

**BRIDGESTONE CORPORATION,**  
Opposer,

**-versus-**

**CHRISTINA ONG CHOI,**  
Respondent- Applicant.

X-----X

} **IPC No. 14-2014-00055**  
}  
} Opposition to:  
} Appln. Serial No. 4-2013-00010122  
} Date Filed: 27 August 2013  
} **TM: "QUICKSTONE"**  
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}  
}  
}

**NOTICE OF DECISION**

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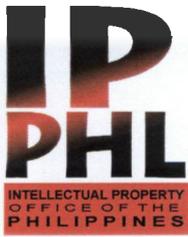
**GREETINGS:**

Please be informed that Decision No. 2016 - 72 dated March 08, 2016 (copy enclosed) was promulgated in the above entitled case.

Taguig City, March 08, 2016.

For the Director:

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



BRIDGESTONE CORPORATION, }  
*Opposer,* }  
 -versus- }  
 CHRISTINA ONG CHOI, }  
*Respondent-Applicant.* }  
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IPC No. 14-2014-00055  
 Opposition to:  
 Application No. 4-2013-00010122  
 Date Filed: 27 August 2013  
 Trademark: "QUICKSTONE"  
 Decision No. 2016- 72

**DECISION**

BRIDGESTONE CORPORATION<sup>1</sup> ("Opposer") filed an opposition to Trademark Application Serial No. 4-2013-00010122. The application, filed by Christina Ong Choi<sup>2</sup> ("Respondent-Applicant"), covers the mark "QUICKSTONE" for use on "motorcycle engine related to bicycle and motorcycle tire" under Class12 of the International Classification of Goods and Services.<sup>3</sup>

The Opposer alleges:

x x x

**"Facts**

"7. Opposer is a world-leading tire manufacturer. It is known for its BRIDGESTONE tires. Opposer has been manufacturing, selling and distributing tires worldwide under the BRIDGESTONE mark for almost eighty (80) years now and has widely and popularly sold and distributed its products in the Philippines and in numerous countries around the world.

"8. BRIDGESTONE is now declared as a well-known mark as defined under Section 123 of the Intellectual Property Code ('IPC'), by virtue of this Hon. Bureau's Decision No. 2008-48 and Decision No. 2009-106.

"9. In Decision No. 2008-48, a copy of which is Exhibit 'A' hereof, it was particularly ruled as follows:

x x x

"10. Said Decision No. 2008-48 is now final and executory. Attached as Exhibit 'A-1' is the Entry of Judgment/Execution of Decision No. 2008-48.

<sup>1</sup> A foreign corporation duly organized and existing under and the laws of Japan, with principal office at 10-1 Kyobashi 1-Chome, Chuo-ku Tokyo, Japan.  
<sup>2</sup> With address at 351 Rizal Avenue Ext. 9<sup>th</sup> Avenue West Grace Park, Caloocan City, Metro Manila, Philippines.  
<sup>3</sup> The Nice Classification is a classification of goods and services for the purpose of registering trademark and service marks, based on a 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 Purposes of the Registration of Marks concluded in 1957.

"11. And under said Decision No. 2008-48 and Decision No. 2009-106, the STONE element in BRIDGESTONE, and for that matter, Opposer's FIRESTONE also, is a protected element.

x x x

"12. The legal mandate for this Hon. Bureau is to follow its own procedure set in said Decision No. 2008-48 and Decision No. 2009-106, As held in De Mesa, et. al., vs. Pepsi Cola Products Phils. Inc., et al.

x x x

"13. Opposer is the first to use and register BRIDGESTONE in connection with the design, manufacture and technology of tires. All products manufactured and sold by Opposer are affixed with the mark BRIDGESTONE. Opposer traces its ownership and its right to use the BRIDGESTONE mark for more than eighty (80) years prior to the filing by Respondent-Applicant of its subject application on January 20, 2014 for the confusingly similar mark QUICKSTONE.

"14. The very first BRIDGESTONE tire was produced on April 9, 1930 by the company Japan 'Tabi' Socks Tire Division. On March 1, 1931, the founder Mr. Shojiro Ishibashi made the division independent and established the Bridgestone Tire Co. Ltd., in the City of Kurume, Fukuoka Prefecture.

x x x

"15. The ownership and association of the word 'STONE' as a distinctive word element of the Opposer's house mark BRIDGESTONE, was strengthened through the acquisition of Firestone Tire & Rubber together with the well-known mark FIRESTONE in 1988. With the acquisition of Firestone Tire & Rubber, the second-largest U.S. tire manufacturer, the brand awareness of the BRIDGESTONE trademark Bridgestone Corporation and its family of marks which consistently incorporate the 'STONE' as a word component, increased over time.

