

**EDNA DE LOS SANTOS,**  
*Opposer,*

**-versus-**

**EARNEST MULTINATIONAL TRADING CORP.,**  
*Respondent-Applicant.*

X-----X

}  
}  
}  
}  
}  
}  
}  
}

**IPC No. 14-2013-00039**  
Opposition to:  
Appln. Serial No. 4-2012-001214  
Date Filed: 01 February 2012

**TM: BON BON LABEL**

**NOTICE OF DECISION**

**OFFICE OF BAGAY-VILLAMOR & FABIOSA**  
*Counsel for Opposer*  
Unit 107 Building A, Oakridge Business Center  
880 A. S. Fortuna Street, Mandaue City  
Cebu

**SIOSON SIOSON & ASSOCIATES**  
*Counsel for Respondent- Applicant*  
Unit 903 AIC Burgundy Empire Tower  
ADB Avenue corner Garnet & Sapphire Roads,  
Ortigas Center, Pasig City

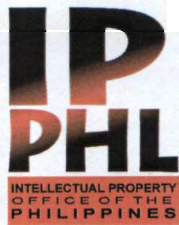
**GREETINGS:**

Please be informed that Decision No. 2017 - 163 dated 22 May 2017 (copy enclosed) was promulgated in the above entitled case.

Pursuant to Section 2, Rule 9 of the IPOPHEL 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, 22 May 2017.

*Marilyn F. Retual*  
**MARILYN F. RETUAL**  
IPRS IV  
Bureau of Legal Affairs



EDNA DE LOS SANTOS, }  
*Opposer,* }  
 -versus- }  
 EARNEST MULTINATIONAL }  
 TRADING CORPORATION, }  
*Respondent-Applicant.* }  
 x-----x

IPC No. 14-2013-00039  
 Opposition to:  
 Application No. 4-2012-001214  
 Date Filed: 01 February 2012  
 Trademark: "BON BON LABEL"

Decision No. 2017- 163

**DECISION**

EDNA DE LOS SANTOS<sup>1</sup> ("Opposer") filed an opposition to Trademark Application Serial No. 4-2012-001214. The application, filed by Earnest Multinational Trading Corporation<sup>2</sup> ("Respondent-Applicant"), covers the mark "BON BON LABEL" for use on "corn starch sticks (*bihon*)" under Class 30 of the International Classification of Goods and Services.<sup>3</sup>

The Opposer alleges:

x x x

"1. The Opposer is a Filipino, of legal age, and is the proprietor of 'Siongci Bihon Factory.'

"2. She is engaged in the business of manufacturing and selling noodle products.

"3. On July 6, 2009, she applied for the registration of her trademark 'BON BON & DEVICE' for Class 30 for noodles with Application No. 4-2009-006618. x x x

"4. Since its adoption, use, and continued use in commerce up to the present day, the Opposer's 'BON BON & DEVICE' trademark has been developed and advertised vis-à-vis the Opposer's products.

"5. The Trademark Examiner refused the registration of the Opposer's 'BON BON & DEVICE' on the ground that it is similar to an earlier registration for 'BON O BON.' The Opposer appealed this refusal to the office of the Director of the Bureau of Trademarks and is currently appealing the refusal to the office of the Director General. x x

<sup>1</sup>With address at 4 De Guia St., Bisig, Valenzuela City, Philippines.

<sup>2</sup>With address on record at 145 15<sup>th</sup> Avenue, Union Square Compound, Cubao, Quezon 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.

"6. Rules 1102, 1103, and 1108 of the Implementing Rules and Regulations ('IRRs') for Trademark Registration provides:

x x x

"7. The Trademark IRRs are therefore crystal clear that the decision of the Director of the Bureau of Trademarks maybe appealed to the Director General and it is only those that are not appealed which become final and executor. This is logical since if the Director General will rule in favor of the Opposer in her Appeal, the Opposer will obtain a registration over her 'BON BON & DEVICE.' Hence, as long as the Opposer's Trademark Application No. 4-2009-006618 is pending appeal, it is an active application which bars the registration of confusingly similar marks like that of the subject application.

