



PREMIER ELECTRIC (JAPAN) CORP.,
Opposer,

-versus-

PREMIER IMAGE TECHNOLOGY CORP.,
Respondent-Applicant.

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} IPC No. 14-2007-00141
} Opposition to:
} Serial No. 4-2003-011624
} Filing Date: 17 December 2003
} TM: "PREMIER"
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}

NOTICE OF DECISION

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GREETINGS:

Please be informed that Decision No. 2013 - 216 dated November 06, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, November 06, 2013.

For the Director:


Atty. EDWIN DANILO A. DATING
Director III
Bureau of Legal Affairs



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IPC NO. 14-2007-00141

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(Filing Date: 17 December 2003)
TM: "PREMIER"

x-----x

Decision No. 2013- 216

DECISION

Premier Electric (Japan) Corp. ("Opposer")¹ filed an opposition to Trademark Application Serial No. 4-2003-011624. The application, filed by Premier Image Technology Corp. ("Respondent-Applicant"),² covers the mark "PREMIER" for use on photography camera and parts and accessories, digital still camera, film camera, phone camera, camera cover, tripod for camera, laser aid not for medical use, optical instruments and apparatus, condenser, x-ray apparatus and equipment not for medical use, projector, laser incruver, flash, lens, transparency, screen, multimedia player, digital video camcorder, binocular, cellular phone, computer, reader, printer, plotter, optical character reader, photo-magnifier, video tape recorder, video tape player, surveillance, liquid crystal display, d/a converter, a/d converter, optical fiber transceiver, optical amplifier under Class 09 of the International Classification of Goods.³

The Opposer alleges the following:

"1. Opposer's predecessor-in-title, Sonitto International S.A. first adopted and used worldwide the 'PREMIER' trademarks and their derivatives (hereinafter referred to collectively as 'PREMIER' trademarks) in 1986 for, among others, audio equipment (radios, clock radios, CD/DVD/VCD/MP3 players, home theaters) video equipment (DVD/VCD players, televisions) car audio, electronic goods, household products (cookware, lamps, closets, baggage, coffee makers, stoves, irons toasters, washing machines, fans, hair dryers, children's computers, telephones, motorcycles, massage chairs), baby products (strollers, scooters, bicycles) cameras (digital and film), accessories for computers, air conditioners, loud speakers, ironing boards and electric shavers and therefore, enjoys under Section 147 of Republic Act (R.A.) 8293 the right to exclude others from registering or using identical or confusingly similar marks such as Respondent-Applicant's trademark "PREMIER" for goods falling under international class 9.

"2. There is a likelihood of confusion between Opposer's 'PREMIER' trademarks and Respondent-Applicant's trademark 'PREMIER' because Respondent-Applicant's 'PREMIER' so resembles Opposer's 'PREMIER' trademarks in terms of sound, sight and meaning as to likely,

¹ A foreign corporation with business address at Santa Isabel & Roosevelt Avenue, Colon Free Zone, Republic of Panama.

² A foreign corporation organized and existing under the laws of Taiwan, R.O.C. with address at No. 32 Ji Hu RDO., Nei-Hu, Taipei, Taiwan.

³ The Nice Classification is a classification of goods and services for the purpose of registering trademarks and service marks based on a multilateral treaty administered by the World Intellectual Property Organization. This treaty is called the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks concluded in 1957.

when applied to or used in connection with the goods of Respondent-Applicant, cause confusion, mistake and deception on the part of the purchasing public as being a trademark owned by the opposer, hence, the Respondent-Applicant's 'PREMIER' cannot be registered in the Philippines pursuant to the express provision of Section 147. 2 of R.A. No. 8293. No doubt, the use of Respondent-Applicant's 'PREMIER' trademark for its products will indicate a connection between its products and those of the Opposer's.

"3. The opposer's 'PREMIER' trademarks are well-known internationally taking into account the knowledge of the relevant sector of the public, rather than the public at large, as being trademark owned by the Opposer.

"4. Respondent-Applicant, in adopting 'PREMIER' for its goods, is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association with the Opposer, or as to origin, sponsorship or approval of its goods by the Opposer, for which it is liable for false designation of origin, false description or representation under Section 169 of R.A. No. 8293.

"5. Respondent-Applicant's appropriation and use of the trademark 'PREMIER' infringes upon the Opposer's exclusive right to use as owner of its 'PREMIER' trademarks which is protected under R.A. 8293 particularly Section 147. 2 thereof.

