



CHINA BANK SAVINGS, INC.,
Opposer,

-versus-

ANA MARIE CHAN,
Respondent-Applicant.

} **IPC No. 14-2013-00368**
} Opposition to:
} Application No. 4-2013-00262
} Date filed: 10 January 2013
} TM: "EASY DEBIT"

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NOTICE OF DECISION

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GREETINGS:

Please be informed that Decision No. 2015 - 64 dated April 30, 2015 (copy enclosed) was promulgated in the above entitled case.

Taguig City, April 30, 2015.

For the Director:

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



CHINA BANK SAVINGS, INC.,
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ANA MARIE CHAN,
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IPC No. 14-2013-00368

Opposition to Trademark
Application No. 4-2013-00262
Date Filed: 10 January 2013
Trademark: **EASY DEBIT**

Decision No. 2015- 64

DECISION

China Bank Savings, Inc.¹ ("Opposer") filed an opposition to Trademark Application Serial No. 4-2013-00262. The contested application, filed by Ana Marie Chan² ("Respondent-Applicant"), covers the mark "EASY DEBIT" for use on "*mobile pos hardware and software*" under Class 09 of the International Classification of Goods³.

According to Opposer, its company is a private, stock corporation engaged in the business of saving and mortgage banking and authorized to engage in the business of trust company, foreign currency deposit unit operations and to act as government securities dealer. Its thrift banking business expanded and grew over the years. When it was launched on 08 September 2008, it initially offered the following products bearing the term "EASI" from the word "easy": (1) Easi-Save ATM, (2) Easi-Save Passbook, (3) Easi-Save Loaded, (4) Easi-Checking, and (5) Easi-Earn. It intended "Easi" to be the distinguishing feature of its products. The same is also consistent with its tagline "We Make Banking Easy for You".

The Opposer avers that in 2009, it launched the following additional products using the term "EASI": (1) Easi-Drivin' Auto Loan, (2) Easi-Earn High-Five, (3) Easi-Save for Kids and (4) Easi-Checking with Diary. In 2010, it also launched its "EASI-SAVE BASIC". It asserts that it spent substantial time, money and resources in the adoption of the Filipino slogan "Madaling Kausap" to appeal more directly to Filipino customers. It allegedly uses such tagline on "EASI" products. It thus claims to be the legitimate owner of the "EASI" family of marks, including the registered mark "EASI-SAVE". It contends that the Respondent-Applicant's mark "EASY DEBIT" should not be registered as the same in confusingly similar to its own "EASI" marks.

In support of its opposition, the Opposer submitted the following:⁴

¹A domestic corporation organized under the laws of the Philippines with address at 6772 Ayala Avenue, Makati City.

²An individual with known address at Hillview Ree, Killorglin, Kerry, Ireland.

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

⁴Marked as Exhibits "A" to "C", inclusive.

**Republic of the Philippines
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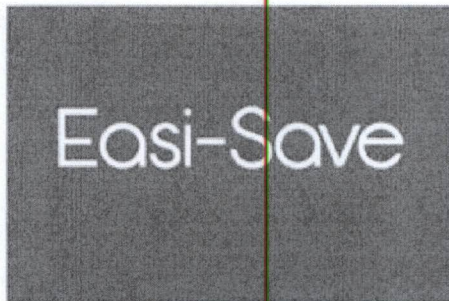
1. copies of the trademark applications and letter to the Intellectual Property Office Philippines (IPOP HL) dated 22 May 2013 showing the payment of the Issuance and 2nd Publication Fee for "EASI-SAVE";
2. affidavit of Janice S. Ty; and
3. printout from its FAQ's page.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 16 January 2014. The Respondent-Applicant, however, failed to timely her Answer. Accordingly, the Hearing Officer issued on 30 June 2014 Order No. 2014-722 declaring the Respondent-Applicant in default and the case submitted for decision.

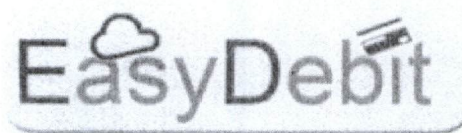
The issue to be resolved is whether the trademark "EASY DEBIT" should be allowed.

Records show that at the time the Respondent-Applicant filed the contested application on 10 January 2013, the Opposer has a valid and existing registration for its mark "EASI-SAVE" under Certificate of Registration No. 4-2012-008421 issued on 20 December 2012.

To determine whether the competing marks are confusingly similar, the two are reproduced below for comparison:



Opposer's mark



Respondent-Applicant's mark

The two are similar only insofar as the word "EASY" in the Respondent-Applicant's mark resembles in looks and in sound, the word "EASI" in the Opposer's mark. Be that as it may, this Bureau finds that the resemblance is insufficient to sustain the instant opposition. While it is true that the word "EASI" is coined by the Opposer, it failed to show that it also has the exclusive right to use the word "EASY". The word "EASY" is a common English word and is part of other registered marks belonging to different parties including those dealing with banking or financial services. The Trademark Registry reveals such marks, to wit: "EASY CASH", "EASY GIVES", "BPI LET'S MAKE IT EASY", "LANDBANK EASY CHECK PLUS CORPORATE CHECK PRINTING SYSTEM & DEVICE", "ABS-CBN EASY REMIT" and "INVESTING MADE EASY". Hence, what will determine whether the marks are indeed confusingly similar are the words

and/or device that accompany the same. In this case, the word "DEBIT" is completely distinct and distinguishable "SAVE". Moreover, the words "EASY" and "DEBIT" in the Respondent-Applicant's mark is stylized.

Finally, it is emphasized that 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.⁵ It is found that Respondent-Applicant sufficiently met the requirements of the law.

WHEREFORE, premises considered, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2013-00262 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 30 April 2015.


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

⁵ Pribhdas J. Mirpuri vs. Court of Appeals, G.R. No. 114508, 19 November 1999.