"8. The Respondent's 'BON BON LABEL' is almost exactly the same as the Opposer's 'BON BON & DEVICE' and is also being applied in Class 30 for bihon. The Opposer is filing this Opposition against the registration of the mark 'BON BON LABEL' on the ground that it creates confusion of origin, source, and business' causing injury and damage to the Opposer's 'BON BON & DEVICE.'

"9. In another opposition case pending before this Honorable Bureau entitled 'EDNA DE LOS SANTOS vs. BETTY NGO LIM' (later substituted by the Respondent herein), IPC Case No. 14-2011-00118, the Opposer also opposed the Respondent's Trademark Application No. 4-2010-010072 which is also almost exactly the same as the Opposer's 'BON BON & DEVICE.' The contending marks in IPC Case No. 14-2011-00118 are as follows:

x x x

"10. As argued by the Opposer is IPC Case No. 14-2011-00118, the Respondent's Trademark Application No. 4-2010-010072 mark is almost exactly the same as the Opposer's mark from the drawing of a boy and a girl, the colors, the font, and the words. Moreover, the word 'BON BON' is equally dominant in both marks. The word 'EMTC' is not the dominant feature of the Respondent's mark and is but a 'minute difference.' In fact, the dominant feature is the representation of a boy and a girl - which appears exactly the same in both marks.

"11. In the instant case, the contending marks are as follows:

x x x

"12. The mark currently applied by the Respondent (Trademark Application No. 4-2012-001214) is more alike to the Opposer's BON BON & DEVICE mark compared to Trademark Application No. 4-2010-010072. This time, the Respondent deleted the letters 'EMTC' - making the Opposer's mark and the Respondent's Trademark Application No. 4-2012-001214 exactly the same.

#### 'DISCUSSION

"13. Shown again below is the Opposer's 'BON BON & DEVICE' mark as well as the Respondent's 'BON BON LABEL.'

x x x

"14. A look unmistakably reveals that the two marks are exactly the same:

- "a) In both marks, the background is yellow in color;
- "b) In both marks, the border designs of the labels are in the same red and yellow color and pattern;
- "c) In both marks, the colors are yellow, red, blue, and green;
- "d) In both marks, there is a representation of a boy and a girl. The boy and the girl in the Opposer's mark look exactly the same as the boy and the girl in the Respondent's mark.
- "e) The description of the Opposer's mark is:  
x x x
- "f) In both marks, at the left upper portion are the words 'NO PRESERVATIVES;' inside a diagonal strip;
- "g) In both marks, the words 'Corn Starch Sticks (BIHON)' in green color are found under the word 'Bon Bon;'
- "h) In both marks, the words 'Ingredients: Corn Starch & Water' (in red color) are found under the words 'Corn Starch Sticks (BIHON);' and
- "i) In both marks, on the lower right hand corner are the words 'Lot No.' and "Approx. 16 oz.' also in red color.

"15. In its earlier Trademark Application No. 4-2010-010072, there was an attempt by the Respondent to differentiate its mark from the Opposer's BON BON & DEVICE by adding the letters 'EMTC.' However, in the present opposed mark (Trademark Application No. 4-2012-001214), the Respondent deleted the words 'EMTC' and blatantly copied the Opposer's BON BON & DEVICE.

"16. The Opposer's 'BON BON & DEVICE' was rejected by the Trademark Examiner (the appeal is pending) due to the existence of the 'BON O BON' mark for pasta. Since the subject opposed mark of the Respondent is exactly the same as the Opposer's 'BON BON & DEVICE,' fairness dictates that the Respondent's Trademark Application No. 4-2012-001214 should also have been rejected by the Bureau of Trademarks. Why was it allowed for publication?