"Opposer relied on the following facts to support its opposition, x x x:

"1. The opposer's predecessor-in-title first adopted and used the 'PREMIER' trademarks.

Opposer is the owner of the 'PREMIER' trademarks. Its predecessor-in-title, Sonitto International S.A. first adopted and used the same in actual trade and commerce worldwide in 1986. The 'PREMIER' trademarks which Opposer herein originated and adopted are well-known internationally. Its products and services carried under said trademarks had, through the years earned international acclaim, as well as the distinct reputation of high quality products and services.

"2. The opposer's 'PREMIER' trademarks with registrations and applications worldwide are well known internationally.

Opposer has been issued world wide registrations covering products under International classes 7, 9, 11 and 21.

The Opposer's 'PREMIER' trademarks have been used, promoted and advertised for a considerable duration of time and over wide geographical areas. Opposer has invested a tremendous amount of resources in the promotion of the 'PREMIER' trademarks, i.e. advertisements on television and in well-known newspapers, magazines and other publications around the world. There is already a high degree of distinction of the Opposer's 'PREMIER' trademarks. Its products and services carried under the said "PREMIER' marks have, through the years, earned international acclaim, as well as the distinct reputation of high quality products.

"3. There is a likelihood of confusion between Respondent-Applicant's 'PREMIER' mark and Opposer's 'PREMIER' trademarks.

The Respondent-Applicant's 'PREMIER' is identical with and confusingly similar to Opposer's 'PREMIER' trademarks in appearance as would likely influence the purchasers to believe that Respondent-Applicant's products are those of the Opposer's.

x x x

"4. The use of Respondent-Applicant's 'PREMIER' mark for the product would indicate a connection to the products covered in Opposer's 'PREMIER' trademarks hence, the interests of the Opposer are likely to be damaged.

Respondent-Applicant's products are clearly related or associated to Opposer's products covered by its 'PREMIER' trademarks. The use by Respondent-Applicant of the 'PREMIER' mark for its products will definitely mislead the public into believing that its products originate from Opposer or that Respondent-Applicant is associated with or an affiliate of the Opposer.

The flagrant and veritable imitation of herein Opposer's 'PREMIER' trademarks is likely to cause confusion, mistake and deception to the buying public as to the source and origin of Respondent-Applicant's products.

It is the resultant goodwill and popularity of Opposer's 'PREMIER' trademarks that Respondent-Applicant's 'PREMIER' mark constitutes an infringement or invasion of Opposer's property rights to its 'PREMIER' trademarks which is protected by law. Such will most assuredly cause the dilution and loss of distinctiveness of Opposer's 'PREMIER' trademarks as well as cause irreparable damage and injury to Opposer.

Undoubtedly, the use, sale, and distribution by the Respondent-Applicant of 'PREMIER' products will inflict considerable damage to the interests of the Opposer. To allow Respondent-Applicant to register the 'PREMIER' mark for its products will constitute a mockery of our laws protecting intellectual property rights. It will legitimize its unfair and unlawful business practice."

x x x

The Opposer's evidence consists of the following:

1. Legalized Affidavit of Ramesh Udham Mirpuri;
2. Exhibit "A" - Copy of corporate papers of Sonitto in Spanish from the Public Registry of Panama with English translation;
3. Exhibit "B" - Copies of Sonitto's catalogues showing products bearing the PREMIER mark;
4. Exhibit "C" - Copy of Opposer's corporate paper with English translation;
5. Exhibit "D" - Copy of registration certificate for the mark PREMIER issued in Panama to Sonitto and assignment of the trademark to Opposer with English translation;
6. Exhibit "E" - Copies of incorporation documents of Premier Mundo S.A., report letter and records from the Public Registry of Panama relating to the companies under the Premier Group with English translation;
7. Exhibit "F" - List of Opposer's registration and/or pending applications for the PREMIER trademarks in various countries;

8. Exhibit "G" – Copy of printout from Opposer's website www.premiermundo.com and www.premierelectric.net showing the countries where Opposer's Premier products are sold;
9. Exhibit "H" – Copy of Opposer's Yearwise Sales of its products in many countries from 1996-2005;
10. Exhibit "I" – Copies of worldwide transactions by Opposer and Sonitto for its products bearing the mark PREMIER;
11. Exhibit "J" – Copy of Opposer's advertising details from 2004-2007, copies of invoices issued by advertising companies to Opposer and copies of photographs showing Opposer's Hong Kong agent's office showroom where Premier products are displayed;
12. Exhibit "K" – Copies of materials used in advertising and promoting products bearing the PREMIER mark; and
13. Exhibit "L" – Copies of decisions of the relevant authorities in Bolivia, Paraguay, Colombia and Panama with English translations.

