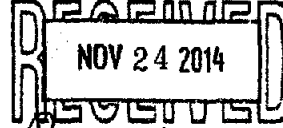


Republic of the Philippines
COURT OF APPEALS
Manila

Intellectual Property Office of the Phils.
Office of the Director General-Legal



BY: *[Signature]* TIME: _____

WLAND HOLDINGS, INC.,
Petitioner,

- versus -

CA-G.R. SP No. 133826

**STARWORLD HOTELS AND
RESORTS WORLDWIDE, INC.,**
Respondent.

X-----X

NOTICE OF JUDGMENT

Sir/Madam:

Please take notice that on November 12, 2014, **DECISION**, a copy of which is hereto attached, was promulgated by the SP FIFTEENTH DIVISION of the Court of Appeals in the above-entitled case, the original of which is now on file in this Office.

You are hereby required to inform this Court within **FIVE (5) DAYS** from receipt hereof of the date you received this Notice.

Truly yours,

[Signature]
MARIA ISABEL M. PATTUGALAN-MADARANG
Executive Clerk of Court III

Copy furnished:

Cruz Marcelo & Tenebrancia – reg. w/ card
(for petitioner)
6th, 7th, 8th & 10th Flrs., CVCLAW Center
11th Ave. cor. 39th St.
Bonifacio Triangle, Bonifacio Global City
1634 Taguig City

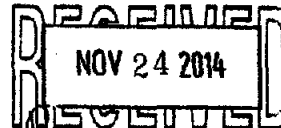
Romulo Mabanta Buenaventura Sayoc & De Los Angeles – reg.
(for respondent)
21st Flr, Philamlife Tower
8767 Paseo de Roxas
1226 Makati City

Office of the Director General – reg.
Bureau of Legal Affairs – reg.
Intellectual Property Office
28 Upper McKinley Road
McKinley Hill Town Center
Fort Bonifacio, 1634 Taguig City

Republic of the Philippines
COURT OF APPEALS
Manila

SPECIAL FIFTEENTH DIVISION

Intellectual Property Office of the Ph⁺
Office of the Director General-Lc



BY: [Signature] TIME: _____

W LAND HOLDINGS, INC.,
Petitioner,

CA-G.R. SP. No. 133826

Members:

-versus-

'BRUSELAS, JR., A. D.,
Acting Chairperson,
MACALINO, F. S., and
CORALES, P.B., JJ.

STARWOOD HOTELS &
RESORTS WORLDWIDE,
INC.,
Respondent.

Promulgated:

NOV 12 2014 3:41 p.m. [Signature]

x-----x

DECISION

MACALINO, J.:

The Case

In this Petition for Review¹ under Rule 43 of the Rules of Court, Petitioner W Land Holdings, Inc. ("Petitioner") assails and seeks the reversal of the January 10, 2014 Decision² ("Assailed Decision") of the Intellectual Property Office ("IPO") Director General³ in Appeal No. 14-2010-0043, the *fallo* of which reads:

"WHEREFORE, premises considered, the instant appeal is hereby DISMISSED. Let a copy of this Decision as well as the trademark application and records be furnished and returned to the Director of the Bureau of Legal Affairs for appropriate action. Further, let also the Director of the Bureau of Trademarks and the library of the Documentation, Information and Technology Transfer Bureau be furnished a copy of this decision for information, guidance, and records purposes.

SO ORDERED."⁴

* Acting Chairperson per Office Order No. 452-14-ABR dated October 30, 2014.

1 Rollo, pp. 10-56.

2 Id., pp. 61-67.

3 Ricardo R. Blancaflor.

4 Rollo, p. 67.

The Facts

Petitioner is a domestic corporation whose primary purpose is "to acquire by purchase, lease, donation or otherwise, and to own, use, improve, develop, subdivide, sell, mortgage, exchange, lease, develop and hold for investment or otherwise, real estate of all kinds, whether improve, manage or otherwise dispose of buildings, houses, apartments, and other structures of whatever kind, together with their appurtenances."⁵ Incorporated on April 26, 2006, it is the developer of four (4) residential and/or commercial buildings in Bonifacio Global City, Taguig bearing the "W" mark: (1) the W Tower⁶ in 39th Street; (2) the W Fifth Avenue⁷; (3) the W Office⁸ in 11th Avenue cor. 28th Street; and (4) the W Global Center⁹ in 30th Street corner 9th Avenue.