"17. As argued by the Opposer in her Appeal before the Office of the Director General:

"31. It would be the height of injustice if Earnest Multinational Trading Corporations' Application No. 4-2012-001214 is allowed registration. If appellant's mark will be rejected because of 'BON O BON,' it follows that Earnest Multinational Trading Corporation's Application No. 4-2012-001214 should be likewise rejected because of 'BON O BON.'

"32. Likewise, Earnest Multinational Trading Corporation also applied for registration (Application No. 4-2011-008912) a mark that is exactly the same as its Application No. 4-2010-010072. This should also be rejected due to 'BON O BON.'

"18. In the case of DEL MONTE CORPORATION, et. al., and PHILIPPINE PACKING CORPORATION vs. COURT OF APPEALS and SUNSHINE SAUCE MANUFACTURING INDUSTRIES, G.R. No. L-78325 January 25, 1990 (the 'DEL MONTE CASE'), it was held:

x x x

"19. In this case, it is also clear that Respondent's mark is a colorable imitation of, if not almost completely identical with, the Opposer's mark:

"20. The two marks are confusingly similar whether one applies the Dominancy Test or the Holistic Test.

"21. The DEL MONTE CASE also states:

x x x

"22. The foregoing discussion in the DEL MONTE CASE applied on all fours to this case:

x x x

"23. In the recent case of BERRIS AGRICULTURAL CO., INC. vs. NORVY ABYADANG, G.R. No. 183404, October 13, 2010 (the 'BERRIS CASE'), it was ruled:

x x x

"24. The BERRIS Case is also applicable to this case:

x x x

"25. The Opposer has priority over the Respondent because the former's use of and filing date for 'BON BON' (July 6, 2009) precedes the date of filing of the Respondent's subject trademark application, which was filed only on February 1, 2012.

"26. Section 123.1 of the Intellectual Property Code provides:

x x x

"27. Should the Respondent raise the same defenses that it put up in IPC Case No. 14-2011-00118, the Opposer reserves her right to reply to those defenses in her Position Paper.

"In sum, all the foregoing proves that the subject application should be rejected.

The Opposer's evidence consists of a copy of Trademark Application No. 4-2009-006618 filed by the Opposer for the mark "BON BON & DEVICE"; and a copy of Opposer's Memorandum filed with the Office of the Director General dated 06 December 2012.<sup>4</sup>

---

<sup>4</sup> Marked as Exhibits "A" and "B".

This Bureau issued a Notice to Answer and sent a copy thereof upon Respondent-Applicant on 05 March 2013. The Respondent-Applicant filed its Answer on 29 May 2013 and avers the following:

x x x

"IV

"AFFIRMATIVE AND/OR SPECIAL DEFENSES

"5. Respondent-applicant repleads the allegations in the preceding paragraphs, and in addition, respectfully states:

"6. Respondent-applicant's Application SN 4-2012-001214 is not proscribed by Section 123.1 (d) of the IP Code.

"6.1. Section 123.1 (d) of the IP Code provides:

x x x

"6.2. On February 1, 2012, when respondent-applicant filed Application SN 4-2012-001214, opposer's Application SN 4-2009-006618, although filed earlier on July 6, 2009, was no longer pending as it was refused registration as of June 24, 2010, as shown in opposer's Exhibit 'A' submitted in IPC No. 14-2011-00118, a copy of which is marked and attached hereto as Exhibit '12'.

"6.2.1 Opposer's Application SN 4-2009-006618 was refused with finality by the Examiner; hence, opposer appealed to the Director of Trademarks who affirmed its refusal. Hence, as shown in Opposer's Exhibits 'A' and 'B', opposer appealed the decision of the BOT Director to the Office of the Director General.

"6.2.2 In fine, as of February 1, 2012, when respondent-applicant filed Application SN 4-2012-001214, there was no pending application with a prior filing date, as for all legal intents and purposes, opposer's Application SN 4-2009-006618 which was refused registration as of June 24, 2010, was no longer an active application.

"6.2.3 Thus, in the Examiner's Registrability Report of respondent-applicant's Application SN 4-2012-001214 bearing mailing date of March 07, 2012 (Exhibit '6'), opposer's Application SN 4-2009-006618 was not cited.

