

ZIPPO MANUFACTURING COMPANY,  
Opposer,

INTER PARTES CASE NO. 3271

OPPOSITION TO:

- versus -

Application Serial No. 582321  
Filed : February 12, 1986  
Applicant : Tahilaram J. Balani  
Trademark : ZIPPO  
Used on : Wallets, belts, bags and  
coin purses

TAHILRAM J. BALANI,  
Respondent-Applicant.

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DECISION NO. 89-8 (TM)  
February 6, 1989

### DECISION

On October 28, 1988, Zippo Manufacturing Company filed an Unverified Notice of Opposition against the registration of the trademark "ZIPPO" for wallets, belts, bags and coin purses applied for on February 12, 1986 by Tahilaram J. Balani in Application Serial No. 58321 published on Page 88, Volume I, No. 7 of the BPTTT Official Gazette, officially released for circulation on September 30, 1988.

Opposer is a foreign corporation duly organized under the laws of the State of Pennsylvania, United States of America, with principal office at No. 33 Barbour Street, Bradford, Pennsylvania, U.S.A., while Respondent-Applicant is a resident of the Philippines, with business address at 4<sup>th</sup> floor, Ginbee Building, 9826 Kamagong corner Akle Streets, S A V, Makati, Metro Manila, Philippines.

The grounds alleged in the herein Notice of Opposition are:

"1. The trademark "ZIPPO" so resembles Opposer's registered trademark "ZIPPO", which has been previously registered under Registration Certificates 14602 and 38743, and used in commerce in the Philippines and other parts of the world and not abandoned, as to be likely, when applied to or used in connection with the goods of Applicant, to cause confusion, mistake and despoise on the part of the purchasing public.

2. The registration of the trademark "ZIPPO" in the name of the Applicant will violate Section 37 of Republic Act No. 166, as amended, and Section 6bis and other provisions of the Paris Convention for the Protection of Industrial Property to which the Philippines and the U.S.A are parties.

3. The registration and use by Applicant of the trademark "ZIPPO" will diminish the distinctiveness and dilute the goodwill of Opposer's previously registered trademarks "ZIPPO" and of Opposer's trade name which is protected under Section 37 of Republic Act No. 166 as amended.

4. The registration of the trademarks "ZIPPO" in the name of the Applicant is contrary to other provision of the Trademark Law."

Respondent-Applicant was furnished a copy of the Notice of Opposition on November 11, 1988 and required him to file an answer thereto within fifteen (15) days from receipt thereof.

On November 16, 1988, Respondent-Applicant wrote a letter to the Bureau in answer to the Notice sent to him dated November 11, 1988 with regards to his Application Serial No. 58321 for the trademark "ZIPPO" filed on February 12, 1986 in the name of Tahilram J. Balani, that he is "no longer interested in pursuing the case regarding the above trademark ("ZIPPO")."

WHEREFORE, premises considered, this Notice of Opposition is GRANTED. Respondent's application Serial No. 58321 for the registration of the mark "ZIPPO" is hereby declared expressly and voluntarily ABANDONNED.

Let the records of this case be forwarded to the Trademark Examining Division and the Application, Issuance & Publication Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director