

APPLE, INC.,
Opposer,

-versus-

APPLEWERKZ, INC. [PH],
Respondent- Applicant.

x-----x

}
} IPC No. 14-2015-00078
} Opposition to:
} Appln. Serial No. 4-2013-501526
} Date Filed: 23 June 2013
} TM: "APPLEWERKZ WHAT
} YOU DIFFERENT"

NOTICE OF DECISION

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GREETINGS:

Please be informed that Decision No. 2017 - 116 dated January 20, 2017 (copy enclosed) was promulgated in the above entitled case.

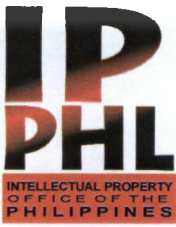
Pursuant to Section 2, Rule 9 of the IPOPHL Memorandum Circular No. 16-007 series of 2016, any party may appeal the decision to the Director of the Bureau of Legal Affairs within ten (10) days after receipt of the decision together with the payment of applicable fees.

Taguig City, January 23, 2017.

MARILYN F. RETUAL
IPRS IV
Bureau of Legal Affairs

Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE

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APPLE, INC.,	}	IPC NO. 14-2015-00078
Opposer,	}	Opposition to:
	}	
-versus-	}	Appln. Serial No. 4-2013-501526
	}	Date Issued: 24 June 2013
	}	TM: APPLEWERKZ WHAT MAKES
APPLEWERKZ, INC. [PH],	}	YOU DIFFERENT
Respondent-Applicant.	}	
x-----x		Decision No. 2017- <u>16</u>

DECISION

APPLE, INC.¹ ("Opposer") filed an opposition to Trademark Application Serial No. 4-2013-501526. The application, filed by APPLEWERKZ, INC. [PH]² ("Respondent-Applicant"), covers the mark "APPLEWERKZ WHAT MAKES YOU DIFFERENT" for use on "*protective covers and cases for cell phones, handheld electronic devices, portable music players, portable video players, portable media players, computers, laptops, tablets and personal digital assistants (PDAs); camera cases; and other similar accessories*" under Class 9 and "*distribution of goods in the local and international market; marketing of our products; retail services in relation to the sales of electronic device accessories*" under Class 35 of the International Classification of Goods.³

The Opposer alleges, among others, the following:

"a. The Opposer is the prior user and first registrant of the APPLE Trademarks in the Philippines, well before the filing date of Respondent's APPLEWERKZ trademark, which was only filed on 24 June 2013. The registration details of the various APPLE Trademarks held by Opposer are as follows:

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The Opposer has also registered the APPLE Trademarks in other countries. Opposer continues to use the APPLE Trademarks in the Philippines and throughout the world.

"b. The Opposer enjoys the exclusive right to prevent all third parties not having its consent from using in the course of trade identical or similar signs for goods and services which are identical or similar to those in respect of which its trademarks are registered where such use would result in a likelihood of confusion .

"c. The Respondent-Applicant's APPLEWERKZ mark is confusingly similar, if not identical, to the Opposer's APPLE Trademarks, and thus runs contrary to Section 123 of the IP

¹ A foreign corporation organized and existing under the laws of California U.S.A. with address at 1 Infinite Loop, Cupertino, California 95014, U.S.A.

² A domestic corporation with address at 1601, 16th Floor, The Atlanta Centre, No. 31 Annapolis Street Greenhills, San Juan City , Metro Manila.

³The 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.

Code, Section 123 (d), (e), (f) and (g) of the IP Code provides:

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"d. The Respondent's APPLEWERKZ mark appropriates the vital elements of the Opposer's APPLE Trademarks that would support a finding of confusing similarity, if not identity, between the competing marks in terms of spelling, pronunciation and appearance. It must be noted that the Respondent's APPLEWERKZ mark completely appropriates the Opposer's well-known and registered APPLE word mark.

