



OFFICE OF THE DIRECTOR GENERAL

STICHTING BDO,

*Appellant,*

- versus -

BANCO DE ORO UNIBANK, INC.,

*Appellee.*

X-----X

**Appeal No. 14-2012-0027**

IPC No. 14-2008-00214

Opposition To:

Application No. 4-2007-003252

Date Filed: 29 March 2007

Trademark: **BDO KABAYAN  
AUTO LOAN**

STICHTING BDO,

*Appellant,*

- versus -

BANCO DE ORO UNIBANK, INC.,

*Appellee.*

X-----X

**Appeal No. 14-2012-0028**

IPC No. 14-2008-00217

Opposition To:

Application No. 4-2007-003255

Date Filed: 29 March 2007

Trademark: **BDO KABAYAN  
HOME LOAN**

STICHTING BDO,

*Appellant,*

- versus -

BANCO DE ORO UNIBANK, INC.,

*Appellee.*

X-----X

**Appeal No. 14-2012-0029**

IPC No. 14-2008-00218

Opposition To:

Application No. 4-2007-003251

Date Filed: 29 March 2007

Trademark: **BDO KABAYAN  
LOANS**

STICHTING BDO,

*Appellant,*

- versus -

BANCO DE ORO UNIBANK, INC.,

*Appellee.*

X-----X

**Appeal No. 14-2012-0030**

IPC No. 14-2008-00219

Opposition To:

Application No. 4-2007-003276

Date Filed: 29 March 2007

Trademark: **BDO REMIT  
CASH CARDS**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0031**  
IPC No. 14-2008-00220  
Opposition To:  
Application No. 4-2007-003266  
Date Filed: 29 March 2007  
Trademark: **BDO REMIT and  
DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0032**  
IPC No. 14-2008-00221  
Opposition To:  
Application No. 4-2007-003258  
Date Filed: 29 March 2007  
Trademark: **BDO KABAYAN  
PERSONAL LOAN**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0033**  
IPC No. 14-2009-00032  
Opposition To:  
Application No. 4-2007-013805  
Date Filed: 14 December 2007  
Trademark: **BDO CASH  
MANAGEMENT**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0034**  
IPC No. 14-2008-00222  
Opposition To:  
Application No. 4-2007-003264  
Date Filed: 29 March 2007  
Trademark: **BDO ASENSO  
KABAYAN AND LOGO**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0035**  
IPC No. 14-2008-00223  
Opposition To:  
Application No. 4-2007-003277  
Date Filed: 29 March 2007  
Trademark: **BDO KABAYAN  
SAVINGS**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0036**  
IPC No. 14-2008-00224  
Opposition To:  
Application No. 4-2007-003263  
Date Filed: 29 March 2007  
Trademark: **BDO ASENSO  
KABAYAN AND DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0037**  
IPC No. 14-2008-00225  
Opposition To:  
Application No. 4-2007-003278  
Date Filed: 29 March 2007  
Trademark: **BDO KABAYAN  
BILLS BAYAD**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0038**  
IPC No. 14-2008-00226  
Opposition To:  
Application No. 4-2007-003265  
Date Filed: 29 March 2007  
Trademark: **BDO REMIT**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0039**  
IPC No. 14-2008-00344  
Opposition To:  
Application No. 4-2007-003256  
Date Filed: 29 March 2007  
Trademark: **BDO BANCO DE  
ORO KABAYAN HOME  
LOAN AND DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0040**  
IPC No. 14-2009-00285  
Opposition To:  
Application No. 4-2007-011976  
Date Filed: 26 October 2007  
Trademark: **BDO PADALA  
AND DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0041**  
IPC No. 14-2009-00297  
Opposition To:  
Application No. 4-2010-000788  
Date Filed: 22 January 2010  
Trademark: **BDO (STYLIZED  
AND IN COLOR)**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0042**  
IPC No. 14-2008-00306  
Opposition To:  
Application No. 4-2007-013806  
Date Filed: 14 December 2007  
Trademark: **BDO ON SITE  
AND DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0043**  
IPC No. 14-2008-00345  
Opposition To:  
Application No. 4-2007-003250  
Date Filed: 29 March 2007  
Trademark: **BDO BANCO DE  
ORO KABAYAN LOAN AND  
DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
x-----x