On the other hand, Respondent Starwood Hotels & Resorts Worldwide, Inc. ("Respondent") is a foreign corporation duly organized under the laws of New York in 1980 and engaged in the hotel and leisure business worldwide.¹⁰

On April 20, 2006, Petitioner submitted to the IPO's Bureau of Trademarks an application for registration of the mark "W" for use on real estate affairs belonging to class 36 of the Nice Classification. Its Trademark Application No. 4-2006-004147 was published in the IPO's Electronic Gazette for Trademarks on November 28, 2006.¹¹

Believing that it will be damaged by the approval of Petitioner's application for trademark registration, Respondent filed with the Director of the IPO's Bureau of Legal Affairs ("BLA") a Verified Petition for Opposition¹² on March 30, 2007. The opposition was docketed as IPC No. 14-2007-00084.

Respondent averred that it is one of the world's largest luxury hotel and leisure companies whose brand names include Sheraton, St. Regis, W, W Hotels, Le Meridien, Element, Aloft, The Luxury Collection, Westin and Four Points by Sheraton. Its marks, "W" and "W Hotels", were first used in the United States in December 1998, and are continuously used in its advertisements in Asia Pacific

5 See the Certificate of Incorporation dated April 26, 2006 issued by the Securities and Exchange Commission to Petitioner (Id., p. 105) and Petitioner's Articles of Incorporation (Id., pp. 106-115).

6 Rollo, pp. 144-149.

7 Id., pp. 151-152.

8 Id., pp. 154-155.

9 Id., pp. 157-161.

10 Id., pp. 177 & 198.

11 Id., p. 173; Assailed Decision, p. 1 (Id., p. 61).

12 Id., pp. 176-189.

including the Philippines. Its marks are currently registered in different countries such as but not limited to: (1) Argentina¹³; (2) Australia¹⁴; (3) Canada¹⁵; (4) Chile¹⁶; (5) Costa Rica¹⁷; (6) European Union¹⁸; (7) Hong Kong¹⁹; (8) Lebanon²⁰; (9) Mexico²¹; (10) Morocco²²; (11) Singapore²³; (12) Sweden²⁴; (13) Switzerland²⁵; (14) Thailand²⁶; and (15) United States²⁷. Citing Section 123.1 (d), (e) and (f) of Republic Act No. 8293 ("R.A. 8293") or the Intellectual Property Code of the Philippines ("the IP Code") and Article 6bis of the Paris Convention, Respondent contended that the approval of Petitioner's application for trademark registration will violate its right to the "W" trademark covered by its Trademark Application No. 04-2005-011847²⁸ for goods/services under classes 43²⁹ and 44³⁰ (which was deemed registered by the IPO as of February 26, 2007) and Trademark Application No. 4-2005-011848³¹ for goods/services under class 41³², which were both filed on December 2, 2005 or earlier than Petitioner's filing date. According to Respondent, Petitioner's "W" mark is confusingly similar to its internationally well-known "W" trademark and is intended to ride on its popularity and goodwill and/or mislead the purchasing public into believing that their goods and services are the same.

In its Answer³³, Petitioner explained that it adopted the "W" mark in order for the public to identify its real estate projects with the members of the Wee family³⁴ who are its controlling stockholders. Petitioner stressed that its "W" mark is not only remarkably bigger

13 See Respondent's Certificates of Trademark Registration (Id., pp. 351-355; pp. 417-421).

14 See Respondent's Certificate of Trademark Registration (Rollo, pp. 295-297).

15 See Respondent's Certificates of Trademark Registration (Rollo, pp. 312-314; pp. 369-371; pp. 422-424).

16 See Respondent's Certificates of Trademark Registration (Rollo, pp. 377-380; p. 510).

17 See Respondent's Certificate of Trademark Registration (Rollo, pp. 323-324).

18 See Respondent's Certificates of Trademark Registration (Rollo, pp. 364-368; pp. 437-441).

19 See Respondent's Certificates of Trademark Registration (Rollo, pp. 442-445; pp. 446-450).

20 See Respondent's Certificate of Trademark Registration (Rollo, pp. 298-302).

21 See Respondent's Certificates of Trademark Registration (Rollo, pp. 303-304; pp. 361-363; pp. 375-376; pp. 454-455; pp. 456-457; pp. 458-460).