"16. Opposer has consistently ranked as top company in the global tire market. At the end of 2005, the production facilities belonging to the Bridgestone group increased to 141 and are spread throughout twenty-four (24) nations.

"17. Today, all consumers are used to seeing the name BRIDGESTONE in uniform black capital letters. It may appear in different sizes but the basic shape of the eleven capitalized letters is easily recognizable wherever in the world one encounters it. The word 'STONE' attached with another word such as BRIDGE and FIRE has already acquired a secondary meaning which refers to a brand of tires produced by Opposer.

"18. The use of FIRESTONE and BRIDGESTONE for tires whose quality has been highly ranked for many years now has reinforced the capacity of the 'STONE' as the common distinguishing element which has the capacity to immediately suggest or identify the products to Opposer as the source of the products. Thus, STONE has evolved into a highly distinctive element of Opposer's trademarks FIRESTONE and BRIDGESTONE such that the use by third parties of trademarks using STONE on competing or related products will inevitably be wrongly associated with the business of Opposer.

"19. As cited above, Opposer's BRIDGESTONE is now declared as a well-known mark.



"20. The facts supporting this declaration are indubitable. Opposer owns approximately five hundred (500) trademark applications and/or registrations and approximately two hundred forty three (243) domain name registrations in numerous countries around the world including the Philippines. It is the first to use and register BRIDGESTONE in many countries around the world. Most of these goods and services fall under Class 12 or are related to tires. The details of some of these trademark registrations are as follows:

x x x

"21. In the Philippines, Opposer and its related companies own approximately twenty four (24) trademark registrations, some of which are for BRIDGESTONE and FIRESTONE and variations thereof. Some of these trademark registrations and applications are:

x x x

"22. Opposer's products and information relating to its products, including the BRIDGESTONE brand are available at its main website: <http://www.bridgestone.com>. Visitors to this website include internet users and customers from all parts of the world including the Philippines. The said website serves as a powerful advertising medium for the brand BRIDGESTONE as it is accessible at all times to all customers who purchase and patronize Opposer's goods that are sold under the mentioned brand.

"23. Opposer has invested enormous resources in advertising and popularizing its BRIDGESTONE trademark in the Philippines and around the world. On an annual basis, Opposer spends approximately Y 98,654 million in promotion and advertising costs.

x x x

"24. In the Philippines, Opposer and its trademark BRIDGESTONE has been featured and advertised in numerous newspapers and magazines circulated in the Philippines. Some of these articles, newspapers and magazines are identified below.

x x x

"25. Although Bridgestone has diversified to include products such as sporting goods, chemical and industrial products, and bicycles, its major product remains to be tires. In 2011, Bridgestone occupied the largest market share in the global tire market at 15.2% with sales reaching as high as US\$ 37,943,000,000.00.

"26. The financial highlights for Bridgestone and its subsidiaries from the years 2010 to 2012 are as follows:

x x x

"27. In the Philippines, Bridgestone controls about 80% of the Original Equipment market and 50% of the local tire market.

x x x

"28. To increase the awareness and provide better service to their clients, Bridgestone opened a 1,300 square-meter Bridgestone Tire Showroom and service center at Bonifacio Global City in Taguig, Metro Manila. The said tire center is considered the most modern facility in the country.

"29. Bridgestone products are being sold locally through its Philippine Representative Office and local distributor Philippine Allied Enterprises Corporation, located at Pasong Tamo Extension, Makati City. It has a nationwide network of approximately 200 dealers, each with its own network of sub-dealers, providing Opposer with far-reaching means to ensure the availability of BRIDGESTONE products.

"30. The local distributor, Philippine Allied Enterprises Corporation (Bridgestone Philippines) also maintains their own website <http://www.bridgestonetires.com.ph/about-us/> which contains information such as store locator, news event or promotion, product information and corporate history and background.