**Appeal No. 14-2012-0044**  
IPC No. 14-2008-00346  
Opposition To:  
Application No. 4-2007-003259  
Date Filed: 29 March 2007  
Trademark: **BDO BANCO DE  
ORO KABAYAN PERSONAL  
LOAN AND DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0045**  
IPC No. 14-2008-00347  
Opposition To:  
Application No. 4-2007-003253  
Date Filed: 29 March 2007  
Trademark: **BDO BANCO DE  
ORO KABAYAN AUTO  
LOAN AND DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0046**  
IPC No. 14-2010-00046  
Opposition To:  
Application No. 4-2009-000873  
Date Filed: 27 January 2009  
Trademark: **BDO FACTORS &  
BDO LOGO**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0047**  
IPC No. 14-2009-00129  
Opposition To:  
Application No. 4-2007-011977  
Date Filed: 26 October 2007  
Trademark: **BDO REMIT AND  
DEVICE**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0048**  
IPC No. 14-2011-00190  
Opposition To:  
Application No. 4-2010-010214  
Date Filed: 17 September 2010  
Trademark: **BDO BANCO DE  
ORO**

STICHTING BDO,  
*Appellant,*  
- versus -  
BANCO DE ORO UNIBANK, INC.,  
*Appellee.*  
X-----X

**Appeal No. 14-2012-0049**  
IPC No. 14-2011-00401  
Opposition To:  
Application No. 4-2011-002470  
Date Filed: 04 March 2011  
Trademark: **BDO UNIBANK**



STICHTING BDO,  
*Appellant,*

- versus -

BANCO DE ORO UNIBANK, INC.,  
*Appellee.*

X-----X

**Appeal No. 14-2012-0063**  
IPC No. 14-2011-00583  
Opposition To:  
Application No. 4-2011-002469  
Date Filed: 04 March 2011  
Trademark: **BDO UNIBANK**  
**(STYLIZED AND IN COLOR)**

STICHTING BDO,  
*Appellant,*

- versus -

BANCO DE ORO UNIBANK, INC.,  
*Appellee.*

X-----X

**Appeal No. 14-2013-0003**  
IPC No. 14-2012-00147  
Opposition To:  
Application No. 4-2011-012955  
Date Filed: 26 October 2011  
Trademark: **BDO UNIBANK**

## DECISION

STICHTING BDO ("Appellant") appeals the Decisions of the Director of the Bureau of Legal Affairs ("Director") denying the Appellant's opposition to the subject applications for registration of twenty-five (25) trademarks, which are derivatives of the mark BDO, for services under Class 36, namely for banking and financing services, in favor of Banco De Oro Unibank, Inc. ("Appellee").

In support of its Oppositions, the Appellant essentially alleged, among other things, that the subject derivative marks of BDO being applied for by the Appellee are confusingly similar to the Appellant's registered BDO mark. According to the Appellant, the Appellee's trademark applications are contrary to Section 123.1, subparagraph (d) of Republic Act No. 8293 or the Intellectual Property Code of the Philippines ("IP Code"). Appellant argued that Section 123.1 (d) prohibits the registration of a mark which is identical with a registered mark belonging to a different proprietor, or a mark with an earlier filing or priority date, in respect of the same goods or services, closely related goods or services, or that nearly resembles such mark as to be likely to deceive or cause confusion. As basis, Appellant cited its Certificate of Registration No. 4-2002-000146 issued on 05 August 2004, for accountancy and consultation services under Classes 35, 36 and 42.