On 14 June 2007 this Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant's counsel on 26 June 2007. The Respondent-Applicant filed three (3) successive Motions for Extension to File Answer, which were all granted. On 26 October 2007, the Respondent filed its Answer, alleging, among others, the following:

"3.1. Respondent-Applicant is one of the largest manufacturer of compact cameras in the world. It has fourteen percent (14%) share in the global camera market and has a total sales volume of approximately no less than Two Hundred Fifteen Million dollars (US\$215,000,000.00). Respondent-Applicant's world leading competitiveness is founded on the business philosophy that puts its customers first, a product development vision that keeps the company one step ahead of the competition, and a rigorous quality management system.

"3.2. Respondent-Applicant's predecessor-in-interest is Premier Camera Corporation, a legal entity duly organized under the laws of the British Virgin Islands.

"3.3. As early as 15 April 1983, Premier Camera Corp. has used and adopted the mark "Premier" in trade and commerce as shown by US Trademark bearing Registration No. 73448001 issued on 16 April 1985.

"3.4. In order to acquire proprietary rights and gain exclusivity to the name, Premier Camera corp. caused the filing of the trademark application for the 'Premier' mark on October 14, 1983 in the United States Patent and Trademark Office (USPTO). Subsequently, the USPTO granted Premier Camera Corp.'s trademark application and issued a Certificate of Trademark Registration bearing No. 1330643.

"3.5. Since its first use in April 1983, Respondent-Applicant has established its own goodwill and reputation for the mark 'Premier' for close to a period of two and a half (2 ½) decades.

"3.6. Apart from its US Registration, Respondent-Applicant was able to register the "Premier" mark in various countries throughout the world, such as:

Country	Registration No.	Registration Date	Trademark
Peru	10107245	March 1995	Premier
Slovenia	200371823	April 2004	Premier
Switzerland	521568	March 2003	Premier
Thailand	66056		Premier
Britain and Northern Ireland	2063659	26 March 1996	Premier
Lebanon	98245	June 2004	Premier
Morocco	89542	December 2003	Premier
New Zealand	B259861	1998	Premier
Croatia	Z20031845A	March 2003	Premier
Denmark	VR 01 358 1998	March 1998	Premier
France	96615544	March 1996	Premier
Israel	374171	December 1996	Premier
Andorra	20676	April 2004	Premier
Argentina	1752350,1682642,1296699	August 1998	Premier
Czech Republic	269694	2003	Premier
Benelux	592437	March 1996	Premier
Latvia	M032047	December 2003	Premier
Norway	227108	February 2004	Premier
Iran	122080	February 2004	Premier
Saudi			Premier
Taiwan	122080744824,1088729,115212,1095715	1986,1993,1993,1993	Premier

"3.7. Opposer is very much aware that Respondent-Applicant was the first to use and adopt the mark 'Premier' since, as early as December of 1998, Opposer's predecessor-in-interest, Sonitto Internacional, S.A. ('Sonitto') was already ordering and purchasing 'Premier' cameras from Respondent-Applicant. Later on, it was Opposer who was buying cameras from Respondent-Applicant for re-sale and distribution in Panama and other Latin American countries. During this time, numerous correspondence, purchase orders and invoices were exchanged and issued between Respondent-Applicant and Sonitto and Respondent-Applicant and Opposer.

"3.8. In all the correspondence and placing of order, it was Sonitto's General Manager (now Opposer's General Manager and signatory to the affidavit attached to the Verified Opposition), Ramesh Mirpuri, who corresponded with the Respondent-Applicant and placed the orders for 'Premier' cameras. Based on these correspondence, purchase orders and invoices, Opposer is clearly estopped from claiming that it was the first to adopt and use the mark 'Premier' worldwide.

"3.9. Respondent-Applicant was shocked to learn that Sonitto appropriated the mark 'Premier' as its own. To make matters worst, Sonitto applied and registered the mark 'Premier' in Panama in its own name.

