

JOLLIBEE FOODS CORPORATION,
Opposer,

-versus-

MICHAEL T. TSAI,
Respondent-Applicant.

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IPC No. 14-2013-00395
Opposition to:

Appln. Serial No. 4-2013-003954
Date Filed: 08 April 2013

**TM: JELLYBEE IN HONEYCOMB
DEVICE & TWO BEES**

NOTICE OF DECISION

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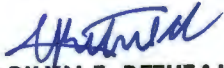
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GREETINGS:

Please be informed that Decision No. 2017 - 142 dated 25 April 2017 (copy enclosed) was promulgated in the above entitled case.

Pursuant to Section 2, Rule 9 of the IPOPPL 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, 25 April 2017.


MARILYN F. RETUAL
IPRS IV
Bureau of Legal Affairs

JOLLIBEE FOODS CORPORATION,
Opposer, }
-versus- }
MICHAEL T. TSAI,
Respondent-Applicant. }
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IPC No. 14-2013-00395
Opposition to:
Application No. 4-2013-003954
Date Filed: 08 April 2013
Trademark: "JELLYBEE
IN HONEYCOMB DEVICE
& TWO BEES"
Decision No. 2017- 142

DECISION

JOLLIBEE FOODS CORPORATION¹ ("Opposer") filed an opposition to Trademark Application Serial No. 4-2013-003954. The application, filed by Michael T. Tsai² ("Respondent-Applicant"), covers the mark "JELLYBEE IN HONEYCOMB DEVICE & TWO BEES " for use on "peanut butter, butter" under Class 29 of the International Classification of Goods and Services.³

The Opposer alleges:

x x x

"1. Opposer is known as Jollibee Foods Corporation. It has been in existence for nearly four (4) decades and operates the very popular chain of quick-service restaurants called JOLLIBEE that are found all over the Philippines and abroad. Throughout the years, Opposer has continuously used the JOLLIBEE name and mark in each Jollibee outlet in almost all product packaging, advertising and promotional materials. Opposer, with its JOLLIBEE brand, is recognized as one of the country's greatest success stories and is an undeniable symbol of Filipino pride worldwide.

"2. Opposer is the registered owner and first user of the internationally well-known JOLLIBEE mark and other related JOLLIBEE trademarks. Opposer respectfully comes before the Honorable Office to ask for the rejection of the application for the mark JELLYBEE sought to be registered by Respondent-Applicant for being confusingly similar to Opposer's name and marks.

"3. The details of Respondent-Applicant's trademark application are, as follows:

x x x

¹ A domestic corporation organized under the laws of the Philippines with address at 7th Floor, Jollibee Plaza Building, Emerald Avenue, Ortigas Center, Pasig City, Philippines.
² A domestic corporation with principal office address at 12 Banaybanay, Cabuyao, Laguna, Philippines.
³ 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.

"4. The registration of the mark JELLYBEE is contrary to the provisions of Sections 123.1 (d), (e) and (f) of Republic Act No. 8293, as amended, otherwise known as the Intellectual Property Code of the Philippines, which prohibit the registration of mark that:

x x x

"5. In determining whether a mark is internationally well-known, Rule 102 of the Implementing Rules and Regulations on Trademarks, Service Marks, Tradenames and Marked of Stamped Containers provides that the following criteria may be taken into consideration:

x x x

"6. The Trademark Regulations do not require that all of the criteria mentioned above be met before a mark can be considered as well-known. It expressly states that 'any combination' of the above criteria may be used. Indeed, in *Sehwani, Incorporated and/or Benita's Frites, Inc. vs. In-N-Out Burger, Inc.*, the Supreme Court upheld the decision of the Director of Bureau of Legal Affairs ('BLA') finding 'In-N-Out' a well-known mark merely on the basis of: (1) a handful of foreign trademark registrations for the 'In-N-Out' trademark; and (2) evidence of the advertising activities for the 'In-N-Out' trademarks. It is noteworthy that none of the registrations or advertising presented in the 'In-N-Out' case occurred in the Philippines.