"31. Bridgestone tires are also being sold online at [www.tirecenter.com.ph](http://www.tirecenter.com.ph). The said website is owned and managed by Tire Center Philippines ("TCP") which is also a distributor of various brands of tires in the Philippines, including Bridgestone. Aside from that, Bridgestone tires are also being sold at [www.ebay.ph](http://www.ebay.ph) which is a Philippine based auction sites as well as [www.ebay.com](http://www.ebay.com). At [www.ebay.ph](http://www.ebay.ph) and [www.ebay.com](http://www.ebay.com), individuals list items for sale on the site, as well as an initial purchase price. Thereafter, the purchasing public posts bids (in US dollars) on the items and at the end of the bidding period, highest bidder is awarded the item subject to the payment of the bid. Some items sell for over the original retail value. Review of search results of a search for BRIDGESTONE on [www.ebay.ph](http://www.ebay.ph) on January 28, 2014 uncovered 1,722 listings. A search of the [www.ebay.com](http://www.ebay.com) which is one of the biggest auction website on January 28, 2014 uncovered 15,352 listings.

"32. In the international plane, the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center and the National Arbitration Forum (NAF) have issued several Uniform Domain Name Dispute Resolution Policy (UDRP) decisions, involving domain names using Opposer's BRIDGESTONE mark, which resulted in the transfer of several domain names to Opposer. WIPO panels expressly found Opposer's BRIDGESTONE mark to be famous. These decisions are: 'Bridgestone Corporation vs. Jim Trader' (D2003-0798) and 'Bridgestone Corporation vs. Bridgestone Homes' (D2004-0736).

"33. Opposer's BRIDGESTONE trademark is also recognized as a well-known mark in Thailand and Russian Federation.

"34. There is no question that the contending trademarks contain the -STONE element. Such element has been declared as a prominent element when used in BRIDGESTONE. To quote again Decision No. 2008-48:

x x x

"35. This prominent element -STONE is also present as a suffix in QUICKSTONE.

"36. Hence, for containing the same prominent element, then, like DEESTONE and RIVERSTONE marks subject matter of the cited decisions, QUICKSTONE is to be seen as also misappropriating the -STONE element in order to make it confusingly similar to BRIDGESTONE and even FIRESTONE. QUICKSTONE is therefore not allowed to be registered under Sec. 123.1 (d).

"37. Confirming this is McDonald's Corporation vs. L.C. Big Mak Burger, Inc., where the similarity in the dominant element was considered as giving rise to confusing similarity, thus:

x x x

"38. Further amplifying this doctrine is the case of McDonald's Corporation vs. Macjoy Fastfood Corporation, which ruled that a prefix, and therefore, any fraction or syllable of the word element, can also be a dominant feature for purposes of confusing similarity objection:

x x x

"39. Indeed, a suffix, such as STONE, is also covered by this protection, as exemplified by prior decisions involving the following contending marks declared as confusingly similar: DYNAFLEX versus DURAFLEX, LIONPAS versus SALONPAS, and SAPOLIN versus LUSOLIN, and FLORMANN and FLORMEN.

"40. Thus, Opposer is in the right to oppose. This is a right granted to it under Sec. 147 of the Code:

x x x

"41. QUICKSTONE contains a component, other than the STONE element, i.e., QUICK-, - which is not present in BRIDGESTONE, - the presence of QUICK - notwithstanding, does not negate confusing similarity.

"42. The law is clear, as held in Co Tiong Sa vs. Director of Patents, that the copying in confusing similarity is not on the 'entire' trademark, but on even just one (1) dominant feature of the competing trademarks. Thus:

x x x

"43. In fact, the act of appropriating one dominant element of the mark of another and adding another element to the copied portion is exposed by jurisprudence as the usual ploy of infringers and copycats, who, thinking that they are so clever, would choose striking marks belonging to another, and embellish them with other marks or words in an attempt to mask the copying. As held in Del Monte Corporation vs. Court of Appeals:

x x x

"44. Clearly, the addition of QUICK- to -STONE is nothing more but a futile attempt to employ a point of difference to mask the intent of Respondent-Applicant to copy BRIDGESTONE and FIRESTONE through QUICKSTONE.

"45. Indeed, it is well-settled that the presence of other words will not erase the offense of infringement; there will still be confusing similarity even in the presence of such words if the copying of the dominant word results in the two marks becoming confusingly similar.