22 See Respondent's Certificates of Trademark Registration (Rollo, pp. 321-322; pp. 464-465).

23 See Respondent's Certificate of Trademark Registration (Rollo, pp. 466-468).

24 See Respondent's Certificate of Trademark Registration (Rollo, pp. 471-473).

25 See Respondent's Certificate of Trademark Registration (Rollo, pp. 474-479).

26 See Respondent's Certificate of Trademark Registration (Rollo, pp. 356-360).

27 See Respondent's Certificates of Trademark Registration (Rollo, pp. 305-311; pp. 372-374; pp. 489-493).

28 Rollo, pp. 194-197.

29 Hotel, motel, resort hotel and motor inn services; hotel reservation services; restaurant, bar and catering services; food and beverage preparation services, café and cafeteria services; provision of information relating to holidays; provision of conference, meeting and social function facilities.

30 Beauty salon and hair dressing services.

31 Rollo, pp. 190-193.

32 Entertainment services including live entertainment services.

33 Rollo, pp. 69-104.

34 Lee Hiong T. Wee, Francis Augustus L. Wee, Cesar Lee Hiong Wee, Jr., Rosalind L. Wee and Heidi Gloria Maris L. Wee.

than but also has a different font from Respondent's "W" trademark and is thus not confusingly similar to the latter. In addition, the parties' respective applications for trademark registration pertain to completely different goods and services, since Respondent's goods and services under class 43 of the Nice Classification pertain to temporary or transient accommodations while Petitioner's goods and services under class 36 pertain to residential units which are of a more permanent nature. Petitioner likewise pointed out that to be considered well-known, a mark must be such, internationally and in the Philippines; and since Respondent has no business operation in the Philippines, its mark cannot be considered well-known. Conversely, Petitioner emphasized that the Wee family has been in the country's real estate business since the early 1980's.

Respondent theorized in its Reply³⁵ that considering that the Wee family owns or has business interests in corporations other than Petitioner, it is highly likely that its members have stayed in one of its hotels in the course of their international business dealings; and that Respondent's "W" trademark had caught their attention such that they adopted the same as Petitioner's mark. Respondent also invoked the doctrine of right to trade expansion or likelihood of expansion theory and argued that the use of a mark on even non-competing goods or services which results in the prevention of the natural business expansion of the registrant to such goods or services is not countenanced. In fact, it has expanded the coverage of its trademark to goods/services under class 36 or real estate affairs by virtue of the registration and operation of the "W Residences" in a number of countries around the world.

After Petitioner's submission of its Rejoinder³⁶ reiterating its position, the BLA Director³⁷ rendered a Decision³⁸ on April 23, 2008 decreeing as follows:

"WHEREFORE, the Verified Notice of Opposition is, at is is, hereby **SUSTAINED**. Consequently, Application Serial No. 4-2006-004147 for the mark "W" for W Land Holdings, Inc., covering class 36 for real estate affairs filed on 20 April 2006 must perform be **REJECTED**.

Let the file wrapper of "W" subject matter in this case be forwarded to the Bureau of Trademarks (BOT) for appropriate action in accordance with this Decision.

35 Rollo, pp. 631-651.

36 Id., pp. 653-659.

37 Estrellita Beltran-Abelardo.

38 Rollo, pp. 796-812.

SO ORDERED.³⁹

Petitioner then sought a reconsideration⁴⁰ of the above Decision on June 12, 2008. Pending resolution of its motion, Petitioner instituted a separate Petition dated May 12, 2009 for the cancellation of Respondent's Certificate of Registration No. 4-2005-011847 on the ground of non-use, docketed as IPC No. 14-2009-00143.⁴¹

Finding no new issues raised by Petitioner, the BLA Director⁴² denied Petitioner's Motion for Reconsideration in his July 23, 2010 Resolution⁴³. Petitioner thus resorted to filing its Appeal Memorandum⁴⁴ before the IPO Director General. The appeal, docketed as Appeal No. 14-2010-0043, imputed error to the BLA Director in finding that Petitioner's mark is confusingly similar to Respondent's trademark and that both marks cover closely related goods and services.