The Appellant further posited that the Appellee's trademark applications are likewise contrary to Section 123.1, subparagraphs (e) and (f), Sections 131.3 and 147.2 of the IP Code, and Article 6Bis of the Paris Convention for the Protection of Industrial Property, which prohibit the registration of a mark that is identical with, or confusingly similar to, or constitutes a translation of a well-known mark. Finally, the Appellant claimed that the registration of the Appellee's marks will diminish the distinctiveness and dilute the goodwill of the Appellant's marks covering goods and services under Classes 35, 36, and 42.

By way of Verified Answers to the Oppositions, the Appellee countered that it had been using the name and mark "BDO" and the "BDO Logo" since 1977, and therefore, as the prior user of the same, has a right to the mark BDO as vested under Republic Act No. 166 or the Old Trademark Law. Appellee argued that such right under the Old Trademark Law cannot be impaired by the IP Code, as provided by Section 236 of the IP Code itself. It further maintained that it has a prior right to the trade name "BDO", which is protected under Section 165 of the IP Code, even without prior registration. According to the Appellee, the Appellant's Certificate of Registration is only *prima facie* evidence of being the first and prior user of the mark BDO in the Philippines, which can be overturned by proof to the contrary. Appellee further contended that the use of Banco De Oro's initials "BDO" as its trade name is a common banking practice, a fact which was allegedly admitted by the Appellant itself. The Appellant also claimed that no less than the IPOPHEL Bureau of Trademarks has affirmed that it is the true and rightful owner of the "BDO" mark by allowing the subject trademark application for publication.

In its Answers, the Appellee also assailed the Appellant's registration for the mark "BDO & Design", arguing that there was no actual use of the mark in the Philippines which can be attributed to the Opposer. According to the Appellee, assuming the Appellant's claim that it first used the "BDO & Design" mark in Philippine commerce on 26 March 1997 is accurate, the undeniable fact remains that such first use is almost twenty (20) years after the Appellee started using the "BDO" and "BDO Logo" in 1977. Furthermore, according to the Appellee, the Appellant's mark failed to comply with the criteria that would constitute it as an internationally well-known mark.

After the appropriate proceedings, the Director rendered the subject Decisions, dismissing the Appellant's Oppositions. Resolving the issue of whether the Appellee's respective trademark applications should be rejected upon the grounds cited by the Appellant, the Director noted that the Appellant anchored its Opposition to its existing Certificate of Registration No. 4-2002-000146, and its claim of ownership of the mark by virtue of prior use thereof. However, the Director held that since such Certificate had already been cancelled pursuant to the Bureau's Decision in IPC No. 14-2008-00017, as upheld by this Office in Appeal No. 14-09-55, the Oppositions have no more leg to stand on. The Director further held that this Office has already ruled on the issue of ownership of the mark BDO, holding that the Appellee has the better right over such mark, based on the same facts, records, and evidence attendant to the instant cases. In light of the foregoing, the Director ruled that there was no cogent reason for the Bureau to depart from such previous ruling.

Dissatisfied, the Appellant filed the subject appeals, seeking the reversal of the Director's Decisions and praying that the Appellee's trademark applications be denied. According to the Appellant, the Bureau of Legal Affairs failed to provide the factual and legal justification for the subject Decisions, thereby disregarding law and jurisprudence and the Appellant's right to due process. The Appellant also reiterated its arguments that its mark is an internationally well-known mark entitled to protection under Philippine Law, and that it was the first to use the mark "BDO" in the Philippines. The Appellant further claimed that the Bureau of Legal Affairs seriously erred in dismissing the subject Oppositions, as they would render moot and

academic the proceedings before the Court of Appeals, in violation of the principle of judicial courtesy and hierarchy of courts.

On 03 October 2012, the Appellant filed a "Motion for Consolidation", dated 02 October 2013, in each of the appealed cases with Appeal Nos. 14-2012-0027 to 14-2012-0049, claiming that these twenty-three (23) cases involved the same parties and issues. In an Order dated 17 October 2012, this Office granted such Motions and consolidated the 23 cases.