"3.10. Sonitto's fraudulent act of appropriating and registering the mark 'Premier' in its own name, despite full knowledge that the mark is legally owned by Respondent-Applicant, was done in manifest bad faith and in utter disregard of the property rights of the latter.

"3.11. In order to protect its trademark and proprietary rights in Panama, respondent-Applicant file in the First Court in the Circuit of Colon ('First Court'), Criminal Branch, Republic of Panama, and an 'Action for Nullity of the Registration' of 'Premier' mark under International Class 9 goods under the name of Sonitto. The First Court ruled in favor of Respondent-Applicant, ordering the cancellation of the trademark 'Premier' under Opposer's name for the goods photographic, cinematographic, optical apparatus and instruments and apparatus for recording images.

"3.12. On appeal, the Third Superior Court of Justice of the First Judicial District of Panama ('Superior Court') ruled in favor of Respondent-Applicant stating that the registration of the mark 'Premier' by Premier Camera Corp. in the USPTO on 15 April 1985 in International Class 9 goods grants it previous rights.

"3.13. Since the Superior Court found that Premier Camera Corp. first used the mark 'Premier' as early as April 1983, it ordered Opposer to cease and desist from using the mark 'Premier' in International Class 9 goods namely scientific, nautical, surveying, electrical, photographic, cinematographic, optical, weighing, measuring, signaling, etc, apparatus and instruments.

"3.14. Thus, it is Respondent-Applicant, not Opposer, which first used and adopted the mark 'Premier' as early as 1983. After gaining knowledge of the established reputation, popularity, goodwill of the 'Premier' mark owned by Respondent-Applicant, Opposer's predecessor-in-interest took advantage and fraudulently used and registered the mark as its own. Being the successor-in-interest, Opposer has no right to oppose the trademark application of the mark 'Premier' under Respondent-Applicant's name.

"3.15. Any confusion that may arise is solely caused by Opposer. Opposer is trying to make it appear before this Honorable Office that Respondent-Applicant has imitated its mark. In truth and in fact, it is the Opposer that is the infringer."

x x x

"3.16. The Intellectual Property Code ('IP Code') provides that rights to a mark shall be acquired only through registration made validly in accordance with the provisions of the IP Code.

"3.17. The registration of a mark secures to the registrant advantages which are denied to non-registrant. Registration adds to or enlarges the scope of trademark protection and is generally a pre-condition to the exercise and enjoyment of trademark rights.

"3.18. In the present case, Opposer's 'Premier' mark is not registered in the Philippine IPO. Neither does Opposer claim that it has a pending trademark application for its 'Premier' mark. Hence, it has no basis to claim infringement of any trademark right, or claim a prior right

in order to oppose a trademark application or file a petition for cancellation of a trademark. Evidently, Opposer has no standing to oppose Respondent-Applicant's application for the 'Premier' mark.

x x x

"3.19. Perhaps, in a vain attempt to overcome its lack of registration, Opposer alleges that it is a well-known international mark. It claims that being a well-known international mark, it has validly acquired trademark rights here in the Philippines. Respondent-Applicant believes otherwise.

x x x

"3.22. Moreover, Article 16 (2) of the World Trade organization, Trade Related Aspects of Intellectual Property Rights ('TRIPS Agreement'), to which the Philippines is a signatory and a member thereof, provides that in determining whether a trademark is well-known internationally, member (country) states shall take account of the knowledge of the trademark in the relevant sector of the public, including knowledge in the member concerned which has been obtained as a result of the promotion of the mark.

"3.23. Thus, the foregoing strict requirements imposed by the IP Code, the Implementing Rules and Regulations and the TRIPS Agreement provide the conditions that must be present before a trademark can be considered a well-known international mark. The owners of marks who claim that their marks are well-known international marks must discharge a heavy burden of proof to establish their international claim and fame to broad protection.

"3.24. In the case at bar, Opposer failed to substantiate and establish its claim that it is a well-known international mark. Contrary to Opposer's unsupported and unfounded claim, the relevant sector here in the Philippines does not have any knowledge or does not even know that the 'Premier' mark as one which belongs to or is closely associated with Opposer.