Meanwhile, in IPC No. 14-2009-00143, the BLA Director rendered a Decision⁴⁵ dated May 11, 2012 granting Petitioner's Petition for Cancellation of Respondent's trademark. The BLA Director's Decision was however reversed by the IPO Director General, which reversal is currently the subject of a separate Petition for Review before this Court.⁴⁶

On January 10, 2014, the IPO Director General rendered the Assailed Decision in Appeal No. 14-2010-0043 which affirmed the BLA Director's disallowance of Petitioner's application for trademark registration.

The Issues

Undeterred, Petitioner filed the present Petition on the grounds that:

“THE DIRECTOR GENERAL COMMITTED GRAVE AND SERIOUS ERROR WHEN HE DENIED THE REGISTRATION OF THE SUBJECT MARK IN FAVOR OF PETITIONER W LAND, CONSIDERING THAT:

39 Id., p. 812.

40 Id., pp. 814-823.

41 Id., pp. 19-20.

42 Nathaniel S. Arevalo.

43 Rollo, p. 827.

44 Id., pp. 829-848.

45 Id., pp. 1112-1121.

46 Id., p. 21.

A. PETITIONER W LAND IS ENTITLED TO THE SUBJECT MARK SINCE IT IS THE PRIOR USER AND HAS ACTUALLY USED THE MARK 'W' AS ITS TRADE NAME AND SERVICE MARK IN PHILIPPINE COMMERCE, WHILE RESPONDENT STARWOOD HAS NOT USED ANY OF ITS MARKS IN THE PHILIPPINES. IN FACT, NO LESS THAN THE BUREAU OF LEGAL AFFAIRS OF THE INTELLECTUAL PROPERTY OFFICE ORDERED THE CANCELLATION OF RESPONDENT STARWOOD'S REGISTRATION ON THE GROUND OF NON-USE.

B. IN ANY EVENT, THERE EXISTS NO LIKELIHOOD OF CONFUSION BETWEEN THE SUBJECT MARK AND RESPONDENT STARWOOD'S MARK CONSIDERING THAT CONSUMERS WILL NEVER BE MISLED BY THE SOURCE OF THE SERVICES BEARING THE SUBJECT MARK. IN FACT, THE SERVICES ARE NOT OFFERED IN THE SAME LOCATION, DO NOT EVEN BELONG IN THE SAME CLASSES AS THE SERVICES COVERED BY RESPONDENT STARWOOD'S REGISTRATION, ARE NOT SOLD IN THE SAME CHANNELS OF TRADE AND HAVE DIFFERENT NATURES, COSTS AND PURPOSES, AS THE PURPORTED SERVICES OF RESPONDENT STARWOOD.

C. MOREOVER, THE DIRECTOR GENERAL CANNOT ACCORD RESPONDENT STARWOOD THE RIGHT TO PREVENT THE REGISTRATION OF PETITIONER W LAND'S APPLICATION SINCE THE IPO HAS RULED THAT RESPONDENT STARWOOD'S MARK IS NOT WELL-KNOWN. HENCE, THERE IS NO LEGAL BASIS FOR THE QUESTIONED DECISION.

D. IN ANY EVENT, THE SUBJECT MARKS AND RESPONDENT STARWOOD'S MARK ARE NOT CONFUSINGLY SIMILAR.⁴⁷

Hence, the main issue to be resolved in this case is whether the IPO Director General correctly rejected Petitioner's application for

⁴⁷ Id., pp. 21-22.

trademark registration.

Our Ruling

We answer in the affirmative.

It cannot be denied that Respondent was the first to file an application for registration of the "W" trademark on December 2, 2005, or more than four (4) months before Petitioner filed its application for trademark registration on April 20, 2006. It is likewise undisputed that Respondent's "W" trademark was deemed registered on February 26, 2007 for use on "hotel, motel, resort hotel and motor inn services; hotel reservation services; restaurant, bar and catering services; food and beverage preparation services, café and cafeteria services; provision of information relating to holidays; provision of conference, meeting and social function facilities" (class 43) and "beauty salon and hair dressing services" (class 44):

Under Sec. 138 of the IP Code, "a certificate of registration of a mark shall be *prima facie* evidence of the validity of the registration, the registrant's ownership of the mark, and of the registrant's exclusive right to use the same in connection with the goods or services and those that are related thereto specified in the certificate." Corollarily, Section 123.1 (d) of the same Code provides that a mark cannot be registered if it 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.