"46. For instance, the dominant feature in the trademark PLANTERS COCKTAIL PEANUTS and PHILIPPINE PLANTERS CORDIAL PEANUTS is the word PLANTERS, and it was ruled that appropriation of such dominant word makes the two marks confusingly similar despite the presence of other words not found in the contending marks.

"47. Also, the trademark UNIVERSAL CONVERSE and DEVICE was held as confusingly similar to CONVERSE RUBBER CORPORATION notwithstanding the presence of other words not found in the other mark, on the ruling that the copied word CONVERSE is dominant and therefore, it was deemed as giving rise to likelihood of confusion among the purchasers.

"48. This Hon. Office itself ruled in its decision in Societe Des Produits Nestle, S.A. vs. Foodworld Manufacturing Corporation, which denied the application for YES CAFÉ based on the opposition filed by the owner of the trademark NESCAFÉ, the Bureau, citing Continental Connector Corp., vs. Continental Specialties Corp., and Co Tiong SA vs. Director of Patents, as follows:

x x x

"49. In the end, even if there is a differentiation presented by the presence of QUICK- in Respondent-Applicant's trademark, this will be considered as just slight differentiation, and as held in Heirs of Crisanta Y. Gabriel-Almoradie vs. CA, et al, where the contending marks have differences in some of their parts, they will nevertheless be ruled as confusingly similar by the sheer weight of the fact that the contending marks will be used on related goods.

"50. The Civil Code of the Philippines identifies goodwill of a business as property, And the protection of goodwill involving intellectual property is enshrined in the Intellectual Property Code or RA 8293, thus:

x x x

"51. Goodwill involving intellectual property is acquired by a trademark through continued use, quality of goods or services, and ingenuity of the business. As held in Dela Rama Steamship Co. vs. National Dev. Co.:

x x x

"52. And goodwill of intellectual property is proven by evidence of continuous use, promotions and advertising, as confirmed in Levi Strauss (Phils.), Inc. vs. Vogue Traders Clothing Company thus:

x x x

"53. Under the law, a person will be deemed to be riding on the goodwill of a trademark belonging to another if he comes out with an identical copy or substantially similar version of such trademark, as taught in Levi's, thus:

x x x

"54. Otherwise stated, for choosing an exact copy of a mark belonging to another for use on the same goods, the copycat will be treated by law as out to ride on the goodwill, or to take advantage of such goodwill, residing in the copied mark.

"55. That is, the law will presume that the trademark application is filed fraudulently or in bad faith, in that the applicant is deemed to have intended to copy the mark of the latter in order to ride on the goodwill of the copied mark. For a person to come out with a mark which exactly copies the mark of another, is indication under the law of his intent to copy the latter mark.

"56. Thus, in the case of Shanri-La International Hotel Management, Ltd. Vs. Developers Group of Companies, Inc., the Supreme Court held that:

x x x

"57. Applying the foregoing rules, it is undeniable that in the instant case, the goodwill of the BRIDGESTONE brand is amply proven by the long and extensive use, world-wide registration of BRIDGESTONE, and Opposer's aggressive world sales, and extensive promotions and advertising campaigns for its BRIDGESTONE mark.

"58. Respondent-Applicant thus, for coming out with the QUICKSTONE mark that is confusingly similar to BRIDGESTONE, for use also on goods under Class 12 including tires and tire products, should be deemed as riding on the BRIDGESTONE goodwill of Opposer.

"59. Indeed, Respondent-Applicant has a boundless choice of words to identify its goods from the Opposer, and therefore, there is no reason why it would choose the QUICKSTONE mark, when it already belongs to Opposer, also used for the same goods.

"60. Parenthetically, Opposer's BRIDGESTONE trademark is a highly unusual mark. It can be considered as an arbitrary trademark even, and therefore it is highly distinctive when used on tires and tire products.

"61. Thus, the chance that it could have been more coincidence that two entrepreneurs, i.e., Opposer and Respondent-Applicant, independently of each other, were able to coin confusingly similar trademarks for identical goods, is too good to be true.

"62. The explanation is therefore more than plausible that Respondent-Applicant, aware of the famous BRIDGESTONE brand of Opposer, plagiarized the BRIDGESTONE name in the form of the confusingly similar QUICKSTONE.

