United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application	Serial No	. 7926215
Mark:		

Correspondence Address:

Anton Nefedyev Presnenskaya Nab., 8, Bldg 1, Capital Ci Complex, Moscow City Business Centre RU-123100 Moscow RUSSIAN FED.

Applicant: Aktsionernoe obshchestvo "Pervyj kanal. ETC.

Reference/Docket No. N/A

Correspondence Email Address:

NONFINAL OFFICE ACTION

International Registration No. 1475078

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL FULL REFUSAL NOTIFICATION WITHIN 6 MONTHS OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional full refusal is the "Create/Mail Date" of the "IB-1rst Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional full refusal.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

Search Results

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Issue Summary

Descriptiveness refusal

Recitation of services

Request for information

Section 2(e)(1) - Descriptive Refusal

Registration is refused because the applied-for mark merely describes a feature/characteristic/purpose/function of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 et seq.

A mark is merely descriptive if it describes a quality, characteristic, function, feature, purpose, or use of an applicant's services. TMEP §1209.01(b); see, e.g., In re TriVita, Inc., 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting In re Oppedahl & Larson LLP, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); In re Steelbuilding.com, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing Estate of P.D. Beckwith, Inc. v. Comm'r of Patents, 252 U.S. 538, 543 (1920)).

Applicant's mark is Cyrillic/Russian characters which transliterate to Dom Kino which means "house of cinema" in English. Applicant's services include Videotaping; production of radio and television programmes; film production, other than advertising films; videotape film production, other than advertising films; subtitling; dubbing, presentation of goods on communication media, and production of images. "Cinema" is defined as "the business of making films" and "a place where people pay to watch films" and "house" is defined as "a company that is involved in a particular type of business." Please note attached dictionary definitions from the Cambridge Dictionary. House of cinema merely describes a primary feature or characteristic of

applicant's services which involve production, broadcasting and preparation of cinema films.

The foreign equivalent of a merely descriptive English term is also merely descriptive. *In re N. Paper Mills*, 64 F.2d 998, 998, 17 USPQ 492, 493 (C.C.P.A. 1933); *In re Highlights for Children, Inc.*, 118 USPQ2d 1268, 1270 (TTAB 2016) (quoting *In re Optica Int'l*, 196 USPQ 775, 777 (TTAB 1977)). Under the doctrine of foreign equivalents, marks with foreign terms from common, modern languages are translated into English to determine descriptiveness. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005) (citing *In re Sarkli, Ltd.*, 721 F.2d 353, 354, 220 USPQ 111, 113 (Fed. Cir. 1983); *In re Am. Safety Razor Co*, 2 USPQ2d 1459, 1460 (TTAB 1987)); *see* TMEP §1209.03(g).

Applicant's mark is in Cyrillic letters and Russian, which is a common, modern language in the United States. *In re Joint-Stock Co. "Bail*," 80 USPQ2d 1305 (TTAB 2006) (Russian). In this case, the ordinary American purchaser would likely stop and translate the mark because the Russian language is a common, modern language spoken by an appreciable number of consumers in the United States.

The doctrine is applied when "the ordinary American purchaser" would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696 (quoting *In re Pan Tex Hotel Corp.*, 190 USPQ 109, 110 (TTAB 1976)); TMER§1209.03(g). The ordinary American purchaser includes those proficient in the foreign language. *In re Spirits Int'l, N.V.*, 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); *see In re Highlights for Children, Inc.*, 118 USPQ2d at 1271.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Recitation of services

The identification of services is indefinite and must be clarified because it contains brackets. See 37 C.F.R. §2.32(a)(6); TMEP§1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. See TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. See id.

Applicant may adopt the following wording with changes in bold, if accurate:

International Class 35

Advertising agencies; business management of performing artists; news clipping services; updating of advertising material; organization of exhibitions for commercial or advertising purposes; providing television home shopping services in the field of general consumer merchandise; presentation of goods on communication media, for retail purposes; sales promotion for others; rental of advertising time on communication media; publicity material rental; publication of publicity texts; dissemination of advertising matter; advertising, on-line advertising on a computer network; television advertising

International Class 38

News agency services; television broadcasting; cable television broadcasting; providing online electronic bulletin board services for transmission of messages among users in the field of general interest; {telecommunications services}; providing internet chatrooms for transmission of messages among users in the field of general interest; providing access to databases; computer aided transmission of messages and images; teleconferencing services

International Class 41

Videotaping, production of radio and television programmes; film production, other than advertising films; videotape film production, other than advertising films; subtilling, dubbing, arranging and conducting of professional training seminars and workshops; educational services in the nature of on-line competitions in the field of entertainment, education, culture, sports, and other non-business and non-commercial fields; production of music and video recordings; production of image recordings on image carriers; on-line publication of electronic books and journals; photographic reporting

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. See TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable <u>U.S. Acceptable</u> <u>Identification of Goods and Services Manual</u>. See TMEP §1402.04.

In a Trademark Act Section 66(a) application, classification of goods and/or services may not be changed from that assigned by the International Bureau of the World Intellectual Property Organization. 37 C.F.R. §2.85(d); TMEP§§1401.03(d), 1904.02(b). Additionally, classes may not be added or goods and/or services transferred from one class to another in a multiple-class Section 66(a) application. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

Request for information

To permit proper examination of the application, applicant must submit additional information about applicant's services. See 37 C.F.R. §2.61(b); TMEP §814. The requested information should include fact sheets, brochures, and/or advertisements. If these materials are unavailable, applicant should submit similar documentation for services of the same type, explaining how its own services will differ. If the services feature new technology and no information regarding competing services is available, applicant must provide a detailed factual description of the services.