"7. As the only Supreme Court case applying Rule 102 of the Trademark Regulations, the 'In-N-Out' case sets the benchmark for which all other marks vying for well-known mark status should be judged. The decision sets a judicial precedent that must be followed in the absence of strong and compelling reasons to deviate from this sacred rule.

x x x

"8. As will be shown hereunder, Opposer's JOLLIBEE mark significantly exceeds the benchmark set in the 'In-N-Out' case and is therefore entitled to be officially recognized as a well-known mark.

"9. The JOLLIBEE mark was first used in the Philippines on 26 January 1978 for quick-service restaurants serving food and beverages. After 35 continuous years in business, there are now over 791 JOLLIBEE restaurants in the Philippines alone. In 1986, the first international JOLLIBEE restaurant located in Taiwan opened, and there are now 98 JOLLIBEE restaurants abroad located in Brunei, Hong Kong, Qatar, Saudi Arabia, Singapore, United States of America and Vietnam. In total, there are currently more than 880 JOLLIBEE restaurants worldwide serving an estimate of more than 2 million customers on a daily basis. The patronage for the JOLLIBEE products is so strong that Filipinos, especially overseas, always form long lines to welcome every store opening. Just as an example, a video of the opening of Opposer's store in New York, USA can be viewed on YouTube and it shows the long lines and excitement of customers waiting to enjoy Opposer's food and services. Comments therein refer to lines 'going for blocks' long after the store opened.

"10. Following are some of the highlights in Opposer's history:

x x x

"11. On 10 October 2012, Opposer hosted the delegates of the Follow-up Session to the WIPO-Sweden Advanced Training Course on Industrial Property in the

Global Economy from Asia, Africa, Europe and Latin America, at the request of the IPO. This event is a testament as to how Opposer has successfully leveraged the use of its intellectual property rights to gain business competitive advantage not only in the Philippines, but also internationally. A group of photo from the said event is shown below:

x x x

"12. Opposer has continuously used the JOLLIBEE mark in each Jollibee outlet and in almost all product packaging, advertising and public relations materials. Its products and services can also be viewed online through its website www.jollibee.com.ph where the JOLLIBEE mark is prominently featured. This shows that the JOLLIBEE mark has been used and promoted for a long time (35 years), and that such use and promotion are extensive and covers a wide geographical area.

"13. It should also be noted that building brand awareness and identity has been central to Opposer's business. For the years 2010 and 2011 alone, Opposer invested more than Php1 Billion for advertising and promotions annually. Over the years, this investment has won recognitions and awards as it produced some of the most memorable images in Philippines advertising history, featuring now famous terms such as 'LANGHAP-SARAP' and products such as the iconic 'CHICKENJOY' and 'YUMBURGER'. Among the celebrities who have endorsed the JOLLIBEE restaurant and its products are Aga Muhlach, Maricel Soriano, Cesar Montano, Carmina Villaroel, Donna Cruz, Donita Rose, Sarah Geronimo, Sam Milby, Gerald Anderson, Kim Chiu, Mark Bautista, Enchong Dee, Sam Concepcion, and more recently, Jessica Sanchez of American Idol, who were featured in equally popular television and print advertisements. Some of the older advertisements can be seen on internet sites such as YouTube (www.youtube.com) where they have thousands of 'hits' from viewers who continue to enjoy watching the advertisements.

"14. Opposer invests just as much, if not more, to making sure that it produces only the best-quality products and services. This attention to quality has resulted in Opposer being among the most recognized and respected businesses in the country. Among the local and international awards received by Opposer are identified below:

x x x

"15. No less than President Benigno Aquino III, during the opening ceremony for Opposer's 700th Jollibee store in the Philippines, has praised Opposer for its contributions to and role in our nation. In his speech, the President noted how Jollibee stores served as their landmarks during the presidential campaign period to show them where they are, attesting to the extensive network of Jollibee outlets nationwide. A video of the President's speech can be viewed online with the following description:

x x x

"16. Without a doubt, Opposer's long, continuous and extensive use, promotion and advertising of the JOLLIBEE mark have created a brand that is so popular throughout the Philippines and around the world that a mere mention of the word 'JOLLIBEE' or a mere look at the word 'JOLLIBEE' would immediately cause the consuming public to associate the same with Opposer.