"6.2.4 The absence of confusing similarity between respondent-applicant's Application SN 4-2012-001214 and the cited reference (Reg. No. 4-1998-001423) was explained satisfactorily in respondent-applicant's Response (Exhibits '6-a' and '6-c'); hence, respondent-applicant's application was approved for publication as shown in the Notice of Allowance (Exhibit '7')

"6.3. Opposer's discourse on the Holistic Test is immaterial and/or irrelevant and therefore, a futile effort. At present, the DOMINANCY Test is explicitly incorporated in Section 155.1 of the IP Code. In addition, the application of the Holistic Test in determining whether two marks are confusingly similar, had already been expressly rejected by the Supreme Court in Societe Des Produits Nestle, S.A. vs. Court of Appeals 356 SCRA 2007 (2001), and in McDonald's Corporation, et. al. vs. L.C. Big Mak Burger, Inc., et. al. 437 SCRA 10 (2004).

"7. Earnest Multinational Trading Corporation, and not opposer, is the lawful owner of the BON BON Label Mark.

"7.1. This Office has uniformly and consistently held that under the IP Code, the right to register a trademark belongs to the owner thereof regardless of a prior filed application.

x x x

"7.2. In Appeal No. 14-08-31 entitled: 'Saint Gobain Abrasives, Inc. vs. Kayamanan Products, Inc.' (June 1, 2009), the IPO Director General ruled:

x x x

"7.3. The substantial evidence on record undisputably shows that as between the parties, respondent-applicant is the prior user, and therefore, the lawful owner and entitled to the registration of the BON BON Label Mark, as well as of the EMTC BON BON Label Mark.

"7.3.1 The 'BON BON' LABEL was originally created on August 6, 1992 by Hui Ching Chi, the father of respondent-applicant's President Betty Ngo Lim and used by his company as part of the label mark for noodle products (Exhibit '1').

"7.3.2 After waiver by Hui Ching Chi of his right as the author thereof in favor of respondent-applicant, the latter applied for copyright on January 28, 2011, and on February 10, 2011, it was issued Certificate of Copyright Registration and Deposit No. M-2011-16 (Exhibit '1').

"7.3.3 Last February 1, 2012, Earnest Multinational Trading Corporation filed Application SN 4-2012-001214 for the registration of the BON BON Label Mark, in addition to its application for the registration of the EMTC BON BON Label Mark under Application SN 4-2010-010072 filed on September 15, 2010, approved and published for opposition in the e-Gazette released on February 7, 2011.

x x x

"7.3.4 Earlier, on August 14, 2009, with the express authority of respondent-applicant, Betty Ngo Lim filed Application SN 4-2009-008145 for the registration of the BON BON Label Mark for use on various food products. After having complied with

the requirements of the IP Code, it was allowed and approved for publication. It was published for opposition in the e-Gazette released on October 26, 2010. No opposition having been filed, on November 26, 2010, Certificate of Registration No. 4-2009-008145 for BON BON Label Mark was issued.

x x x

"7.3.5 Respondent-applicant's Registration No. 4-2009-008145 for BON BON Label Mark for use on various food products continuous to be in force and effect.

"A certified copy of the accepted Declaration of Actual Use filed on August 01, 2012 is marked and attached as Exhibit '11'.

"8. By virtue of their continuous use since its incorporation on May 30, 2002, respondent-applicant Earnest Multinational Trading Corporation is entitled to the registration of both EMTC BON BON Label Mark and BON BON Label Mark.