"63. Section 165 of the IP Code is very clear that a trade name such, as a corporate name, belonging to one, cannot be registered as a trademark by another, whether or not the trade name is registered. Thus:

x x x

"64. This prohibition is based on treaty provisions, namely, Article 6sexies and 8 of the Paris Convention, providing as follows:

x x x

"65. Foreign corporations, such as Opposer herein, are particularly entitled to the protection of this prohibition, based on well-settled jurisprudence.

"66. Thus, in General Garments Corporation vs. The Director of Patents and Puritan Sportswear, it was held that:

x x x

"67. Similarly, in Western Equipment and Supply Co. v. Reyes and Red Line Transportation Co. v. Rural Transit Co., it was uniformly held as follows:

x x x

"68. In Western, it was particularly ruled as follows:



x x x

"69. This basic doctrine was reiterated in recent years, particularly in *Philips Export B.V. et al., vs. Court of Appeals, et al.* where it was ruled that 'as early as *Western Union Equipment and Supply Co. vs. Reyes*, (51 Phil. 115), the Court declared that a corporation's right to use its corporate and trade name is property right in rem, which it may assert and protect its tangible property, real or personal, against trespass or conversion' and that it 'is regarded, to a certain extent, as a property right and one which cannot be impaired or defeated by subsequent appropriation by another corporation in the same field.'

"70. In the instant case, there is no question that BRIDGESTONE is also the corporate name of Opposer, BRIDGESTONE CORPORATION. This BRIDGESTONE name, including names that are confusingly similar to it, can no longer be registered by another.

"71. In this case, Respondent-Applicant's QUICKSTONE trademark, because it is confusingly similar to BRIDGESTONE, which is the corporate name of Opposer, should not be registered, in compliance with the prohibition set in Section 165 of the IP Code.

The Opposer's evidence consists of a copy of Decision No. 2008-48 issued by the Bureau of Legal Affairs and the corresponding Entry of Judgment; copy of Decision No. 2009-106 issued by the Bureau of Legal Affairs; affidavit executed by Masahiko Yamamoto, General Manager of Bridgestone Corporation; Database Listing of all of Opposer's trademark registrations for BRIDGESTONE in different countries worldwide; Database Listing of all of Opposer's FIRESTONE trademark registrations in different countries worldwide; affidavit of Diana F. Rabanal; Special Power of Attorney with Certification of Authority; copies of the Opposer's trademark registrations in the Philippines; copy of the Notice of Opposition filed in Inter Partes Case No. 14-2006-00199; a list of all trademark applications and registrations filed and/or issued for the trademark FIRESTONE from many countries around the world; a list of all trademark applications and registrations filed and/or issued for the trademark BRIDGESTONE from many countries around the world; a list of all domain names owned by Opposer or related companies which contains the word BRIDGESTONE or BRIDGESTONE derivative names; sample certificates of trademark registrations issued for the mark BRIDGESTONE in various countries worldwide; printouts of various website all demonstrating advertising and promotions of Opposer's BRIDGESTONE trademark; copy of affidavit of use showing that Opposer was the first to use the BRIDGESTONE trademark in the Philippines; copy of invoice No. 6B92PHI, September 27, 2006, for 5,250 tires and 1,900 tire tube; copy of invoice no. 62AXK63, October 10, 2006, for 4,320 tires and 95 tire tube and flap; copy of invoice no. 6L2137, October 11, 2006, for 1,110 tires and 1,200 tire tube and flap; copy of representative sample of promotional materials published in Philippine magazines and newspaper; printouts of the Bridgestone search results from [www.ebay.ph](http://www.ebay.ph) and [www.ebay.com](http://www.ebay.com) respectively; copy of the Affidavit of Atty. Jan Abigail Ponce, an associate of Federis & Associates