"3.25. Opposer has not shown that its mark has been considered by Philippine trademark authorities to be well-known internationally and in the Philippines. There is nothing in the Opposition, as well as in the attached records, that shows that the relevant sector of the public has gained knowledge of Opposer's 'Premier' mark as a result of the promotion of the mark in the Philippines because Opposer has never used, promoted or advertised the 'Premier' mark here in the Philippines.

"3.26. Opposer, apparently, is of the wrong impression that merely because its state of incorporation, Panama, and Respondent-Applicant's place of incorporation, Taiwan (Chinese-Taipei), are both signatories of Paris Convention and the TRIPS Agreement, it is entitled to the protection even outside the territories where it has registered its mark.

x x x

"3.28. It is worthy to note that Opposer attempted to establish that its mark is internationally well-known by submitting documents that are all photocopies. Considering the heavy burden imposed by law or jurisprudence on well-known international marks (as it seeks to deprive others from using a mark outside the zone of its protection), how does Opposer expect to prove to this Honorable Office by clear and convincing evidence that it has complied with the quantum of proof necessary to establish that it is a well-known international mark?

"3.29. Moreover, the photocopies of the registration certificates, once examined, show that they were mostly issued by Latin American countries. Thus, at the most, the registration certificates only show popularity within that region, which certainly does not bring Opposer's 'Premier' mark to the level of an internationally well-known mark. Being registered in Panama and other Latin American countries, does not grant Opposer the right to claim protection in Asia, particularly in the Philippines considering that geographically speaking, Latin America and Asia are two very distant regions of the world that have a separate and distinct market. As such, Opposer cannot claim that it is also well-known by the purchasing public in Asia, particularly in the Philippines.

"3.30. Opposer, alleging that it is a well-known mark and entitled to trademark rights her in the Philippines, has the duty of establishing the truth of this proposition. *'Ei incumbit probatio qui dicit, non qui negat.'* He who asserts, not he who denies, must prove. Failing to discharge the heavy burden that it is a well-known international mark, Opposer cannot claim ownership and prevent others from using and registering the mark 'Premier'.

"3.31. Considering that Opposer's 'Premier' mark is not validly registered in accordance with the IP Code nor has any pending applications for the same and it is not a well-known international mark, it has no right to oppose Respondent-Applicant from applying fro the registration of the mark 'Premier'."

The Respondent-Applicant's evidence consists of the following:

1. Exhibit "1": copy of Premier Camera's brochures and product primer;
2. Exhibits "2" to "23": copies of Certificates of Trademark Registration issued in the United States of America, Peru, Slovenia, Switzerland, Thailand, Britain and Northern Ireland, Lebanon, Morocco, New Zealand, Croatia, Denmark, France, Israel, Andorra, Argentina, Czech Republic, Benelux, Latvia, Norway, Iran, Saudi Arabia and Taiwan;
3. Exhibit "24": copy of Opposer's brochure providing for its history and relation to its predecessor-in-interest Sonitto;
4. Exhibit "25": copies of correspondence, purchase orders and invoices;
5. Exhibit "26": copies of the orders made by Mr. Ramesh Mirpuri; and
6. Exhibit "27": copy of the decision of the Superior Court of Panama.

On 05 November 2007, the Opposer filed an Urgent Motion for Extension of Ten (10) Days to File Reply, which Respondent-Applicant opposed. Said Motion was denied under Order No. 2007-2048. On 09 November 2007, the Opposer filed a Reply. On 07 December 2007, the Opposer filed a Motion to Expunge Opposer's Reply, which was granted by this Bureau under Order No. 2007-2230 dated 14 December 2007. On 02 January 2008, the Opposer filed a Motion for Reconsideration with Motion to Admit Reply and a Motion to Expunge Answer to which the Respondent-Applicant filed a Comment. On 10 December 2008, this Bureau issued Resolution No. 2008-12 denying both the Motion for Reconsideration with Motion to Admit Reply and the Motion to Expunge Answer. The preliminary conference was terminated on 13 October 2009 and this Bureau issued Order No. 2009-1541 requiring the parties to submit their respective position papers. The Opposer filed its Position Paper on 06 November 2009 while the Respondent-Applicant did so on 09 November 2009.

Should the Respondent-Applicant be allowed to register the mark PREMIER?