"17. The renown attributable to Opposer and its JOLLIBEE mark is well-documented. Various articles attesting to the renown and well-known status of Opposer

and its JOLLIBEE trademarks worldwide, particularly in the United States of America, Brunei, United Arab Emirates, China, Qatar, Kuwait, Vietnam, Hong Kong, and Singapore, are featured in publications such as -

x x x

"18. In the Philippines, Opposer is the holder of various JOLLIBEE trademarks registered and pending application with the Intellectual Property Office. In total, Opposer owns seventy-six (76) registrations and eleven (11) pending applications for the JOLLIBEE trademarks. The details of some of these marks are, as follows:

x x x

"19. Internationally, the JOLLIBEE trademarks have also been registered and applied for registration by Opposer. In total, Opposer owns 147 registrations and 146 pending applications for the JOLLI BEE trademarks abroad. The details of some of these marks as, as follows:

x x x

"20. Opposer has invested heavily not only in registering its trademarks, but also in enforcing its intellectual property rights. Opposer has achieved notable successes, including one decided on 25 February 2007 against the mark JOLLY KID entitled 'Jollibee Foods Corporation vs. Atlas Publishing Company, Inc.' (IPC No. 14-2006-00113) where this Honorable Office recognized the well-known status of the JOLLIBEE trademarks and stated that:

x x x

"21. In sum, the foregoing conclusively shows that JOLLIBEE is a well-known mark. Not only has it met the standards set in the 'In-N-Out' case, i.e., foreign trademark registrations and advertisements, the evidence presented shows that the JOLLIBEE mark has exceeded this standard, having been registered, used and promoted extensively in the Philippines and abroad. Equally noteworthy is the degree of recognition and brand value attributable to the JOLLIBEE name and mark, as evidenced by the numerous third-party publications and awards recognizing the brand's success. Lastly, the Honorable Bureau itself in 'Jollibee Foods Corporation vs. Atlas Publishing Company Inc.' (IPC No. 14-2006-00113) has already recognized the well-known mark status of the JOLLIBEE mark and this judgment is further reinforced by the evidence submitted with this opposition.

"22. JOLLIBEE is an arbitrary trademark used on Opposer's goods and services. It is therefore surprising that notwithstanding a boundless choice of words, phrases and symbols. Respondent-Applicant has chosen a mark that closely resembles Opposer's mark for use on similar and related goods. In the absence of a plausible explanation from Respondent-Applicant as to how this happened, it is only logical to conclude that Respondent-Applicant deliberately appropriated the similar mark JELLYBEE to trade on the already established goodwill of JOLLIBEE. The Supreme Court held that:

x x x

"23. It is undeniable that Respondent-Applicant's mark JELLYBEE is confusingly similar to Opposer's JOLLIBEE trademarks, as shown below:

x x x



"23.1. The dominant feature in Respondent-Applicant's mark is JELLYBEE, which is very similar in appearance to Opposer's JOLLIBEE trademarks owing to the identity of almost all the letters in the competing marks -J_-L-L_-B-E-E, and the similarity of their position.

"23.2. Respondent-Applicant's mark is very similar in sound to Opposer's JOLLIBEE also due to the identity of almost all the letters in the competing marks. Both marks consist of three (3) syllables each, with the last two syllables LLI-BEE and LLY-BEE being phonetically identical, and the first syllables JO and JE being very similar due to the identical consonant J. Under the idem sonans principle, marks that sound the same, as in this case, are deemed confusingly similar even though they are not entirely identical or may be spelled differently. As held by the Supreme Court in the case of Prosource International, Inc. vs. Horphag Research Management SA involving the confusingly similar PYCNOGENOL and PCO-GENOLS:

"23.3. It is also noteworthy that Respondent-Applicant seeks to register the mark JELLYBEE for 'peanut butter, butter' in Class 29, which are related to the foods products and services under the JOLLIBEE trademarks. The products of the competing marks will therefore be in the same food industry, will cater to the same relevant sector of the public, and will flow in the same channels of business and trade. In McDonald's Corporation vs. Macjoy Fastfood Corporation, where the MACJOY & DEVICE mark was held to be confusingly similar to the McDonald's Marks, the Supreme Court held:

x x x

"24. It is further well-settled that exact duplication of the mark is not necessary for the likelihood of public confusion to occur. As noted in Del Monte Corporation and Philippine Packing Corporation vs. Court of Appeals and Sunshine Sauce Manufacturing Industries:

x x x

"25. 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.