On 04 March 2013, the Appellant likewise filed a "Motion for Consolidation", dated 01 March 2013, in Appeal Nos. 14-2012-0063 and 14-2013-0003, seeking the consolidation of such two (2) appealed cases with the twenty-three (23) other appeals previously consolidated. In an Order dated 08 March 2013, this Office granted such Motion in the interest of justice.

On 12 March 2013, the Appellant filed a "Motion to Hold In Abeyance the Resolution of the Appeal", dated 11 March 2013, praying that this Office hold in abeyance the resolution of Appeal No. 14-2013-0003 until the same is consolidated with the first twenty-three (23) consolidated cases of Appeal Nos. 14-2012-0027 to 14-2012-0049. The Appellant likewise prayed that this Office render a single common decision in the first twenty-three (23) consolidated cases and in the other two (2) remaining appealed cases with Appeal Nos. 14-2012-0063 and 14-2013-0003. On 13 March 2013, the Appellant filed a similar "Motion to Hold Resolution of Appeal in Abeyance", dated 12 March 2013, in the first twenty-three (23) consolidated cases.

On 05 April 2013, the Appellee filed a "Comment/Opposition [Re: Motion to Hold Resolution of Appeal in Abeyance dated 12 March 2013] with Urgent Motion to Resolve" in the first twenty three (23) consolidated cases, praying that this Office deny the Appellant's "Motion to Hold Resolution of Appeal in Abeyance", deny the appeal and affirm *in toto* the Bureau of Legal Affairs' Decisions, and to issue immediately the Certificates of Registration that are subject of the instant consolidated appeals.

On 15 April 2013, the Appellee again filed a "Comment/Opposition [To the Motion for Consolidation dated 01 March 2013 and To the Motion to Hold in Abeyance the Resolution of the Appeal dated 11 March 2013]", this time in Appeal No. 14-2013-0003, praying that this Office deny the Appellant's Motion for Consolidation dated 01 March 2013 wherein the Appellant sought to have Appeal Nos. 14-2012-0063 and 14-2013-0003 consolidated with the twenty-three (23) other appeals previously consolidated. The Appellee also prayed that the Appellant's motion to hold in abeyance the resolution of Appeal No. 14-2013-0003 until the same is consolidated with the first twenty-three (23) consolidated cases, be denied for being dilatory and for utter lack of merit.





Issue of Consolidation and Motion to Hold in  
Abeysance the Resolution of the Appeals

In resolving the Appellee's opposition to the Appellant's Motion for Consolidation of the appealed cases with Appeal Nos. 14-2012-0027 to 14-2012-0049 with Appeal Nos. 14-2012-0063 and 14-2013-0003, this Office rules that the issue has been rendered moot and academic with its issuance of an Order dated 08 March 2013, granting the Appellant's motion and consolidating Appeal Nos. 14-2012-0063 and 14-2013-0003 with Appeal Nos. 14-2012-0027 to 14-2012-0049, in the interest of justice. It should be noted that, as stated in the Appellee's Comment/Opposition, the Appellee received a copy of the Appellant's Motion for Consolidation on 07 March 2013, yet it only filed its opposition thereto on 15 April 2013.

Nevertheless, Appellee's opposition to the consolidation of the foregoing appeals is based on its contention that the first twenty three (23) consolidated appeals were already deemed submitted for decision, while the remaining two (2) appeals have yet to undergo further proceedings. Appellee also argues that aside from the present twenty five (25) appealed cases, there are other oppositions filed by the Appellant against the Appellee's trademark applications involving the same issues and parties, not pending before the Bureau of Legal Affairs. Appellee claims that with the consolidation of the present appeals, there is no stopping Appellant from further filing more motions for consolidation of cases or suspending the resolution of any case, which will result in indefinite delay in finally resolving the question of who is the true originator or owner of the mark "BDO".

