

PROCTOR & GAMBLE PHILIPPINES, INC.,
Opposer,

INTER PARTES CASE NO. 3161

OPPOSITION TO:

- versus

Application Serial No. 47921
Filed : April 14, 1982
Applicant : Henkel Kommandit
-gesellschaft Aufaktien
Trademark : PERLAN
Used on : Washing Agent

HENKEL KOMMANDITGESELL-
SCHAFT AUF AKTIEN,
Respondent-Applicant.

x-----x

DECISION NO. 88-76 (TM)
August 17, 1988

DECISION

Protector & Gamble Philippines, Inc. filed on July 15, 1988 its opposition to the registration of the trademark "PERLAN" used for on April 14, 1982 by Henkel Kommanditgesellschaft Auf Aktien under Application Serial No. 47921 published for opposition on Page 16, Volume I, No. 4 of the BPTTT Official Gazette dated June 17, 1988.

Opposer is a domestic corporation duly organized and existing under the laws of the Philippines with principal office at No. 777 Solid Bank Building, Paseo de Roxas, Makati, Metro Manila, Philippines, while Respondent-Applicant is a foreign firm of Henkel Str. 67 D-4000 Dusseldorf-Holthausen, Federal Republic of Germany.

The grounds alleged in the Notice of Opposition are:

"1. The opposer is the owner of the trademark PERLA for soap in Class 4 under Philippine Certificate of Registration No. 676-R issued on November 12, 1969 and its renewal application pending consideration by this Honorable Office. The mark was initially used in the Philippines on May 14, 1925 and show commercial use in the same year.

The trademark PERLAN sought to be registered by respondent-applicant so resembles and is in fact confusingly similar with the abandoned mark of the opposer.

2. The trademark PERLA is, and ever since its adoption has been, continuously applied to products of opposer, to the package and containers of said products and the labels affixed to said packages and containers. The trademark PERLA has come to be and is now popularly known throughout the Philippines such that opposer's product bearing the mark PERLA has become identified as coming from opposer is herein. Hence, the tremendous good will established by the mark PERLA nurtured through its long use, the superior quality of its products and public acceptance is an invaluable asset of the oppose, which must be protected from trademark poachers like respondent-applicant herein.

3. The Opposer herein believes that the registration of the mark PERLAN in the name of the respondent-applicant will cause great and irreparable injury and damage to herein opposer pursuant to Section 8 of Republic Act 166, as amended."

Respondent-Applicant was furnished copy of the Notice of Opposition on July 27, 1988 requiring an Answer thereto within fifteen (15) days from receipt of said Notice.

On August 11, 1988, Respondent-Applicant by counsel, instead of filing an Answer, file a Manifestation stating therein "that they lost interest over their application bearing Serial No. 47921 and therefore x x x withdraws the same from further consideration

WHEREFORE, Respondent`s Application Serial No. 47921 for the trademark "PERLAN" for washing agent is hereby declared VOLUNTARILY ABANDONED. Accordingly, this Opposition case is DISMISSED for having become moot.

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

SO ORDERED.

IGNACIO S. SAPALO
Director