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Additionally, it is relevant to point out that a number of Opposer's APPLE Trademarks are word marks, which, as the Honorable Office will note, does not bear or claim to have a distinctive feature, stylized depiction of the mark, nor a claim of color, thus affording the registrant thereof the broadest amount of protection under the IP Code. A word mark may be protected against infringers who colorably imitate substantial components of the mark, no matter how the infringing mark is depicted. Hence, the mere fact that the Opposer's APPLE word mark is depicted in uppercase letters does not *ipso facto* mean that the Opposer's right to exclusively use is only limited thereto. Therefore, in the event Opposer decides to cast its Apple Trademarks in lower case in the future, with more reason would the questioned mark be regarded as confusingly similar to, if not identical with, Opposer's mark.

Hence, the registration of Respondent's APPLEWERKZ mark in connection with the intended "*protective covers and cases for cell phones, handheld electronic devices, portable music players, portable video players, portable media players, computers, laptops, tablets and personal digital assistants (PDAs); camera cases; and other similar accessories*" under Class 9 and "*distribution of goods in the local and international market; marketing of our products; retail services in relation to the sales of electronic device accessories*" services under Class 35 will confuse consumers into believing that APPLEWERKZ originates from the Opposer, or is otherwise sponsored by or associated with Opposer, particularly as Respondent's mark is intended for use in connection with the sale of various accessories for Mac, iPod, iPod Nano, iPhone, iPad and iPad2, which are products manufactured, distributed and sold solely by Opposer and its affiliates.

"e. The Opposer is the owner of the well-known mark APPLE Trademarks, which had long been used all over the world by the Opposer in relation to a wide range of personal computing products, mobile communication and media devices, and portable digital music players, as well as a variety of related software, services, peripherals, networking solutions and various third-party hardware and software products since 1977.

"f. In fact, by the Respondent's own admission, as found in the Frequently Asked Questions (FAQ) section of the website <http://www.applewerkz.com>, the Respondent states that 'Applewerkz is a company that specializes in the importation and distribution of retail cases and accessories for gadgets, i.e., Apple, Samsung, Sony, Blackberry and HTC. A screen shot is shown below:

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Further, in "about...." section in one facebook webpage, the Respondent described itself as "...a distributor of Apple Accessories and computer peripherals'. A screen shot of the said declaration is shown below:

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It must be emphasized that the Opposer also sells accessories of its APPLE Trademarks, such as bags, leather cases, silicone cases, armbands, cables and docks, etc.

"g. Moreover, the Respondent's APPLEWERKZ mark is applied for registration for the goods and services in Class 9 and 35, in which the classes the Opposer's APPLE Trademarks are used and registered for.

"h. The competing marks, when read aloud, constitute *idem sonans* to a striking degree, which alone constitutes sufficient ground for the Honorable Office to rule that the marks are confusingly similar, more so as the marks involve the same class of goods.

"i. All of the foregoing support a finding of sufficient similarity between the competing marks, if not identity with the APPLE Trademarks. There appears to be a studied attempt to copy Opposer's well-known APPLE Trademarks, and ride on the goodwill it has created through decades of continuous use.

In fact, this Honorable Office may take judicial notice that the Respondent through its President and original incorporator, Aris T. Miranda, has previously tried to register a mark that is confusingly similar to the Opposer's APPLE Trademarks. The application for registration of the mark 'APPLEWERKZ' was successfully opposed by Opposer, in IPC No. 14-2011-00275, as this Honorable Office found the mark to be confusingly similar to the Opposer's APPLE Trademarks in its Decision No. 2012-199 dated 12 October 2012. And yet, the Respondent seeks to register another confusingly similar mark.

By suggesting a connection, association or affiliation with Opposer, when there is none, Respondent will no doubt cause confusion among the minds of the general public and substantial damage to the goodwill and reputation associated with the APPLE Trademarks, as well as Opposer's own business reputation.

"j. Opposer also used and registered the APPLE Trademarks in other countries, which thereby classifies the APPLE Trademarks as registered and well-known trademarks, both internationally and in the Philippines.