"26. Opposer has not consented to Respondent-Applicant's use and registration of the confusingly similar mark JELLYBEE, or any other mark identical or similar to Opposer's JOLLIBEE trademarks.

"27. Opposer's right to use its trademarks exclusively in commerce is not limited to its own outlets only but applies even if the goods are sold in different outlets or establishments. The confusing similarity of Respondent-Applicant's mark JELLYBEE to Opposer's JOLLIBEE trademarks will most likely deceive consumers by suggesting a connection, association or affiliation with Opposer when none exists, thereby causing substantial damage to the goodwill and reputation associated with the JOLLIBEE trademarks.

"28. Accordingly, the registration of Respondent-Applicant's mark JELLYBEE will be contrary to Sections 123.1 (d), (e) and (f) of the IP Code.

"29. Being the owner of the internationally well-known and registered JOLLIBEE trademarks, Opposer is likewise entitled to protection against marks of third parties that are liable to create confusion in the minds of the public or used in bad faith under Article 6bis of the Paris Convention for the Protection of Industrial Property, thus:

x x x

"30. Respondent-Applicant's use of the mark JELLYBEE on the same food products in Class 29 will mislead the purchasing public into believing that his goods originate from or are under the sponsorship of Opposer. Therefore, potential damage to Opposer will be caused as a result of its inability to control the quality of the goods offered by Respondent-Applicant under the confusingly similar mark JELLYBEE.

"31. Moreover, the use by Respondent-Applicant of the confusingly similar mark JELLYBEE will take unfair advantage of, dilute the goodwill, and diminish the distinctive character or reputation of Opposer's JOLLIBEE trademarks.

"32. The Supreme Court, in *Levi Strauss & Co. vs. Clinton Apparelle, Inc.*, has defined trademark dilution as follows:

x x x

"33. Opposer's use of the JOLLIBEE trademarks is unique and distinctive. Respondent-Applicant's use or proposed use of the confusingly similar JELLYBEE mark will detract from this uniqueness and, ultimately, diminish the ability of Opposer's marks to distinguish its goods and services from those of others.

"34. Opposer's goodwill on its JOLLIBEE trademarks is a property right separately protected under Philippine law, and a violation thereof amounts to unfair competition proscribed under Article 10bis of the Paris Convention, Article 28 of the Civil Code and Section 168 of the IP Code. Article 10bis of the Paris Convention provides:

x x x

"35. Moreover, considering the substantial investment incurred by Opposer in promoting its goods and services and in identifying itself throughout the world using the JOLLIBEE trademarks, Respondent-Applicant's attempt to register a mark very similar to Opposer's and in exploring the same can only result in Respondent-Applicant unduly enriching himself at the expense of Opposer.

"36. The foregoing discussion indubitably shows that Respondent-Applicant has no right whatsoever to register the confusingly similar mark JELLYBEE in his name for being violative of Opposer's long vested right to the registered and world-famous JOLLIBEE trademarks. The subject application should therefore be denied in accordance with the provisions of the IP Code, as well as the Paris Convention.

The Opposer's evidence consists of the verified notice of opposition; copy of Decision dated 25 February 2007 in *Jollibee Foods Corporation vs. Atlas Publishing Company Inc.*, IPC No. 14-2006-00113; the affidavit of Atty. Gonzalo D.V. Go III; representative samples of Philippine registrations for the JOLLIBEE mark and other related JOLLIBEE trademarks; representative samples of food packaging and containers bearing the JOLLIBEE Trademarks; representative samples of promotional materials