Petitioner however attacks Respondent's registered mark by pointing out that it is the prior user of the "W" mark in the Philippines, in contrast with Respondent who has not allegedly used its trademark in the country. It even cites the BLA Director's May 11, 2012 Decision in IPC No. 14-2009-00143 which canceled Respondent's trademark registration on the ground of non-use.

Lest Petitioner forget, the issue of whether Respondent's trademark registration should be canceled on the ground of non-use is a matter which, as alleged by it in its Petition, is a subject of a separate Petition for Review before this Court. Moreover, as admitted by no less than Petitioner, the BLA Director's May 11, 2012 Decision in IPC No. 14-2009-00143 was even reversed on appeal to the IPO Director General who upheld Respondent's trademark registration. Needless to say, Petitioner has not yet secured a *final* judgment of

cancellation of Respondent's trademark registration that would remove from Respondent all the rights conferred by such registration in accordance with Sec. 8, Rule 8 of the Rules and Regulations on Inter Partes Proceedings, viz:

*"Sec. 8. Cancellation of registration. If the Bureau finds that a case for cancellation has been made out, it shall order the cancellation of the registration. **When the order or judgment becomes final, any right conferred by such registration upon the registrant or any person in interest of record shall terminate.** Notice of cancellation shall be published in the IPO Gazette." (Emphasis supplied)*

As there is yet no final judgment canceling Respondent's trademark registration, it cannot be gainsaid that Respondent still has all the rights conferred by a certificate of registration.

Interestingly, while Petitioner asserts prior use of the "W" mark in the Philippines, it recognizes Respondent's use of the "W" trademark in other countries abroad. Indeed, if it were true that the "W" mark was only intended to identify Petitioner's real estate projects with the members of the Wee family, it should have been adopted as early as the 1980's when the Wee family had allegedly started venturing into the real estate business. However, as keenly observed by the IPO Director General, Petitioner failed to explain why it suddenly used the "W" mark in its real estate business, which failure amounted to bad faith:

*"The appellant claimed in its answer to the opposition that it has a string of successful business undertakings here and abroad, and are considered major players in the carageenan business worldwide, as well as in many other areas of trade. **The appellant, however, did not show that it is using the mark 'W' in these areas of trade. It also did not explain why it would suddenly use 'W' in its real estate business. These circumstances weaken Appellant's claim that the use of the mark 'W' is to give recognition to the Wee family.**"⁴⁸ (Emphasis supplied)*

It is well-settled in this jurisdiction that priority is of no avail to the bad faith plaintiff, such as Petitioner in this case.⁴⁹ Hence, even assuming that Petitioner is the prior user of the "W" mark in the Philippines, it cannot be considered as the owner of the trademark being applied for and consequently has no right to apply for registration of the same.

⁴⁸ Assailed Decision, p. 5 (Rollo, p. 65).

⁴⁹ *Shangri-La International Hotel Management, Ltd. v. Developers Group of Companies, Inc.*, G.R. No. 159938, March 31, 2006.

Next, Petitioner posits that its goods/services are totally unrelated to those offered by Respondent because they fall under different classes. This argument had been properly struck down by the IPO Director General who, by quoting Sec. 144.2 of the IP Code, declared that "goods or services may not be considered as being similar or dissimilar from each other on the ground that, in any registration or publication, they appear in different classes of the Nice Classification."⁵⁰ The Director General reasoned further:

"Moreover, the scope of protection afforded to registered trademark owners is not limited to protection from infringers with identical goods. The scope of protection extends to protection from infringers with related goods, and to market areas that are the normal expansion of business of the registered trademark owners. **In this case, the scope of protection given to the Appellee as the registered owner of W extends to protection with the related goods and services such as the real estate affairs of the Appellant which is also a market area within the normal expansion of business of the Appellee.**"⁵¹
(Emphasis supplied)

Sec. 138 of the IP Code, as presently worded, recognizes this "expansion of business" rule and protects the registered owner of the mark from the use by another of a similar mark on the goods or services related to those specified in the certificate of registration.⁵² Thus, Petitioner can no longer take refuge in the pronouncement of the Supreme Court in *Faberge, Inc. v. Intermediate Appellate Court*⁵³ to the effect that the failure of the registrant to present evidence that he intends to expand his business limits his exclusive right to use the registered mark only to those enumerated in the certificate of registration. This is because *Faberge* was based on the *old* trademark law, Republic Act No. 166.

