



OFFICE OF THE DIRECTOR GENERAL

THE PROCTER & GAMBLE COMPANY,  
Opposer-Appellant,

-versus-

CHAMPION INTERLINK GROUP CORP.,  
Respondent-Appellee.

X-----X

APPEAL NO. 14-2014-0022  
IPC No. 14-2011-00157  
Opposition to:

Application No. 4-2010-009289  
Date Filed: 24 August 2014  
Trademark: REJOICE

NOTICE

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**NATHANIEL S. AREVALO**  
Director, Bureau of Legal Affairs  
Intellectual Property Office of the Philippines  
Taguig City

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DATE: \_\_\_\_\_  
BY:     18    

**GREETINGS:**

Please be informed that on 15 September 2014, the Office of the Director General issued an Order in this case (copy attached).

Taguig City, 16 September 2014.

Very truly yours,

**ROBERT NEREO B. SAMSON**  
Attorney V



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ATTORNEY V  
Office of the Director General

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OFFICE OF THE DIRECTOR GENERAL

THE PROCTER & GAMBLE  
COMPANY,  
Opposer-Appellant,

Appeal No. 14-2014-0022

-versus-

Inter Partes Case No. 14-2011-00157

Opposition to:  
Application No. 4-2010-009289

Date Filed: 24 August 2010

CHAMPION INTERLINK  
GROUP CORP.,  
Respondent-Appellee.

Trademark: Rejoice

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ORDER

THE PROCTER & GAMBLE COMPANY (“Appellant”) filed an “APPEAL” dated 02 May 2014 seeking the reversal of the decision<sup>1</sup> of the Director of Bureau of Legal Affairs (“Director”) dismissing the Appellant’s opposition to the application for the registration of the mark “Rejoice” filed by CHAMPION INTERLINK GROUP CORP. (“Appellee”).

Subsequently, the Appellant filed a “MANIFESTATION (to admit annexes to the Appeal dated 2 May 2014)” dated 05 May 2014 stating that due to inadvertence the “Annexes” were not attached to the appeal. According to the Appellant, these annexes are necessary to support the timeliness of the filing of the appeal and to support its allegations and arguments.

On 19 May 2014, the Appellant filed another manifestation<sup>2</sup> and paid the appeal fees claiming that due to inadvertence and heavy work load during the date of filing of the appeal, which included several filings with the courts and other quasi-judicial agencies, the appeal fees were not included in the appeal filed on 02 May 2014. The Appellant claimed that the non-payment of the required fees in Inter-Partes Proceedings is not fatal to the case as the rules allow the opposer or the respondent to complete or to cure defects including non-payment in full or in part of the filing fees and other applicable fees.

The appeal should be dismissed outright.

Section 5 (b) of the Uniform Rules on Appeal, as amended, provides that:

Section 5. Action on the Appeal Memorandum. –

Decision No. 2014-81 dated 25 March 2014.  
MANIFESTATION (to accept payment of appeal fees in relation to the Appeal dated 2 May 2014).

CERTIFIED TRUE COPY  
DATE: *jl*

ROBERT MERO B. SAMSON  
ATTORNEY V

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- b. The appeal shall be dismissed outright on any of the following grounds:
  1. the appeal is filed out of time;
  2. the subject of the appeal is an interlocutory order, or is not a decision or final order;
  3. the appeal fee and other applicable fees are not paid within the reglementary period.

The Appellant received a copy of the decision of the Director on 01 April 2014. Under the Sections 2 and 3 of the Uniform Rules on Appeal, as amended<sup>3</sup>, the Appellant has until 02 May 2014 to perfect the appeal. However, while the Appellant filed the appeal on 02 May 2014, it did not pay the required fees.

The payment of the full amount of the appeal fees is a requirement for the perfection of the appeal to this Office. In one case, the Supreme Court of the Philippines held that the court acquires jurisdiction over the case only upon the payment of the prescribed docket fees. The requirement of an appeal fee is not a mere technicality of law or procedure but an essential requirement without which the decision appealed from would become final and executory as if no appeal was filed at all.<sup>4</sup>

In addition, the Appellant's argument that the rules allow the opposer or the respondent to complete or to cure defects in the non-payment of filing fees is not tenable as the rules cited by the Appellant refers to the filing of a notice of opposition or a petition for cancellation or compulsory licensing and not to the filing of an appeal to this Office.

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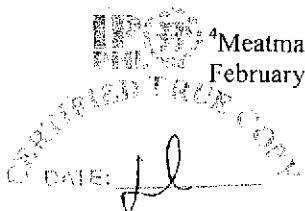
<sup>3</sup> Section 2. Appeal to the Director General.- The decisions or final orders of the Bureau Director shall become final and executory thirty (30) days after receipt of a copy thereof by the parties unless, within the same period, a motion for reconsideration is filed with the Bureau Director or an appeal to the Director General has been perfected; Provided, that only one (1) motion for reconsideration of the decision or order of the Bureau Director shall be allowed; and, in case the motion for reconsideration is denied, the appellant or appellants has/have the balance of the period prescribed above within which to file the appeal.

Upon proper motion citing meritorious reasons and the payment of the full amount of appeal fee and other applicable fees before the expiration of the reglementary period to perfect an appeal, the Office of the Director General may grant an additional period of fifteen (15) days within which to file the appeal. No further extension of the period to file the appeal, however, shall be allowed.

Section 3. Appeal Memorandum.- The appeal shall be perfected by filing or submitting in the Office of the Director General the following:

- a) an appeal memorandum in two(2) legible copies;
- b) proof of service of a copy of the appeal memorandum on the appellee(s) and the Bureau Director concerned; and
- c) payment of the appeal fee and other applicable fees.

<sup>4</sup>Meatmasters International Corp. v. Lelis Integrated Development Corp., G.R. No. 163022, 28 February 2005.

  
DATE:                     

ROBERT HEREO B. SAMSON  
ATTORNEY  
Office of the Director General

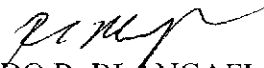
In *Sehwani Incorporated and/or Benita's Frites, Inc. vs. In-N-Out, Inc.*,<sup>5</sup> the Supreme Court held that:



The court has invariably ruled that perfection within the statutory or reglementary period is not only mandatory but also jurisdictional; failure to do so renders the questioned decision/final order final and executory, and deprives the appellate court of jurisdiction to alter the judgment or final order, much less to entertain the appeal. True, this rule had been relaxed but only in highly meritorious cases to prevent a grave injustice from being done. Such does not obtain in this case.

Wherefore, the instant appeal is hereby dismissed for the reasons discussed above.

SO ORDERED.

15 SEP 2014 Taguig City.

  
RICARDO R. BLANCAFLOR  
Director General

  
G/R, No. 171053, 15 October 2007.  
DATE:   
ROBERT HEREO B. SAMSON  
ATTORNEY V  
Office of the Director General