and advertisements in television programs, the internet, well-known print publications, in-store promotions, and outdoor promotions for products and services bearing the JOLLIBEE Trademarks; screen shots of Opposer's website, www.Jollibee.com.ph featuring various JOLLIBEE items and food products, JOLLIBEE restaurant locations in the Philippines and overseas, and other relevant information about Opposer; table showing the details of Opposer's applications and registrations for the JOLLIBEE Trademarks worldwide; representative samples of registrations and applications for the JOLLIBEE Trademarks from different countries worldwide; various articles and blogs from different parts of the world attesting to the renown and well-known status of Opposer and its JOLLIBEE Trademarks worldwide; Opposer's coffee table book entitled 'A 25-Year Love Story with the Pinoy'; Opposer's Power Point presentation shown to the participants of the Follow-up Session to the WIPO-Sweden Advanced Training Course on Industrial Property in the Global Economy during their visit to Opposer's establishment on 10 October 2012, and photographs taken during the said visit; Opposer's 2002-2011 Annual Reports; list of awards received by Opposer from the Wall Street Journal, FinanceAsia.com, Euromoney, Far Eastern Economic Review, AsiaMoney, Ernst & Young, and Forbes Asia, among others, from the years 1981 to 2008; Special Power of Attorney executed by William Tan Untiong regarding the authority of Atty. Gonzalo D.V. Go III to verify the notice of opposition and execute the certification of non-forum shopping on behalf of Opposer; and secretary's certificate executed by William Tan Untiong.⁴

This Bureau issued a Notice to Answer and sent a copy thereof upon Respondent-Applicant on 11 October 2013. The Respondent-Applicant filed his Answer on 05 November 2013 and avers the following:

x x x

"2. The trademark - Jellybee in Honey Comb Device and Two Bees which is sought to be registered by Respondent-Applicant per the above application number was first registered on December 23, 1996, Registration Certificate No. 63953, issued by the Bureau of Patents, Trademarks and Technology Transfer, the present Intellectual Property Office, under the name of Respondent-Applicant's parent, MARIA T. TSAI. A copy of the Principal Register Certificate is herewith attached as Annex '1'.

"3. The aforesaid trademark was first used on November 14, 1989 (Annex '1a') by San Felipe Food Products, a sole proprietorship, owned by Registrant MARIA T. TSAI. A sample of the label is herewith attached as Annex '2'.

"4. The aforesaid label is used by gluing it to a bottle containing peanut butter, manufactured by San Felipe Food Products.



⁴ Marked as Exhibits "A" to "Y".

"5. The Registrant MARIA T. TSAI thought of using the word 'Jelly' since her product is peanut butter which is sort of a jam used as spread on bread, biscuits and the like.

"6. The Registrant MARIA T. TSAI has no intention of riding on or infringing the trade name/mark of the Opposer when she applied to register her trademark on February 2, 1994, who knows, her trademark might have been registered ahead of the Opposer.

"7. San Felipe Food Products invested quite a sum penetrating the peanut butter market, where its products now are available at big supermarkets like Super 8 and the Robinsons, among others.

"8. Peanut butter and the fast food products of Opposer are entirely different from each other, in appearance, usage, the way they are consumed and also places where they are available. Peanut butter is sold at Groceries or Supermarkets while fast food products of Opposer are at its fast food outlets.

"9. San Felipe Food Products uses and continues to use, up to the present, the trademark Jelly Bee in honey Comb Device and Two Bees under a new label (Annex 3) where the name of the manufacturer is prominently printed.

"10. Since 1989, when San Felipe Food Products started using the aforesaid trademark, no one has complained, contested or opposed its use until this instant opposition. Thus, the claim of exploitation or enrichment at the expense of the Opposer should the application of this trademark be approved, is without basis.

"11. The Application for registration of the aforesaid trademark by Respondent-Applicant is a re-registration of the trademark for the continued use by the family enterprise - San Felipe Food Products.

The Respondent-Applicant's evidence consists of a copy of Registration Certificate No. 63953 for the mark JELLYBEE IN HONEYCOMB DEVICE & TWO BEES issued on 23 December 1996; sample of the label JELLYBEE; and sample of the new label JELLYBEE.⁵

On 09 July 2014, the Preliminary Conference was terminated. Then after, the Opposer and Respondent-Applicant filed their respective position paper on 21 July 2014.

Should the Respondent-Applicant be allowed to register the trademark JELLYBEE IN HONEYCOMB DEVICE & TWO BEES?

Records show that Opposer filed its first JOLLIBEE trademark application in 1978 for the mark JOLLIBEE YUMBURGER under Application Serial No. 4-1978-403981. The application covered "hamburger sandwich" under Class 30. Thereafter, Opposer

⁵ Marked as Annexes "1" to "3".



filed other JOLLIBEE trademark applications locally and in foreign countries covering goods in Classes 16, 18, 20, 21, 24, 27, 28, 29, 30 and 32 and services in Classes 35, 41, 42, 43 and 44.

