

**CHAMPION PAPER PRODUCTS MFG. CORPORATION, PETITIONER,
VS. HON. TIBURCIO S. EVALLE, IN HIS CAPACITY AS DIRECTOR OF
PATENTS PHILIPPINES PATENT OFFICE, DEPARTMENT OF
COMMERCE & IND...**

G.R. No. L-20966. July 31, 1969

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/be810e5893c1/>

DIZON, J.:

On December 29, 1955, petitioner Champion Paper Products Manufacturing Corporation, a domestic corporation with business address at Room 319, Equitable Bank Building, Juan Luna, Manila, filed with the Philippines Patent Office petition for the registration of the trademark CHAMPION - with a design shown on the drawing attached thereto - alleging that it had been exclusively and continuously using said trademark since January 31, 1955 on the goods (Class 38) specified in the Statement of its President & General Manager attached to the petition.

After the publication required by law and upon the favorable recommendation of the Supervising Trademark Examiner, the Director of Patents, on June 22, 1959, issued a certificate of registration (No. 7410) of said trademark in favor of the petitioner.

On August 31, 1959, private respondent Champion Papers, Inc. (formerly Champion Paper and Fibre Company), a foreign corporation, filed with the same office an application (No. 7228) for the registration of the trademark CHAMPION (word only). This trademark was registered in its name on June 11, 1952 (Certificate No. 3434) but said registration was cancelled on October 30, 1958 for failure of the registrant to file the affidavit of use required by Section 12 of the Trademark Law.

Believing that private respondent's application No. 7228 might adversely affect petitioner's registration of trademark No. 7410, the Trademark Examiner, on August 11, 1960, declared an interference between the two, in accordance with Section 10-A of Republic Act No. 166, as amended (Inter Partes Case No. 194).

On September 30, 1960, petitioner filed motion to dissolve the interference on the ground that, although the trademarks were identical and the goods end products of the interested parties belonged to the same classification (Class 38), the danger of confusion or deception to the buying public was remote because the products involved were not bought by the same class of purchasers. Private respondent formally opposed the motion.

On August 15, 1961, the Chief Trademark Examiner of the Philippines Patent Office issued a resolution dissolving the interference, holding that the likelihood of confusion was remote as the average purchasers and the essential characteristics of the goods on which the trademarks were used were not the same. On November 20 of the same year, private respondent appealed from said resolution to the Director of Patents.

Subsequently, the interference case (Inter Partes Case No. 194) was set for hearing on January 25, 1962, apparently for the purpose of receiving evidence for the determination of the question of "confusing similarity" of the trademarks mentioned heretofore. In view of this, on January 10 of the same year, private respondent filed a

motion praying that it be allowed to file its appeal brief within 30 days from the date the interference case would have been tried. On January 19, 1962, petitioner filed an opposition to the motion praying, in turn, that private respondents appeal be dismissed for its failure to file its brief within 60 days from the date of the appeal, pursuant to Rule 203 of the Revised Rules of Practice.

On the date set for the hearing of the interference case, petitioner questioned the authority of the Hearing Officer to hold it, alleging that the interference had already been dissolved and that the case was already on appeal to the Director of Patents. After the parties had submitted memoranda on the matter, the Director of Patents, on April 3, 1962, issued a resolution (No. 4, Series of 1962; Annex T attached to Petition) setting aside the action of the Chief Trademark Examiner dissolving the interference and setting the case for hearing on April 30, 1962. Petitioner moved for a reconsideration of the same and, on February 13, 1963, the Director of Patents issued an order of this tenor:

"WHEREFORE, it is hereby ordered as follows:

- (1) Resolution No. 4 (Series of 1962), dated April 3, 1962 is hereby set aside;
- (2) The appeal of the Junior-Party- Applicant should be accordingly docketed as an ex parte case;
- (3) This interference case is hereby suspended pending determination of the appeal; and
- (4) The Junior Party-Applicant is re-quired to file its Brief in the appealed case within thirty (30) days from the date it was docketed." (Annex Z attached to the Petition).

The above-quoted order of the respondent Director of Patents was based on the following considerations:

"... .. that when the interference was dissolved by the Chief Trade-mark Examiner, the Junior Party-Applicant seasonably appealed. The appeal however, was not properly docketed.

"Therefore, Rules 200 and 205 of the Rules of Practice in Trademark Cases should govern the proceedings, wherein the Senior Party-Applicant is not a party, it being an ex parte case - a contest between the Chief Trademark Examiner and the Junior Party-Applicant.