At any rate, the truth of the matter is that Respondent has begun expanding its business by engaging in real estate affairs in some parts of the world. The records reveal that Respondent already has existing trademark registrations of the "W Residences" in Chile⁵⁴, Mexico⁵⁵, United States⁵⁶ and Benelux⁵⁷, which is a confirmation of the IPO Director General's finding that real estate affairs under class 36 is within the normal business expansion of Respondent.

50 Assailed Decision, p. 6 (Rollo, p. 66).

51 *Ibid.*

52 Agpalo, *The Law on Trademark, Infringement and Unfair Competition* (2000 Edition), p. 65.

53 G.R. No. 71189, November 4, 1992.

54 Rollo, pp. 377-380.

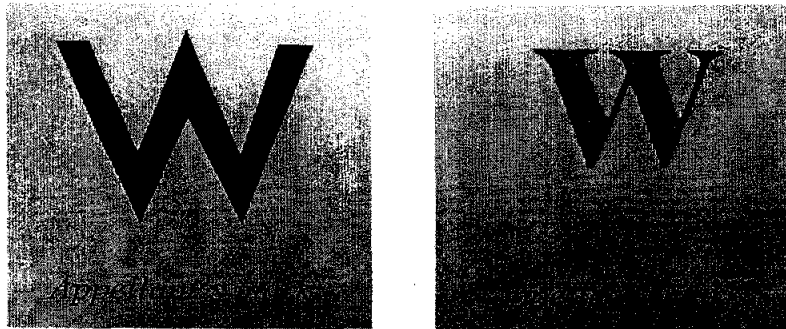
55 *Id.*, pp. 381-384.

56 *Id.*, pp. 385-386.

57 *Id.*, pp. 387-388.

In its final bid to convince this Court to allow the registration of its mark, Petitioner insists that its mark is not confusingly similar to that of Respondent.

It must be remembered that in the Assailed Decision, the IPO Director General compared Petitioner's mark with Respondent's trademark as appearing in the certificate of registration (which, by the way, was registered as a word mark and not as a composite mark as asserted by Petitioner). The two (2) marks are reproduced herein as follows:



Applying the test of dominancy, which focuses on the similarity of the prevalent or dominant features of the competing marks that might cause confusion, mistake, and deception in the mind of the purchasing public⁵⁸, the IPO Director General ruled thus:

“At a glance, one can see the similarity of these marks as referring to the letter 'W'. While these marks are presented in different font and style, their similarity is very obvious that it gives the impression that both marks are owned by the same person and that one is just a variation of the other. x x x

In this case, the Appellee is the first to file the application for W and has secured registrations for this mark. To allow the registration of the Appellant's mark would defeat the rationale for trademark registration. **It is not farfetched that the relevant public would associate the marks as originating from the same source or owned by the same person. x x x**⁵⁹
(Emphasis supplied)

On this matter of particular concern, administrative agencies, such as the IPO, by reason of their special knowledge and expertise over matters falling under their jurisdiction, are in a better position to

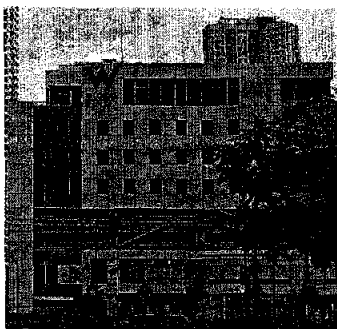
58 Skechers U.S.A., Inc. v. Inter Pacific Industrial Trading Corp., G.R. No. 164321, March 23, 2011.

59 Assailed Decision, p. 4 (Rollo, p. 64).

pass judgment thereon. Thus, their findings of fact in that regard are generally accorded great respect, if not finality by the courts, as long as they are supported by substantial evidence, even if such evidence might not be overwhelming or even preponderant.⁶⁰

