude/prevent Opposer's adoption of its registered mark on similar goods for promotional or expansion purposes.

4. The registration of 'SAS' and Device in the name of the applicant is contrary to other provisions of the Trademark Law."

Respondent-Applicant was furnished a copy of the verified Notice of Opposition on May 23, 1988 requiring an Answer thereto within fifteen (15) days from receipt of said Notice.

On June 9, 1988, Respondent-Applicant filed an Answer denying all the material allegations made in the Notice of Opposition and invoked therein the affirmative defenses that the Verified Notice of Opposition was filed out of time; that it is totally defective because it fails to comply with Section 8 of Republic Act 166, as amended; that Opposer has no valid action; and that Respondent's mark is used on goods different from those of the Opposer's, thereby obviating confusion or deception on the public as to the source or origin of the said goods.

The pre-trial conference set on July 27, 1988, pending efforts of the parties to arrive at an amicable settlement, was scheduled to be continued on August 11, 1988, counsel for the Respondent-Applicant manifested in open court that his client has lost interest in the further use of the contested mark and would be filing within five (5) days a written motion to that effect.

On August 16, 1988, Respondent-Applicant, by counsel, filed a Motion to Withdraw Application manifesting "that it has not been, and it is no longer interested in using the trademark SAS and Device".

WHEREFORE, premises considered, the herein Notice of Opposition is GRANTED. Accordingly, Respondent's Application Serial No. 55634 filed on February 6, 1985 for the mark "SAS & STRIPE DEVICE" is REJECTED for having been voluntarily abandoned.

Let the records of this case be transmitted to the Trademark Examining Division for appropriate action in accordance with this Decision,

SO ORDERED.

IGNACIO S. SAPALO
Director