The Opposer anchors its opposition on the following provisions of Republic Act No. 8293, also known as the Intellectual Property Code of the Philippines ("IP Code"):

Sec. 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;"
- (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 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;

It must be emphasized, however, that the protection to a trademark under the afore-quoted provisions hinges on a factual finding of the existence of confusing similarity between the trademark sought to be protected and the other.

Hence, the question, does JELLYBEE IN HONEYCOMB DEVICE & TWO BEES resemble JOLLIBEE Trademark/s such that confusion or deception is likely to occur? The marks are shown below:



JOLLIBEE



Opposer's trademark

Respondent-Applicant's mark

This Bureau finds that while the product/s indicated in Respondent-Applicant's trademark application is not exactly similar to those covered by the Opposer's trademark registrations, confusion is still likely to occur in this instance because of the close resemblance between the marks. Respondent-Applicant's mark JELLYBEE IN HONEYCOMB DEVICE & TWO BEES adopted the dominant features of Opposer's mark JOLLIBEE. Both marks are composed of eight (8) letters. Of the eight (8) letters used in both marks, six (6) of the letters used by the Respondent-Applicant in its mark JELLYBEE IN HONEYCOMB DEVICE & TWO BEES are the same with the letters used by the Opposer in its trademark JOLLIBEE. Both marks have the same syllabication, same first letter "J" and same suffix BEE. JELLYBEE IN HONEYCOMB DEVICE & TWO BEES appears and sounds almost the same as Opposer's trademark JOLLIBEE. It could result to mistake with respect to perception because the marks sound so similar. Under the idem sonans rule, the following trademarks were held confusingly similar in sound: "BIG MAC" and "BIG MAK"⁶, "SAPOLIN" and LUSOLIN"⁷, "CELDURA" and "CORDURA"⁸, "GOLD DUST" and "GOLD DROP". The Supreme Court ruled that similarity of sound is sufficient ground to rule that two marks are confusingly similar, to wit:

Two letters of "SALONPAS" are missing in "LIONPAS": the first letter a and the letter s. Be that as it may, when the two words are pronounced, the sound effects are confusingly similar. And where goods are advertised over the radio, similarity in sound is of especial significance...."SALONPAS" and "LIONPAS", when spoken, sound very much alike. Similarity of sound is sufficient ground for this Court to rule that the two marks are confusingly similar when applied to merchandise of the same descriptive properties.⁹

In conclusion, the subject trademark application is covered by the proscription under Sec. 123.1 par. (d) (iii) of the IP Code.

WHEREFORE, premises considered, the instant Opposition to Trademark Application No. 4-2013-003954 is hereby SUSTAINED. Let the filewrapper of the

⁶ *MacDonalds Corp, et. al v. L. C. Big Mak Burger*, G.R. No. L-143993, 18 August 2004.

⁷ *Sapolin Co. v. Balmaceda and Germann & Co.*, 67 Phil, 705.

⁸ *Co Tiong SA v. Director of Patents*, G.R. No. L- 5378, 24 May 1954; *Celanese Corporation of America vs. E. I. Du Pont de Nemours & Co.* (1946), 154 F. 2d 146 148.)

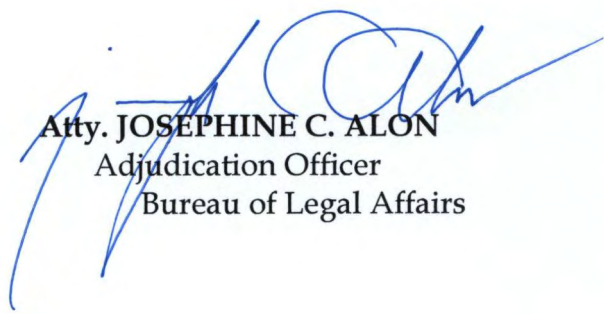
⁹ *Marvex Commerical Co., Inc. v. Petra Hawpia & Co., et. al.*, G.R. No. L-19297, 22 Dec. 1966.



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, 25 APR 2017.



Atty. JOSEPHINE C. ALON
Adjudication Officer
Bureau of Legal Affairs