In fact, in Decision No. 2008-161 dated 3 September, the APPLE Trademarks have been declared no less by this Honorable Office's Bureau of Legal Affairs to be well-known, as '[p]ractly in all countries in the world, in continents from Europe to Asia-Pacific Rim and from North and South America, [Opposer's] advertisements in a detailed manner bearing the mark APPLE and Apple and device appear on the internet, which is practically without boundaries (in that) products bearing said mark may be accessed by anyone from anywhere'. Thus, as found by the Bureau of Legal Affairs, said 'marks are entitled to protection against trademark dilution'.

Further, the recognition that the Opposer's marks are well-known marks was reiterated by this Honorable Office in the aforementioned case of *Apple, Inc. v. Aris Miranda*, IPC No. 14-2011-00275 involving the mark: "APPLEWERKZ & DESIGN", where it is stated:

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"k. As such, Opposer is entitled to a wider scope of protection under the Philippine law and to protect its APPLE Trademarks against marks that are liable to create confusion in the minds of the public or used in bad faith under Article *6bis* of the Paris Convention, thus:

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As owner of a mark that is well-known and registered in the Philippines, the Opposer is entitled to protect its APPLE Trademarks against marks that are liable to create a confusion in the minds of the public, whether such marks are used on similar or dissimilar goods or services.

"l. If allowed to proceed to registration, the consequent use of the APPLEWERKZ mark by the Respondent will amount to unfair competition with and dilution of the Opposer's APPLE Trademarks, which have attained valuable goodwill and reputation through decades of extensive and exclusive use. This is prohibited under Section 168 of the IP Code.

Opposer's goodwill is a property right separately protected under Philippine law, and a violation thereof amounts to downright unfair competition proscribed under Article 10*bis* of the Paris Convention, Article 28 of the Civil Code and Section 168 of the IP Code:

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"m. The registration of the Respondent's mark will work to impede the natural expansion of Opposer's use of its APPLE Trademarks in the Philippines.

"n. The registration and consequent use of the APPLEWERKZ mark by Respondent will result in a confusion of source or reputation, which is proscribed under the IP Code and applicable precedents; and

"o. Other provisions of the IP Code and related international agreements or conventions on the subject of intellectual property rights warrant the denial by this Honorable Office of Respondent's trademark application."

Opposer's evidence consists of the following:

1. Original notarized and legalized Affidavit of Thomas R. La Perle;
2. Copy of 20 August 2012 article from CNN about Apple's market value of over USD620 B;
3. Listing of representative samples of Opposer's trademark registrations for the APPLE Logo in many jurisdictions;
4. Listing of representative samples of Opposer's trademark registrations for the APPLE word mark in many jurisdictions;
5. Samples of APPLE advertisements in the Philippines;
6. Pictures of stores and signages depicting the APPLE name and marks in the Philippines;
7. Copy of Opposer's external use policy, published under the title "Guidelines for Using Apple Trademarks and Copyrights";
8. Copies of materials featuring the APPLE trademarks in connection with Mac OS products ;
9. Screen shot of the homepage of the iTunes Store service website in the Philippines;
10. Screenshots of the Apple Store service website for the US, Australia, Canada, Spain, France, Japan, New Zealand, Philippines and United Kingdom;
11. List of Apple Retail store located worldwide;



