

KABUSHIKI KAISHA HATTORI
SEIKO (also trading as
HATTORI SEIKO CO., LTD.),
Opposer,

INTER PARTES CASE NO. 1785

OPPOSITION TO,

Application Serial No. 42737
Filed : October 1, 1980
Applicant : Kingi Enterprises Co.,
Inc.
Trademark : SEIKO
Used on : Roller skates, skate
boards, balls, equipments for sports

- versus -

KINGI ENTERPRISES CO., INC.,
Respondent-Applicant.
x-----x

DECISION NO. 88-73 (TM)
August 11, 1988

DECISION

On October 1, 1980, Kingi Enterprises Co., Ltd. of Taipei, Taiwan filed Application Serial No. 42737 for the registration of trademark "SEIKO" for roller skates, skate boards, balls and equipment for sports which was published for opposition on Page 2478, Volume 79, No. 33 of the official Gazette released for circulation on August 12, 1983.

On September 12, 1983, Opposer Kabushiki Kaisha Hattori Seiko (also trading as Hattori Seiko Co., Ltd.), a company of Japan, filed a Notice of Opposition to the aforesaid application alleging, among others, the ground that the trademark "SEIKO" of Respondent-Applicant is confusingly similar to the trademark "SEIKO" of the Opposer which it had much earlier adopted and used as internationally famous, and for which it has existing registration and applications all over the world, including the Philippines.

On November 19, 1983, this Bureau sent a Notice to Answer to counsel for Respondent-Applicant requiring the latter to file an Answer within fifteen (15) days from the date of receipt thereof. For failure to file an Answer and upon motion filed by the Opposer, this Bureau issued Order No. 84-28 dated February 7, 1984 declaring Respondent-Applicant in default and there after set the case for hearing for the presentation of Opposer's evidence ex-parte.

Admitted as Opposer's evidence are documentary exhibits consisting of Exhibits "A", "B", "C", "D", "E", "F", "G", to "G-3", "H" and "H-1". A Memorandum was likewise submitted by the Opposer on December 14, 1984.

The non-filing of an Answer and Motion to Lift Order of Default despite notice is indicative of Respondent-Applicant's lack of interest in pursuing the case; thus, Respondent-Applicant is deemed to have abandoned its application.

IN VIEW HEREOF, this Bureau GRANTS the herein Notice of Opposition and REJECTS Application Serial No. 42737.

Let the records of this case be remanded to the Trademark Examining Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director