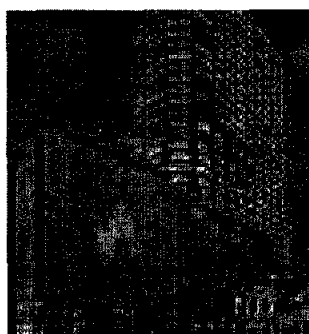
Even applying the holistic test, which considers the entirety of the marks as applied to the products, including the labels and packaging⁶¹, confusing similarity between the two (2) marks is apparent. Emphasis should be made on the fact that both Petitioner's and Respondent's goods/services are offered in buildings. Like Respondent's W Hotels, Petitioner's W building also has a rooftop bar and lounge. Both target the same class or group of consumers – travelers and tourists who are patrons of luxurious hotels and high-end residential units. A comparison⁶² alone of the parties' respective buildings bearing the "W" mark supports the IPO Director General's finding of likelihood of confusion of business:

Petitioner's Buildings

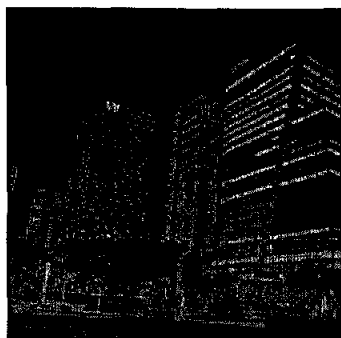


W Global Center

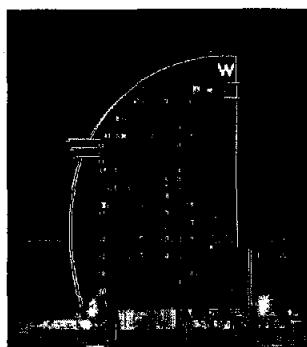
Respondent's Buildings



W Bangkok



W Fifth Avenue

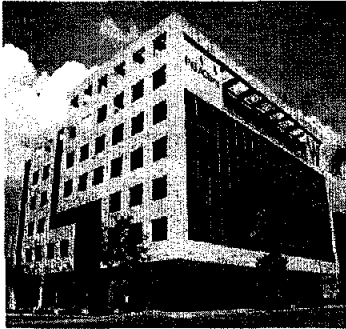


W Barcelona

⁶⁰ Berris Agricultural Co., Inc. v. Abyadang, G.R. No. 183404, October 13, 2010.

⁶¹ Skechers U.S.A., Inc. v. Inter Pacific Industrial Trading Corp., *supra*, at note 58.

⁶² See Rollo, pp. 1157-1158.



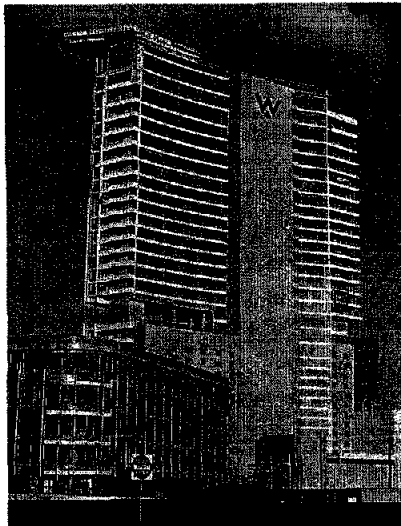
W Office



W New Orleans



W Tower



W Dallas

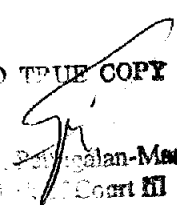
As the IPO Director General's conclusion is supported by substantial evidence, We find no reason to disturb the same. In view of the foregoing discussion, there is no more need to discuss whether Respondent's mark is well-known.

WHEREFORE, premises considered, the instant Petition for Review is **DENIED**. The January 10, 2014 Decision of the Intellectual Property Office Director General in Appeal No. 14-2010-0043 is hereby **AFFIRMED**.

SO ORDERED.

ORIGINAL SIGNED
FLORITO S. MACALINO
Associate Justice

CERTIFIED TRUE COPY


Maria Isabel M. Puyugalan-Masamang
Executive Clerk of Court III
Court of Appeals

WE CONCUR:

ORIGINAL SIGNED
APOLINARIO D. BRUSELAS, JR.
Associate Justice

ORIGINAL SIGNED
PEDRO B. CORALES
Associate Justice

CERTIFICATION

Pursuant to **Article VIII, Section 13 of the Constitution**, it is hereby certified that the conclusion in the above decision was reached in consultation before the case was assigned to the writer of the opinion of the Court.

ORIGINAL SIGNED
APOLINARIO D. BRUSELAS, JR.
Associate Justice
Acting Chairperson, Special Fifteenth Division