12. Collection of images illustrating the use of the Opposer's APPLE trademarks in connection with Apple Retail Stores;
13. Representative sample of print and outdoor advertisements of Opposer in Asia-Pacific Region;
14. Copies of Millward Brown Optimor's ranking from 2006-2014;
15. Copies of Brand Finance Global 500 for 2014-2015;
16. Copies of brandchannel.com 2008 and 2009 Brabdjunkie Survey Result and Brandchannel Reader's Choice Awards for 2001-2006;
17. Photocopy of Fortune Magazine's Most Admired Company rankings for 2006-2014;
18. Screenshots of Coolbrand's List results for 2012/2013;
19. Photocopies of the relevant pages from Forbes survey for 2012-2014;
20. Photocopies of decisions worldwide regarding APPLE marks;
21. Photocopy of Decision No. 2008-161 dated 3 October 2008 and Resolution No. 2009-30 dated 28 May 2009 in Apple, Inc. v. Herbanext, Inc. docketed as IPC No. 14-2007-00193;
22. Photocopy of BLA's decision in IPC No. 14-2011-00275 entitled Apple, Inc. v. Aris Miranda;
23. Photocopies of the relevant pages of Apple's Annual Report from 2008-2014 filed with the US Securities and Exchange Commission;
24. Screenshots and printouts taken from www.applewerkz.com and facebook page of APPLEWERKZ;
25. Affidavit of Frederick August I. Jose;
26. Copy of the E-Gazette publication showing APPLEWERKZ application details;
27. Articles of Incorporation, Financial Statement and General Information Sheet for 2014 of Applewerkz;
28. Copy of Entry of Judgment/Execution of Decision for Decision No. 2012-199;
29. Screenshots from Applewerkz Twitter page and YouTube posts;
30. Various promotional materials of Respondent from the internet;
31. Screenshots of the website www.applewerkz.com;
32. Screenshot of Respondent FB webpage section on "About Applewerkz";
33. Screenshot of Respondent's FAQ page of its website;
34. Photographs of Respondent's use of the APPLEWERKZ mark in actual commerce; and
35. Legalized and authenticated Special Power of Attorney.

This Bureau issued on 07 April 2015 a Notice to Answer and served a copy thereof to the Respondent-Applicant. Respondent-Applicant requested for two extensions of time to file answer however, despite the grant of the extension, it still failed to file the answer. On 27 July 2016, this Bureau issued an order declaring Respondent-Applicant in default. Hence, the case is now deemed submitted for resolution.

Should Respondent-Applicant's mark "APPLEWERKZ WHAT MAKES YOU DIFFERENT" be allowed registration?

Section 123.1 (d), (e) and (f) of Republic Act No. 8293, otherwise known as the "Intellectual Property Code of the Philippines", as amended, provides for the grounds for registration of a mark, to wit:

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

x x x

(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;

x x x

(e) Is identical with, or confusingly similar to, or constitutes a translation of a mark which is considered by the competent authority of the Philippines to be well-known internationally and in the Philippines, whether or not it is registered here, as being already the mark of a person other than the applicant for registration, and used for identical or similar goods or services: *Provided*, That in determining whether a mark is well-known, account shall be taken of the knowledge of the relevant sector of the public, rather than of the public at large, including knowledge in the Philippines which has been obtained as a result of the promotion of the mark;

(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 services 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.

Explicit from the afore-cited provision of the IP Code that whenever a mark subject of an application for registration resembles another mark which has been registered or has an earlier filing or priority date, or resembles a well-known mark, said mark cannot be registered.

Records will show that at the time Respondent-Applicant applied for registration of its mark APPLEWERKZ WHAT MAKES YOU DIFFERENT on 24 June 2014, Opposer already has an existing registration for its mark APPLE issued way back in 14 July 1988 for goods under Class 9. This mark was applied for registration on 07 May 1982. Opposer's APPLE mark is used for "computers and computer programs recorded on tape and paper" under Class 09. It is also registered for use on "advertising, business management, business administration, office functions, arranging and conducting trade shows, and trade show expositions and exhibitions, retail store services, online retail store services provided via a global computer network" among others, under Class 35 also. It is also registered for goods/services under Classes 10,11, 12, 14, 15, 18, 25, 28, 34, 36, 37, 39, 41, 44, and 45. On the other hand, Respondent-Applicant's mark APPLEWERKZ WHAT MAKES YOU DIFFERENT is being applied for use on "protective covers and cases for cell phones, handheld electronic devices, portable music players, portable video players, portable media players,

computers, laptops, tablets and personal digital assistants (PDAs); camera cases; and other similar accessories" under Class 9 also and "distribution of goods in the local and international market; marketing of our products; retail services in relation to the sales of electronic device accessories" under Class 35. As such, the parties' goods are similar or closely related and competing.

But are the marks of the parties confusingly similar as to likely cause confusion, mistake or deception on the part of the buying public?