Law Offices; printout of the Company's Website; newspaper articles featuring the launching of Bridgestone products; copy of the Affidavit of Mr. Masao Kobayashi, General Manager of the Philippine Representative Office of Opposer; photographs of Opposer's Bridgestone products; copies of some of the registrations issued for BRIDGESTONE from different countries; photographs of the Bridgestone Tire Showroom in Fort Bonifacio; Opposer's Annual Reports for the years 2000 to 2005; news reports, articles and magazines relating to Opposer and its BRIDGESTONE mark and products; Bridgestone's Corporate Data for the year 2006; photographs of Bridgestone outlets in the Philippines; list of Bridgestone stores in the Philippines; printouts of search results of the [www.ebay.ph](http://www.ebay.ph) and [www.ebay.com](http://www.ebay.com) for "Bridgestone"; copy of the affidavit of Mr. Yusuhiko Takda, director of Bridgestone Corporation; copies of Opposer's certificates of trademark registrations for BRIDGESTONE in Class 12; copy of a database list of all of Opposer's BRIDGESTONE trademark registrations and applications worldwide; copies of Opposer's certificates of trademark registrations for FIRESTONE in Class 12; copy of a database list of all of Opposer's FIRESTONE trademark registrations and applications worldwide; printouts of the Decisions in "Bridgestone Corporation vs. Jim Trader" (D2003-0798) and "Bridgestone Corporation vs. Bridgestone Homes" (D2004-0736) issued by the WIPO taken from its official website [www.wipo.org](http://www.wipo.org); certificate of recognition of a well-known trademark issued for BRIDGESTONE and Opposer with Reg. No. KorChorpor; certificate for well-known trademark for "BRIDGESTONE" issued by Russian Agency for patents and trademarks of Russian Federation; printouts of the website pages posted at <http://www.bridgestonetires.com.ph/about-us/>; affidavit of Mr. Kazuto Maehara, General Manager of Intellectual Property Division of Bridgestone Corporation; copy of a database list of all of Opposer's BRIDGESTONE trademark registrations in various countries covering goods in Class 12; copy of a database list of all of Opposer's FIRESTONE trademark registrations in various countries covering goods in Class 12; and, copies of Opposer's Annual Reports for the years 2010 to 2012.<sup>4</sup>

This Bureau issued a Notice to Answer and served a copy thereof upon Respondent-Applicant on 05 November 2015. Said Respondent-Applicant, however, did not file an Answer.

Should the Respondent-Applicant be allowed to register the trademark QUICKSTONE?

The Opposer anchors its opposition on Sections 123.1, paragraphs (d) and (f), Section 165 and Section 168.1 of Republic Act No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code"), to wit:

Sec. 123. Registrability. - 123.1. A mark cannot be registered if it:

x xx

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<sup>4</sup> Marked as Exhibits "A" to "TT", inclusive.

- (d) Is identical with a registered mark belonging to a different proprietor or a mark with an earlier filing or priority date, in respect of :
- (i) The same goods or services, or
  - (ii) Closely related goods or services, or
  - (iii) If it nearly resembles such a mark as to be likely to deceive or cause confusion;”
- (f) Is identical with, or confusingly similar to, or constitutes a translation of a mark considered well-known in accordance with the preceding paragraph, which is registered in the Philippines with respect to goods or service which are not similar to those with respect to which registration is applied for: Provided, That use of the 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;

Sec. 165. *Trade Names or Business Names.* – 165.1. A name or designation may not be used as a trade name if by its nature or the use to which such name or designation may be put, it is contrary to public order or morals and if, in particular, it is liable to deceive trade circles or the public as to the nature of the enterprise identified by that name.

165.2. (a) Notwithstanding any laws or regulations providing for any obligation to register trade names, such names shall be protected, even prior to or without registration, against any unlawful act committed by third parties.

(b) In particular, any subsequent use of the trade name by a third party, whether as a trade name or a mark or collective mark, or any such use of a similar trade name or mark, likely to mislead the public, shall be deemed unlawful.

165.3. The remedies provided for in Sections 153 to 156 and Sections 166 and 167 shall apply mutatis mutandis.

165.4. Any change in the ownership of a trade name shall be made with the transfer of the enterprise or part thereof identified by that name. The provisions of Subsections 149.2 to 149.4 shall apply mutatis mutandis.

168.1. A person who has identified in the mind of the public the goods he manufactures or deals in, his business or services from those of others, whether or not a registered mark is employed, has a property right in the goodwill of the said goods, business or services so identified, which will be protected in the same manner as other property rights.

Records show that at the time the Respondent-Applicant filed its trademark application on 27 August 2013, the Opposer already owns trademark registrations for “BRIDGESTONE” and “FIRESTONE”, under Reg. Nos. 039620 and 12205, respectively. The registrations cover “tires” in Class 12.