The Respondent-Applicant's evidence consists of a copy of Certificate of Copyright Registration and Deposit No. M-2011-16, together with the Application for Copyright and Waiver for 'BON BON CORN STARCH STICKS (BIHON) AND REPRESENTATION OF A BOY AND A GIRL ON TOP INSIDE A STYLIZED FRAME'; a copy of the Articles of Incorporation of Earnest Multinational Trading Corporation; a copy of the General Information Sheet of Earnest Multinational Trading Corporation filed with the Securities and Exchange Commission on April 2, 2013; copies of Earnest Mutinational Trading Corporation's representative sales invoices and delivery receipts showing its continuous use of the BON BON Label Marks; copy of Application SN 4-2012-001214 filed on February 1, 2012 for the BON BON Label Mark for use on corn sticks (bihon); copy of the Registrability Report bearing mailing date of March 07, 2012; copy of the Response dated April 27, 2012 to Exhibit '6'; copy of the subsequent action bearing mailing date of November 22, 2012; copy of the Response dated November 26, 2012 to Exhibit '6-b'; copy of the Notice of Allowance of Application SN 4-2012-001214; printout of Application SN 4-2012-001214 as published in the e-Gazette released January 9, 2013; printout of Application SN 4-2010-010072 for the EMTC BON BON Label Mark as published in the e-Gazette released February 7.. 2011; copy of the Deed of Assignment of Application SN 4-2010-010072 in favor of respondent-applicant Earnest Multinational Trading Corporation; printout of Application SN 4-2009-008145 for the BON BON Label Mark as published in the e-Gazette released October 26, 2010the Answer; the Secretary's Certificate/Board Resolution of Splash Foods Corporation copy of Certificate of Registration No. 4-2009-008145 issued on November 26, 2010 for the BON BON Label Mark for use on various food products; copy of the Deed of Assignment of Registration No. 4-2009-008145 in favor of respondent-applicant Earnest Multinational Trading Corporation; copy of the accepted Declaration of Actual Use for Registration No. 4-2009-008145 filed on August 1, 2012; copy of opposer's Application



SN 4-2009-006618 for BON BON & DEVICE indicating that it was Refused Registration as of June 24, 2010, submitted by opposer as Exhibit 'A' in IPC No. 14-2011-00118; and the Affidavit of Betty Ngo Lim, President of Earnest Multinational Trading Corporation. <sup>5</sup>

On 17 July 2013, the Preliminary Conference was terminated. Then after, the Opposer and Respondent-Applicant filed their position paper on 26 July 2013 and 25 July 2013 respectively.

Should the Respondent-Applicant be allowed to register the trademark BON BON LABEL?

Records show that at the time the Respondent-Applicant filed its trademark application on 01 February 2012, the Opposer's Application SN 4-2009-006618 for the mark BON BON & DEVICE filed on 06 July 2009 was refused registration. The application covers "noodles" under Class 30. This Bureau noticed that the goods covered by Respondent-Applicant's trademark application for the mark BON BON LABEL are similar to Opposer's.

The Opposer anchors its opposition on Section 123.1, paragraph (d) 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;"

It must be emphasized, however, that the protection to a trademark under the afore-quoted provision 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 BON BON LABEL resemble BON BON & DEVICE such that confusion or deception is likely to occur? A comparison of the competing marks reproduced below:

---

<sup>5</sup> Marked as Exhibits "1" to "13", inclusive.



Opposer's mark



Respondent-Applicant's mark

shows that the marks are obviously identical including the use or representation of a boy and a girl above the words BON BON and used on similar goods, particularly, noodles or bihon. Thus, it is likely that the consumers will have the impression that these goods originate from a single source or origin. 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>6</sup>

Public interest therefore requires, that two marks, identical to or closely resembling each other and used on the same and closely related goods, but utilized by different proprietors should not be allowed to co-exist. Confusion, mistake, deception, and even fraud, should be prevented. 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>

<sup>6</sup> Converse Rubber Corp. v. Universal Rubber Products, Inc. et. al., G.R. No. L-27906, 08 Jan. 1987.

<sup>7</sup> Pribhdas J. Mirpuri v. Court of Appeals, G.R. No. 114508, 19 November 1999, citing *Ethepa 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).