The marks of the parties are herein reproduced for comparison:



Respondent-Applicant's Mark

The main feature of Opposer's mark is the word APPLE which is the mark itself. Other variants of its APPLE Trademarks are the Apple Device; and the word APPLE in combination with other words or letters. On the other hand, Respondent-Applicant's mark consists of the stylized APPLEWERKS and the phrase "What Makes You Different". Though there are differences between the competing marks, these differences however, pales into insignificance because of the presence of the word APPLE in both marks. Moreover, when the marks are advertised on radio, the consumers will be confused into believing that Respondent-Applicant's mark is another variation of the APPLE trademarks already existing.

Further, this Bureau already had the occasion to rule on the confusing similarity between another variant of Respondent-Applicant's APPLEWERKZ mark. In the said decision, this Bureau ruled:

While the competing marks, as shown below, are not exactly identical xxx the differences, like the presence of the term "applewerkz" in the Respondent-Applicant's mark, are inconsequential and would not avoid a conclusion that the marks convey the same idea or concept to the senses, which is still the "apple" fruit.

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In this regard, records show that at the time the Respondent-Applicant filed his trademark application on 15 February 2011,

- 1.the Opposer has several trademark registrations for the mark APPLE and its variations, registration Nos. 040034 (class9), 4-2002-002618 (classes 9 and 38), and 420020040S6 (class 42); and
2. this Bureau had already declared the Opposer's APPLE trademarks well-known marks.

But, on whether a mark utilized by one party for the purpose of presentation of goods for retail purposes is confusingly similar to a registered mark belonging to another, it is important to determine or establish the goods involved.

In this instance, the Opposer's trademark registration covers a wide range of Goods that include personal computing products, mobile communication and media devices, and portable digital music players, as well as a variety of related software, services, peripherals, networking solutions and various third-party hardware and software products. The Respondent-Applicant's trademark application, on the other hand, does not indicate or specify the goods that will be "presented" through the mark APPLEWERKZ &: DESIGN for retail purposes.

Hence, without explicit limitation in respect of goods, the Respondent-Applicant, if allowed to register APPLEWERKZ &: DESIGN, will be able to use the mark on any goods. If it uses the mark on goods covered by the Opposer's trademark registrations, the likelihood of confusion therefore arises. This Bureau finds merit in the Opposer's assertions:

"Hence, the registration of Respondent's APPLEWERKZ mark in connection with presentation of goods for retail purposes' under Class 35 will confuse consumers into believing that APPLEWERKZ originates from Opposer, or are otherwise sponsored by or associated with Opposer, particularly as Respondent's mark is intended for use in connection with the sale of various accessories for Mac, iPod, iPod Nano, iPhone, and iPad, which are products designed, manufactured by Opposer, and are products distributed and sold by Opposer and its authorized affiliates.

"Opposer is the owner of the well-known APPLE Trademarks, which have long been used and are in continuous use over the world by Opposer in relation to a wide range of personal computing products, mobile communication and media devices, and portable digital music players, as well as a variety of related software, services, peripherals, networking solutions and various third-party hardware and software products starting in 1977."

The Opposer even submitted screenshots and computer print-outs taken from the website, www.applewerkz.com to show that the Respondent-Applicant will use the mark he applied for registration for products which appear to be computers, mobile phones and accessories. The likelihood of confusion would subsist not *only* on the purchaser's perception of goods but on the origins thereof as held by the Supreme Court.

Indeed, 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 purchaser as to cause him to purchase the one supposing it to be the other⁴. Colorable imitation does not mean such similitude as amounts to identify, nor does it require that all details be literally copied. Colorable imitation refers to such similarity in form, context, words, sound, meaning, special arrangement or general appearance of the trademark or trade name with that of the other mark or trade name in their over-all presentation or in their essential, substantive and distinctive parts as would likely to mislead or confuse persons in the ordinary course of purchasing the genuine article⁵.

The determinative factor in a contest involving trademark registration is not whether the

⁴ See *Societe Des Produits Nestle, S.A v. Court of Appeals*, G.R. No.112012, 4 Apr. 2001, 356 SCRA 207, 217.