"Meanwhile, the interference case should be suspended, pending determination of the appeal. The last sentence, first paragraph, of Rule 183 of the Revised Rules of Practice provides that transmitting the motion to dissolve for determination will act as a stay of the interference proceedings pending the determination of the motion. The issue of whether or not the interference was properly declared and whether or not the Resolution of the Chief Trademark Examiner dissolving the interference was proper remains to be finally resolved upon the institution of the appeal." (Annex Z, supra).

Consequently, petitioner filed the present petition for certiorari, prohibition and mandamus, with a prayer for the issuance of a writ of preliminary injunction, (1) to set aside the resolution of the Director of Patents of February 13, 1963; (2) to order the dismissal of private respondent's appeal; (3) to declare the resolution of the Chief Trademark Examiner dismissing the interference, final and unappealable, and finally, (4) to restrain said officer from taking cognizance of said appeal pending determination of the petition.

Petitioner's main argument is that, under Rule 203 of the Revised Rules of Practice in Trademark Cases specifically providing that appellant shall file his brief within sixty days from date of appeal (notice of appeal) and that upon its failure to do so, the appeal shall stand dismissed, the Director of Patents has no power to give due course to private respondent's appeal mentioned heretofore.

The present action for certiorari etc. arose because of wrong procedural steps taken in the interference proceeding - (INTER PARTES CASE No. 194).

According to the record, on August 11, 1960, the Chief Trademark Examiner declared an interference between the trademarks of the petitioner and of the private respondent herein. On August 15, 1961, upon motion of petitioner, said Examiner dissolved the interference. From this resolution, private respondent appealed to the Director of Patents.

It appears, however, that notwithstanding the appeal, the interference case was set for hearing on January 25, 1962 apparently for the purpose of receiving evidence bearing upon the alleged "confusing similarity" of the trade-marks used by the parties. This hearing, in our opinion, was uncalled for and unjustified, in view of the fact that the interference had been dissolved and the order of dissolution was already the subject of an appeal timely taken to the Director of Patents.

Because of the hearing set for January 25, 1962, the private respondent filed a motion praying that it be allowed to file its appeal brief within 30 days from the date the interference case would have been tried. As far as the record discloses, this trial has not been held to this date, nor has private respondent's motion aforesaid been resolved. As a matter of fact, the resolution attached to the petition as Annex Z (Record p. 124) issued by the respondent Director of Patents on February 13, 1963 orders the suspension of the proceedings in the interference case pending determination of the appeal, declaring, at the same time, that, as the appeal "was not properly docketed" the same should be "docketed as an ex-parte case". The same resolution gives the private respondent 30 days from the date his appeal is properly docketed within which to file its brief. In as much as the validity of said resolution is necessarily involved in this proceedings, and private respondent's motion for an additional period for the filing of its brief has not been resolved to this date, We can not escape the conclusion that, as a matter of fact, the period within which said respondent was under obligation to file its brief has not yet started to run.

We also notice that the resolution issued on April 3, 1962 by the respondent Director of Patents (attached to the petition as Annex T) sets aside the action of the Chief Trademark Examiner granting the motion to dissolve the interference. This, We believe, is not only contrary to the orderly procedure provided by law in cases of this nature, but it is also extremely doubtful, to say the least, whether said respondent had authority to do so under the "general supervision" granted to him in the third paragraph of Rule 198 of the Revised Rules of Practice before his office. It being a fact that the correctness of said order of dissolution of the interference was precisely the issue involved in the appeal pending before him, it seems clear that the same could not be resolved except in the aforesaid appeal.

It appearing from the foregoing that (1) the Chief Trademark Examiner of the Patent Office had jurisdiction to issue the order dissolving the interference; (2) that his resolution in that connection had been seasonably appealed to the respondent Director of Patents; and (3) that, as a consequence, said respondent Director of Patents' resolution suspending proceedings in the interference case, ordering the proper docketing of the appeal interposed by herein private respondent and giving the latter a period of thirty days from the date the appeal is docketed within which to file its brief, is in accordance with law and the procedure followed by his office in similar cases, the writs of certiorari, prohibition and mandamus prayed for in the petition under consideration are hereby denied, with costs, but without prejudice to the appeal mentioned heretofore taking its due course.

THE WRIT OF PRELIMINARY INJUNCTION heretofore issued in this case is hereby set aside.

Concepcion, C.J., Makalintal, Sanchez, Castro, Fernando, Capistrano, Teehankee and Barredo, JJ., concur.
Reyes, J.B.L., J., did not take part.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.