It is worthy to note that, time and again, the Supreme Court has held that proceedings must be conducted in such a manner as would assist the parties in obtaining a just, speedy, and inexpensive determination of every action and proceeding, and serves the orderly administration of justice.<sup>1</sup> Consolidation of cases avoids multiplicity of suits, guards against oppression and abuse, prevents delay, clears congested court dockets, simplifies the work of the courts and seeks to attain justice with the least expense and vexation to litigants.<sup>2</sup> Furthermore, it is a time-honored principle that when two or more cases involve the same parties and affect closely related subject matters, they must be consolidated and jointly tried, in order to serve the best interests of the parties and to settle expeditiously the issues involved.<sup>3</sup> In other words, consolidation is proper wherever the subject matter involved and relief demanded in the different suits make it expedient for the court to determine all of the issues involved and adjudicate the rights of the parties by hearing the suits together.<sup>4</sup>

As applied in the present case, consolidation of all twenty-five (25) appealed cases was proper in order to serve the best interests of the parties and to settle expeditiously the issues involved. All such cases involve identical parties, and, as Appellee itself states in its Comment/Opposition to the Appellant's Motion for

<sup>1</sup> *Active Wood Products Co., Inc. vs. Court of Appeals*, G.R. No. 86603, 05 February 1990.

<sup>2</sup> *Bank of Commerce vs. Hon. Estela Pertas-Bernabe*, G.R. No. 172393, 20 October 2010, citing *Palanca vs. Querubin*, 141 Phil. 432, 439 (1969).

<sup>3</sup> *Steel Corporation of the Philippines vs. Equitable PCI Bank, Inc.*, G.R. Nos. 190462 and 190538, 17 November 2010, citing *Zulueta v. Asia Brewery, Inc.*, G.R. No. 138137, March 8, 2001, 354 SCRA 100, 111.

<sup>4</sup> *Ibid.*, citing 1A C.J.S. Actions § 259.

Consolidation, will ultimately resolve the single "question of who is the true originator or owner of the mark "BDO"<sup>5</sup>.

Appellee's fear that to consolidate the present appeals would "open the floodgates" to the filing of more motions for consolidation and suspension of resolution of cases by the Appellant, is all in the mind. Even assuming that the Appellant does file more motions for consolidation or to hold resolutions in abeyance, the propriety of granting or denying such motions remains subject to the discretion of the adjudicatory body where such reliefs are sought. In this case, the Appellee cites its numerous pending cases before the Bureau of Legal Affairs. Thus, it is up to the discretion of the Bureau in determining the propriety of acting on such motions, in accordance with the particular circumstances present in each case.

Finally, it should be noted that a perusal of the voluminous records of the twenty-five (25) appealed cases reveals that both parties have essentially alleged the same arguments, adduced the same evidence, and prayed for the same reliefs in each and every subject appeal. Therefore, this Office is of the opinion that a single decision in all the twenty-five (25) consolidated appeals would better serve the orderly administration of justice in this case.

With the grant of the Appellant's Motion for Consolidation, and the promulgation of the present decision for all the twenty-five (25) consolidated appeals, the Appellee's motion to hold the resolution of the appeals in abeyance is likewise rendered moot and academic.

Records show that in an Order dated 05 February 2013, this Office gave the parties fifteen (15) days from notice to file their respective memorandum, after which Appeal No. 14-2012-0063 shall be deemed submitted for decision. On the other hand, in Appeal No. 14-2013-0003, this Office issued an Order dated 04 March 2013, giving the Appellee thirty (30) days from notice to submit its Comment on the appeal. On 02 April 2013, the Appellee filed its Comment to the Appellant's Appeal Memorandum.

Consistent with the rationale behind the principle of consolidation of cases, which is to prevent further delay in the administration of justice, this Office no longer issued an Order referring Appeal No. 14-2013-0003 to Mediation, and deemed the case ripe for resolution. It should be noted that in all the other twenty-four (24) appealed cases, the parties had undergone mediation proceedings but failed to settle the case amicably. To require Appeal No. 14-2013-0003 to undergo the same proceedings would only be redundant and cause delay in its resolution. Nevertheless, there is nothing that prevents the parties from manifesting at any time that they have agreed to settle the case amicably.