A comparison of the competing marks reproduced below:

**BRIDGESTONE**

**QUICKSTONE**

Opposer's trademark

Respondent-Applicant's mark

shows that confusion is likely to occur. The fact that the Respondent-Applicant's mark has the word QUICK instead of the word BRIDGE is of no moment. The distinctive feature of the Opposer's trademark is the STONE component. The Respondent-Applicant's mark is a colorable imitation of the Opposer's trademarks is evident in the way it was coined. Because the Respondent-Applicant's trademark application covers goods that are similar to the Opposer's, particularly, tires in Class 12, it is likely that the consumers will have the impression that these goods originate from a single source or origin or the QUICKSTONE being a variation of the BRIDGESTONE and FIRESTONE marks, as if in launching a new line of products. That consumers will likely to commit such mistake or belief is underscored by the fact that the Opposer's BRIDGESTONE and FIRESTONE trademarks have been declared in Decision No. 2008-48 by this Bureau as well-known. The confusion or mistake would subsist not only on the purchaser's perception of goods but on the origin thereof as held by the Supreme Court, to wit:

Callman notes two types of confusion. The first is the confusion of goods in which event the ordinary prudent purchaser would be induced to purchase one product in the belief that he was purchasing the other. In which case, defendant's goods are then bought as the plaintiff's and the poorer quality of the former reflects adversely on the plaintiff's reputation. The other is the confusion of business. Here, though the goods of the parties are different, the defendant's product is such as might reasonably be assumed to originate with the plaintiff and the public would then be deceived either into that belief or into belief that there is some connection between the plaintiff and defendant which, in fact does not exist.<sup>5</sup>

This Bureau is consistent when in Inter Partes Case No. 14-2008-00068 entitled "Bridgestone Corporation vs. Shandong Chengsan Tyre Co., Ltd." and in Inter Partes Case No. 14-2006-00199 entitled "Bridgestone Corporation vs. Richard D. Uy", it sustained the oppositions to the registration of the marks "AUSTONE" and "RIVERSTONE", respectively.

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<sup>5</sup>Converse Rubber Corp. v. Universal Rubber Products, Inc. et. al., G.R. No. L-27906, 08 Jan. 1987.

Likewise, this Bureau has previously sustained the opposition for registration of trademark also appropriating the word "STONE". In Inter Partes Case No. 14-2010-00110 entitled "Bridgestone Corporation vs. Deestone Limited"<sup>6</sup>, this Bureau held that:

"That the Petitioner's marks begin with either the words "FIRE" or "BRIDGE" while that of the Respondent-Registrant's with the word 'DEE' is of no consequence. There is the likelihood of the consumers being confused. Confusion cannot be avoided by merely adding, removing or changing some letters of a registered mark. Confusing similarity exists when there is such a close or ingenuous imitation as to be calculated to deceive ordinary persons, or such resemblance to the original as to deceive ordinary purchasers as to cause him to purchase the one supposing it to be the other.

The likelihood of confusion is underscored by the fact that the competing marks pertain to the same goods, i.e. tires and tubes. Thus, it is highly probable that the purchasers would be led to believe that Respondent-Applicant's mark is a mere variation of Opposer's mark..."

It is emphasized that 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.<sup>7</sup> This Bureau finds that the mark applied for registration by the Respondent-Applicant does not meet the function.

Succinctly, the field from which a person may select a trademark is practically unlimited. As in all other cases of colorable imitations, the unanswered riddle is why of the millions of terms and combinations of letters and designs available, the Respondent-Applicant had to come up with a mark identical or so closely similar to another's mark if there was no intent to take advantage of the goodwill generated by the other mark.<sup>8</sup> 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.

**WHEREFORE**, premises considered, the instant Opposition to Trademark Application No. 4-2013-00010122 is hereby **SUSTAINED**. Let the filewrapper of the

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<sup>6</sup> Decision No. 2015-87, 11 May 2015.

<sup>7</sup> *Pribhdas J. Mirpuri v. Court of Appeals*, G.R. No. 114508, 19 November 1999, citing *Ethepe v. Director of Patents, supra, Gabriel v. Perez*, 55 SCRA 406 (1974). See also Article 15, par. (1), Art. 16, par. (1), of the Trade Related Aspects of Intellectual Property (TRIPS Agreement).

<sup>8</sup> *American Wire & Cable Company v. Director of Patents*, G.R. No. L-26557, 18 Feb. 1970.

subject trademark application be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 08 March 2016.



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