⁵ See *Emerald Garment Manufacturing Corp. v. Court of Appeals*. G.R. No. 100098, 29 Dec. 1995.

challenged mark would actually cause confusion or deception of the purchasers but whether the use of such mark will likely cause confusion or mistake on the part of the buying public. To constitute an infringement of an existing trademark, patent and warrant a denial of an application for registration, the law does not require that the competing trademarks must be so identical as to produce actual error or mistake; it would be sufficient, for purposes of the law, that the similarity between the two labels is such that there is a possibility or likelihood of the purchaser of the older brand mistaking the newer brand for it.⁶ The likelihood of confusion would subsist not only on the purchaser's perception of goods but on the origins thereof as held by the Supreme Court:⁷

Callman notes two types of confusion. The first is the confusion of goods in which event the ordinarily 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.

Also, this Bureau takes judicial notice of the Decision No. 2008-161 issued on 03 September 2008 declaring the APPLE mark as a well-known mark, to wit:

One criterion for determining whether a mark is well-known is the duration, extent and geographical area of any use of the mark, in particular, the duration, extent and geographical area of any promotion of the mark, including advertising or publicity and the presentation, at fairs or exhibitions, of the goods and/or services to which the mark applies (Rules On Trademarks, Service Marks, Trade Names And Marked Or Stamped Containers).

This Bureau holds that the extent and geographical area of the promotion of opposer's **APPLE**, such as the advertising and publicity of goods under different classes which bear said mark through print media, broadcast media and the internet is such that said mark may be considered as well-known. Practically in all countries in the world, in continents from Europe to the Asia/Pacific Rim and from North and South America, its advertisements in a detailed manner bearing the mark **APPLE and Apple and device** appear on the internet, which is practically without boundaries. These products bearing said mark may be accessed by anyone from anywhere.

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Being well-known, Opposer's marks are entitled to protection against trademark dilution as stated in **Levi Strauss & Co., vs. Clinton Apparelle, 470 SCRA 236 (2005)**:

"Trademark dilution is the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless of the presence or absence of: (1) competition between the owner of the famous mark and other parties; or (2) likelihood of confusion, mistake or deception. Subject to the principles of equity, the owner of the famous mark is entitled to an injunction "against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the mark." This is intended to protect famous marks from subsequent uses that

⁶ See *American Wire and Cable Co. v. Director of Patents et al.*, G.R. No. L-26557, 18 Feb. 1970.

⁷ See *Converse Rubber Corporation v. Universal Rubber Products, Inc., et al.*, G.R. No. L-27906, 08 Jan. 1987.

blur distinctiveness of the mark or tarnish or disparage it."

It is concluded that through the rules and sections aforementioned above, the Opposer's marks are internationally known mark xxx.


Prescinding from the above-findings of this Bureau that the marks of the parties are confusingly similar and in accordance with the declaration that Opposer's APPLE and APPLE Device mark is an internationally well-known mark, the registration of Respondent-Applicant's mark is proscribed under Section 123.1 (d), (e) and (f) of the IP Code.

The protection of trademarks is the law's recognition of the psychological function of symbols. If it is true that we live by symbols, it is no less true that we purchase goods by them. A trademark is a merchandising shortcut, which induces a purchaser to select what he wants, or what he has been led to believe he wants. The owner of a mark exploits this human propensity by making every effort to impregnate the atmosphere of the market with the drawing power of a congenial symbol. Whatever the means employed, due aim is the same – to convey through the mark, in the minds of potential customers, the desirability of the commodity upon which it appears. Once this is attained, the trademark owner has something of value. If another poaches upon the commercial magnetism of the symbol he has created, the owner can obtain legal redress.⁸

WHEREFORE, premises considered, the instant Opposition is hereby *SUSTAINED*. Let the filewrapper of Trademark Reg. No. 4-2013-501526 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, **20 JAN 2017**


MARLITA V. DAGSA
Adjudication Officer
Bureau of Legal Affairs

⁸ *Societe Des Produits Nestle, Et. Al. vs. Court of Appeals, G.R. No. 112012. April 4, 2001*