

PAGASA INDUSTRIAL CORPORATION, PETITIONER, VS. COURT OF APPEALS, TIBURCIO S. EVALLE, AS DIRECTOR OF PATENTS, AND YOSHIDA KOGYO KABUSHIKI KAISHA, RESPONDENTS.

G.R. No. 54158. August 31, 1984

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-54158/>

AQUINO, J.:

This case is about the conflicting claims of Pagasa Industrial Corporation and Yoshida Kogyo Kabushiki Kaisha for the trademark YKK for zippers.

The Director of Patents issued to Yoshida on November 9, 1961 Certificate of Registration No. 9331 for the said trademark for slide fasteners and zippers in class 41. It claimed to have used the trademark since September 1, 1950.

Notwithstanding that prior registration, the Director on April 4, 1968, or more than six years later, issued to Pagasa Certificate of Registration No. 13756 for the same trademark for its zippers, based on alleged use of the trademark since March 1, 1966.

On January 23, 1975, Yoshida asked the Director to cancel the registration in favor of Pagasa. The trademark, used for the same product by two different entities, has caused confusion, mistake and deception. The Director explained that the duplicitous registration was attributable to the fact that his examiner "miserably overlooked" the anterior registration by Yoshida. Had it not been for such costly oversight, Pagasa's application would have been rejected.

In his decision of May 5, 1977, the Director cancelled Pagasa's certificate of registration in accordance with section 4(d) and chapter IV of Republic Act No. 166.

Pagasa appealed to the Court of Appeals which in its decision dated February 6, 1980 affirmed the cancellation. It found that prior to 1968 Pagasa knew that Yoshida was the registered owner and user of the YKK trademark which is an acronym of its corporate name.

Tadao Yoshida, the president of Yoshida, and Tsutomu Isaka, the export manager, visited in 1960 (1965) Pagasa's factory which was manufacturing zippers under the Royal brand. Anacleto Chi, Pagasa's president, visited in turn Yoshida's factory in Toyoma, Japan.

The Appellate Court concluded that Pagasa's knowledge that Yoshida was using the YKK trademark precludes the application of the equitable principle of laches, estoppel and acquiescence. It noted that Pagasa acted in bad faith. As observed by Yoshida's counsel, Pagasa's registration of YKK as its own trademark was an act of ingratitude.

Pagasa appealed to this Court. The Second Division in a decision dated November 19, 1982, reversed the decision of the Appellate Court (118 SCRA 526). Yoshida filed a motion for reconsideration which was denied in the

resolution of January 12, 1983. It was granted leave to file a second motion for recon-sideration over Pagasa's opposition. The case was transferred to the Banc.

We hold that the second motion for reconsideration should be granted. Pagasa contended originally that the Appellate Court erred in holding that Pagasa can-not invoke the equitable principles of laches, estoppel and acquiescence because Yoshida had not abandoned the YKK trademark and Pagasa was aware of its prior exist-ence and registration. It allegedly erred further in ruling that registration gives the registrant a vested right in the trademark.

These contentions are devoid of merit. The appeal should not have been given due course. The Director of Patents sensibly and correctly cancelled the regis-tration in favor of Pagasa which has not shown any semblance of justification for usurping the trademark YKK. The registration in favor of Pagasa was admitted by the Director to be a mistake. He said that Pagasa's application should have been denied outright.

Pagasa cannot rely on equity because he who comes into equity must come with clean hands. Equity refuses to lend its aid in any manner to one seeking its active interposition who has been guilty of unlawful or in-equitable conduct in the matter with relation to which he seeks relief (30 C.J.S. 1009).

"Registration is sufficient prima-facie proof that all acts necessary to entitle the mark to registration were duly performed" (87 C.J.S. 421). Obviously, Yoshida's prior registration is superior and must prevail.

WHEREFORE, the decisions of the Director of Patents and the Court of Appeals are affirmed. Costs against the petitioner.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Abad Santos, Melencio-Herrera, Plana, Escolin, and Gutierrez, Jr., JJ., concur.

Concepcion, Jr., Guerrero, Relova, Cuevas, and De la Fuente, JJ., no 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.