The essence of trademark registration is to give protection to the owners of trademarks. The function of a trademark is to point out distinctly the origin or ownership of the goods to which it is affixed; to secure to him who has been instrumental in bringing into the market a superior article of merchandise, the fruit of his industry and skill; to assure the public that they are procuring the genuine article; to prevent fraud and imposition; and to protect the manufacturer against substitution and sale of an inferior and different article as his product.⁴

In this regard, as shown below, the marks of the Opposer and Respondent-Applicant are exactly the same:



Opposer's Mark



Respondent-Applicant's Mark

That in the Opposer's mark the word "Japan" appears is of no moment. It only gives the impression that one mark is just a variant of the other.

Thus, because the competing marks are used on similar and/or closely-related goods, confusion, even deception, is likely to occur. .

This Bureau noticed that the Opposer anchored its opposition on Sec. 147 of the IP Code, which provides:

Sec. 147. Rights Conferred

147.1. The owner of a registered mark shall have the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs or containers for goods or services which are identical or similar to those in respect of which the trademark is registered where such use would result in a likelihood of confusion. In case of the use, of an identical sign for identical goods or services, a likelihood of confusion shall be presumed.

147.2. The exclusive right of the owner of a well-known mark defined in Subsection 123.1(e) which is registered in the Philippines, shall extend to goods and services which are not similar to those in respect of which the mark is registered: Provided, That use of that mark in relation to those goods or services would indicate a connection between those goods or services and the owner of the registered mark: Provided further, That the interests of the owner of the registered mark are likely to be damaged by such use.

The rights under the afore-quoted provision of law may be invoked only by owners of marks that are registered in the Philippines. The records, however, show that at the time the Respondent-Applicant filed its application for the mark PREMIER on 17 December 2003, the Opposer has not secured a registration for its mark PREMIER nor is there a pending application for registration in the Philippines. The Respondent-Applicant was the first to file its application for registration of the mark in the Philippines.

⁴ See *Pribhdas J. Mirpuri v. Court of Appeals*, G. R. No. 114508, 19 Nov. 1999.

Even if this case is decided on the issue of ownership of the contested mark, the Respondent-Applicant still has the upper hand. The Opposer's claim of prior use and ownership of the contested mark is dubious. The Opposer claimed that it used its mark PREMIER in 1986 through its predecessor-in-interest Sonitto International. Sonitto International applied for registration of the mark in Panama only in 22 January 1990 and was granted registration on 26 May 1995.⁵ But the evidence shows that the Respondent-Applicant first used the mark PREMIER in commerce as early as 15 April 1983. The mark was registered in the United States of America on 16 April 1983 under the name of its predecessor-in-interest Premier Camera Corporation.⁶ In fact, the Respondent-Applicant also submitted various correspondences between the parties, as well as documents such purchase orders and invoices, which show that the Opposer was merely sourcing its Premier products from the Respondent-Applicant and selling or distributing the same in Panama.⁷

Furthermore, the decision of the Superior Court of Panama finding that Respondent-Applicant has a prior use over the mark PREMIER under Class 09 as against Opposer bolsters the Respondent-Applicant's claim of a better right over the mark.

It must be emphasized that "trademark registration system is not to be used in committing or perpetrating an unjust and unfair claim. A trademark is an industrial property and the owner thereof has property rights over it. The privilege of being issued a registration for its exclusive use, therefore, should be based on the concept of ownership. The IP Code implements the TRIPS Agreement and therefore, the idea of 'registered owner' does not mean that ownership is established by mere registration but that registration establishes merely a presumptive right of ownership. That presumption of ownership yields to superior evidence of actual and real ownership of the trademark and to the TRIPS Agreement requirement that no existing prior rights shall be prejudiced."

The intellectual property system was established to recognize creativity and give incentives to innovations. Similarly, the trademark registration system seeks to reward entrepreneurs and individuals who through their own innovations were able to distinguish their goods or services by a visible sign that distinctly points out the origin and ownership of such goods or services.⁸

WHEREFORE, premises considered, the instant opposition is hereby **DENIED**. Let the filewrapper of Trademark Application Serial No. 4-2003-011624 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 06 November 2013.


Atty. NATHANIEL S. AREVALO
Director IV
Bureau of Legal Affairs

⁵ See Exhibit "D".

⁶ See Exhibit "2".

⁷ See Exhibits "25" and "26".

⁸ See Decision, IPC No. 14-2008-00046, 21 January 2013, available at <http://onlineservices.ipophil.gov.ph/ipcaselibrary>