In addition, what only remains to be done by the parties in Appeal No. 14-2013-0003, after mediation proceedings are terminated, is the submission of their respective Memoranda. In this regard, a fundamental principle of procedural law precludes parties from raising new issues or adducing new evidence on appeal. The

<sup>5</sup> Page 5, Paragraph 11, Appellee's "Comment/Opposition [To the Motion for Consolidation dated 01 March 2013 and To the Motion to Hold in Abeyance the Resolution of the Appeal dated 11 March 2013]", dated 15 April 2013.



proscription is greater as to the Memoranda to be submitted by the parties at this stage, as all issues should have already been raised in the Appellant's Appeal Memorandum and the Appellee's Comment on the Appeal Memorandum. Therefore, this Office holds that both parties have been accorded ample opportunity to argue their respective positions and substantiate their allegations. All twenty-five (25) appealed cases are now ripe for resolution.

Main Issue of Opposition

Going now to the main issue in these appealed cases, this Office notes that the Appellant essentially bases its Opposition on its prior registration of "BDO & Design" under Registration No. 4-2002-00146. In its Appeal Memoranda, the Appellant raised the sole issue of whether the Appellee's marks may be registered despite the prior existence of the mark BDO under Trademark Registration No. 4-2002-000146 in the name of the Appellant. The Appellant argues that Appellee's marks cannot be registered because it is "identical with a registered mark belonging to a different proprietor or a mark with an earlier filing or priority date, in respect of the same goods or services, or closely related goods or services, or nearly resembles such a mark as to be likely to deceive or cause confusion".

However, as held by the Director, the Appellant's registration has already been cancelled pursuant to Decision No. 2009-53, dated 24 April 2009, and Resolution No. 2009-37 (D), dated 07 August 2009, of the Bureau of Legal Affairs. The subject Decision and Resolution was also sustained by this Office in Appeal No. 14-09-55. Hence, as early as 26 March 2010, the Appellant's registration was cancelled under Cancellation Order No. 2010-01, series of 2010, issued by the Bureau of Trademarks, and published in the IPOP HL E-Gazette.

In its Appeal, the Appellant also alleged error on the part of the Bureau of Legal Affairs in failing to acknowledge that Appellant was the first to use the mark BDO in the Philippines. In this regard, and as likewise stated in the Decisions of the Director being appealed, this Office has also already ruled on the issue of who between the parties is the real owner of the mark by virtue of prior use thereof. The said issue was already resolved in Appeal No. 14-09-55, wherein it was held that:

The evidence submitted by both parties show that Appellee Banco De Oro – EPCI, Inc. is the prior user of the mark, and therefore entitled to its registration. The findings of the BLA, as stated in its Decision, sufficiently addresses the issue: XXX

On the other hand, the Appellant failed to refute the evidence cited by the BLA. More importantly, the Appellant failed to present sufficient evidence to prove its own prior use of the mark in such a manner as would entitle it to registration, as contemplated by law.

The issue of ownership has been passed upon by this Office, based on the same facts, records, and evidence submitted in the present appealed cases. Therefore, with the foregoing pronouncements, this Office likewise finds no cogent reason to rule otherwise in this instance.



**WHEREFORE**, premises considered, the appeals are hereby **DISMISSED**. Let a copy of this Decision and the records of the cases be furnished and returned to the Director of Bureau of Legal Affairs for appropriate action. Further, let also the Director of the Bureau of Trademarks and the library of the Documentation, Information and Technology Transfer Bureau be furnished a copy of this Decision for information, guidance, and records purposes.

SO ORDERED.

**AUG 23 2013** Taguig City.

  
**RICARDO R. BLANCAFLOR**  
Director General 