The Opposer's trademark application may be earlier than the Respondent-Applicant's, however, Respondent-Applicant claims that it has prior right over Opposer despite the earlier application filed by Opposer for her mark BON BON & DEVICE . Thus, it is necessary to determine who between Opposer and Respondent-Applicant has prior right.

In this regard, this Bureau emphasizes that it is not the application or the registration that confers ownership of a mark, but it is ownership of the mark that confers the right of registration. The Philippines implemented the World Trade Organization Agreement "TRIPS Agreement" when the IP Code took into force and effect on 01 January 1998. Art 16(1) of the TRIPS Agreement states:

1. The owner of a registered trademark shall have the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is registered where such use would result in a likelihood of confusion. In case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed. The rights described above shall not prejudice any existing prior rights, nor shall they affect the possibility of Members making rights available on the basis of use.

Clearly, it is not the application or the registration that confers ownership of a mark, but it is ownership of the mark that confers the right to registration. While the country's legal regime on trademarks shifted to a registration system, it is not the intention of the legislators not to recognize the preservation of existing rights of trademark owners at the time the IP Code took into effect.<sup>8</sup> The registration system is not to be used in committing or perpetrating an unjust and unfair claim. A trademark is an industrial property and the owner thereof has property rights over it. The privilege of being issued a registration for its exclusive use, therefore, should be based on the concept of ownership. The IP Code implements the TRIPS Agreement and therefore, the idea of "registered owner" does not mean that ownership is established by mere registration but that registration establishes merely a presumptive right of ownership. That presumption of ownership yields to superior evidence of actual and real ownership of the trademark and to the TRIPS Agreement requirement that no existing prior rights shall be prejudiced. In *E.Y. Industrial Sales, Inc., et al. v. Shen Dar Electricity and Machinery Co. Ltd.*<sup>9</sup>, the Supreme Court held:

x x x Under this provision, the registration of a mark is prevented with the filing of an earlier application for registration. This must not, however, be interpreted to mean that ownership should be based upon an earlier filing date. While RA 8293 removed the previous requirement of proof of actual use prior to the filing of an application for registration of a mark, proof of prior and continuous use is necessary to establish

---

<sup>8</sup> See Sec. 236 of the IP Code.

<sup>9</sup> G.R. No. 184850, 20 October 2010.

ownership of a mark. Such ownership constitutes sufficient evidence to oppose the registration of a mark.

x x x

Notably, the Court has ruled that the prior and continuous use of a mark may even overcome the presumptive ownership of the registrant and be held as the owner of the mark. x x x

While Republic Act No. 8293 espouses the first-to-file-rule as stated under Sec. 123.1 (d), which means that, the registration of a mark is prevented with the filing of an earlier application for registration. This must not, however, be interpreted to mean that ownership should be based upon an earlier filing of an application for registration of a mark, proof of prior and continuous use is necessary to establish ownership of mark.

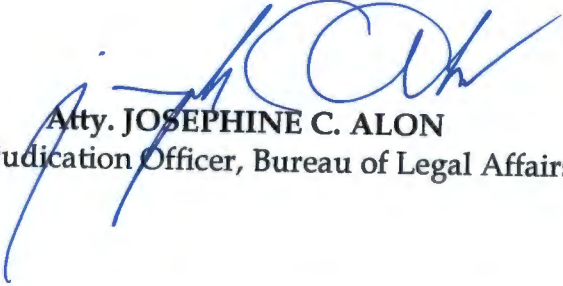
In this instance, the Respondent-Applicant proved that it is the originator and owner of the contested mark. The Respondent-Applicant, to support its claim of ownership, submitted documentary evidence (representative sales invoices and delivery receipts<sup>10</sup>) with the earliest invoice No. 0319 dated 12 November 2002 showing the mark's use in 2002 for Bihon.

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 is hereby DISMISSED. Let the filewrapper of Trademark Application Serial No. 4-2012-001214 together with a copy of this Decision be returned to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 22 MAY 2017.

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

<sup>10</sup> Exhibits "4" to "4-pppp" for the Respondent-Applicant.