



SHELL BRANDS INTERNATIONAL AG,
Opposer,

-versus-

SHELLHOME CHEMICALS INC.,
Respondent-Applicant.

X-----X

IPC No. 14-2013-00149

Opposition to:

Appln. Serial No. 4-2011-009655

Date Filed: 05 August 2011

**TM: EON, ORIGINAL SHELL
RECIPE 2, 4-D**

NOTICE OF DECISION

BARANDA & ASSOCIATES

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Taguig City

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GREETINGS:

Please be informed that Decision No. 2017 - 153 dated 03 May 2017 (copy enclosed) was promulgated in the above entitled case.

Pursuant to Section 2, Rule 9 of the IPOPPL 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, 04 May 2017.

MARILYN F. RETUTAL
IPRS IV

Bureau of Legal Affairs

Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE

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IPC No. 14-2013-00149

Opposition to:

Appln. Ser. No. 4-2011-009655
Date Filed: 05 August 2011
Trademark: "EON, ORIGINAL
SHELL RECIPE 2, 4-D"

Decision No. 2017 - 153

DECISION

SHELL BRANDS INTERNATIONAL AG ("Opposer")¹, filed a Verified Opposition to Trademark Application Serial No. 4-2011-009655. The application, filed by SHELLHOME CHEMICALS INC. ("Respondent-Applicant")², covers the mark "EON, ORIGINAL SHELL RECIPE 2, 4-D" for use on the following: "*fertilizers*" under class 1; and, "*herbicide: preemergent herbice for excellent control of commonly occurring broadleaf weeds, grasses and sedges in transplanted and direct seeded rice; insecticides, fungicides, molluscicides*" under class 05 of the International Classification of Goods and Services.³

The Opposer alleges that it is a subsidiary of Royal Dutch Shell pic and together with other Shell subsidiaries, form the Shell Group of Companies. With over 150 years, the Shell Group's business is so diverse that it is organized into Upstream, Downstream and Projects & Technology categories. In the Philippines, the Shell Group established its corporate presence in 1914 in Pilipinas Shell Petroleum Corporation which serves in almost every field of transport, commerce and industry with a wide range of quality fuels, lubricants, liquefied petroleum gas, aviation fuel, bitumen and other specialty products. There are about 1000 SHELL retail service stations selling SHELL products, 24 hours SHELL SELECT convenience stores and selling full range of SHELL world-class lubricants, and the Shell Pilipinas Exploration B.V., a subsidiary company which is the operator of a joint-venture which developed the Malampaya Deepwater Gas-to-Power Project.

¹ A corporation duly registered and existing under the laws of Switzerland, with principal address at Baarer matte, 6340 Baar, Switzerland.

² A company incorporated under the laws of the Republic of the Philippines with address at Unit 3, 4F, Marcelita Bldg., 2560 National Highway, Bgy. Real, Calamba, Laguna, Philippines.

³ The Nice Classification is a classification of goods and services for the purpose of registering trademark and service marks, based on the Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks, which was concluded in 1957 and administered by the World Intellectual Property Organization.



According to the Opposer, its trademark SHELL and the PECTEN DEVICE have identified the Shell Group's brand for more than 150 years. SHELL products are advertised and used worldwide. It maintains a global website and country-specific websites for various countries, including the Philippines. The Shell Group holds about 8,000 registrations and applications for its SHELL mark worldwide. The Opposer avers the following grounds for this instant case: (1) The dominant element of the Respondent's mark is SHELL which is identical with Opposer's registered SHELL marks and therefore should be rejected; (2) The SHELL marks are well-known marks; (3) SHELL is Opposer's trade name which has been used for over 150 years and should be protected against Respondent-Applicant's unlawful use; and, (4) Respondent-Applicant has filed the mark SHELLHOME & DEVICE for goods in classes 1 and 5 in bad faith.

The Opposer submitted the following evidence:

1. Special Power of Attorney on the appointment of Baranda & Associates as counsel of Opposer;
2. Affidavit of Attorney Robert James Carter;
3. Website printout showing fast facts for the Shell Group, Shell Group's history, Shell Group's business, Shell Group's products and services, Forbes ranking and the history of the SHELL Logo;
4. Compilation of Interbrand rankings from the following years: 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011;
5. Website printout of US registration certificate for Registration Nos. 74100408 and 72261760 for SHELL;
6. Website printout of Singapore registration certificate for Registration Nos. T4911225G and T49112241 for SHELL;
7. Website printout of Ohim registration certificate for Registration No. 001118801 for SHELL;
8. Website printout of Australia registration certificate for Registration Nos. 223079 and 116492 for SHELL;
9. Website printout of Hong Kong registration certificate for Registration Nos. 19520119 and 200313106 for SHELL;
10. Copy of the commemorative certificate issued by the UK Patent Office;
11. Copy of Philippines registration certificate for Registration Nos. 4-2002-00984 for SHELL; and 37525 for SHELL PECTEN;
12. Copy of the decision issued for the WHITE SHELL & DEVICE;
13. Copy of the decision issued for the RED SHELL & DEVICE;
14. Copy of the decision issued for the SHELLBACKS and its English translation;
15. Copy of the decision issued for the SHELL AND DEVICE and its English translation in Case Nos. 479110 and 502921;
16. Copy of the decision issued for the QB SHELL LOGO and its English translation in Case No. 01090255;
17. Copy of the decision issued for the SHELL DEVICE in Case No. 01077839;
18. Payroll of Mr. Wendell T. Garcia dated 19 September 1994;
19. Certified copy of Philippine certificate for Registration No. 4-2002-00984 for SHELL; and,