Factual information about the services must clearly indicate what the services are and how they are rendered, their salient features, and their prospective customers and channels of trade. Conclusory statements regarding the services will not satisfy this requirement for information.

Failure to comply with a request for information is grounds for refusing registration. *In re Harley*, 119 USPQ2d 1755, 1757-58 (TTAB 2016); TMEP §814. Merely stating that information about the services is available on applicant's website is an insufficient response and will not make the relevant information of record. *See In re Planalytics*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

RESPONSE TO OFFICE ACTION

Response guidelines. For this application to proceed further, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "Responding to Office Actions" and the informational video "Response to Office Actions" for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although the trademark examining attorney cannot provide legal advice or statements about applicant's rights, the trademark examining attorney can provide applicant with additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06. Although the USPTO does not accept emails as responses to Office actions, emails can be used for informal communications and will be included in the application record. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL: Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories. See 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. See 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

DESIGNATION OF DOMESTIC REPRESENTATIVE: The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; *see* 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a) (1)-(2). Such designations may be filed online at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

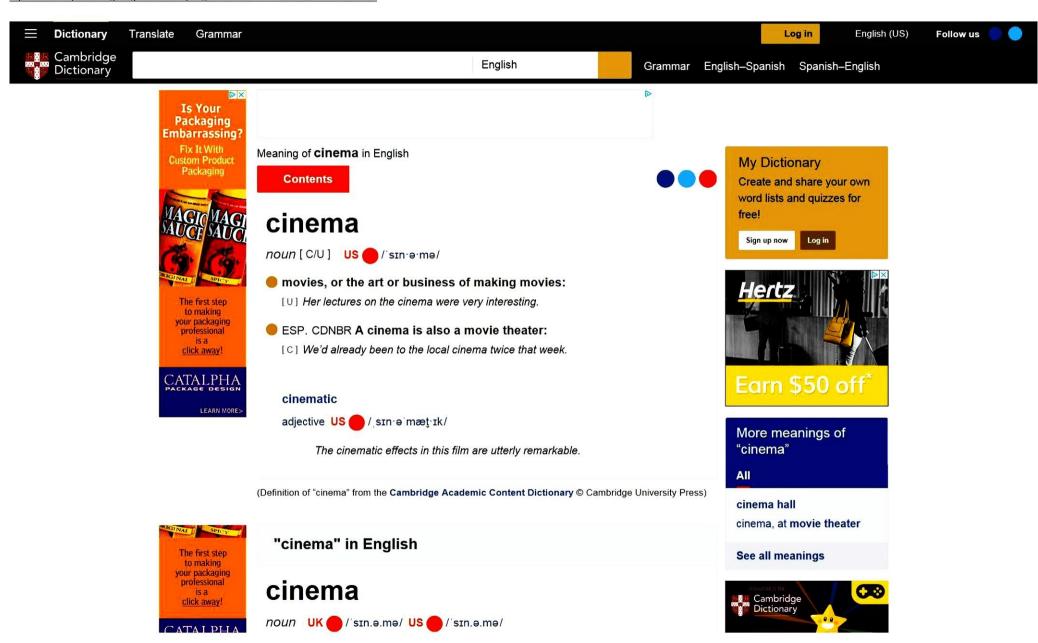
How to respond. Click to file a response to this nonlinal Office action

/John E. Michos/ Trademark Attorney Law Office 118 USPTO 571 272 9197 john.michos@uspto.gov

RESPONSE GUIDANCE

- Missing the response deadline to this letter will cause the application to abandon. A response or notice of appeal must be received by the USPTO before midnightEastern Time of the last day of the response period. TEAS and ESTTA maintenance or unforeseen circumstances could affect an applicant's ability to timely respond.
- Responses signed by an unauthorized party are not accepted and can cause the application to abandon. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.

• If needed, find contact information for the supervisor of the office or unit listed in the signature block.		





The first step

to making

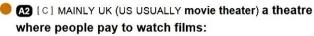
your packaging

professional

click away!

CATALPHA

LEARN MORES



The town no longer has a cinema.

a cinema ticket



the cinema C1 MAINLY UK (US USUALLY the movies)

the business of making films:

He was well known for his work in the cinema.

go to the cinema (US ALSO go to the movies)

to go to watch a film



We're going to the cinema. Do you want to come along?

I took her swimming to compensate for having missed out on the cinema.

The aforementioned Mr Parkes then entered the cinema.

They sat in the back row of the cinema kissing and cuddling.

Can you give me a lift back from the cinema tonight, Dad?

+ Thesaurus: synonyms and related words

(Definition of "cinema" from the Cambridge Advanced Learner's Dictionary & Thesaurus © Cambridge University Press)





Examples of "cinema"

These examples are from the Cambridge English Corpus and from sources on the web. Any opinions in the examples do not represent the opinion of the Cambridge Dictionary editors or of Cambridge University Press or its licensors.

They watch world cinema and have very different tastes from their parents.

From Cambridge English Corpus

According to him, language had power over the abstract, but cinema and radio were



Learn top 3000 English words fas PLAY!

Word of the Day birth parent

the woman who gave birth to a child or the man who helped to conceive a child (= cause a baby to begin to form), although she or he may not now be the child's legal parent

About this





Blog My very best friend: talking about friendship

July 17, 2019

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According to filli, language had power over the abstract, but offerna and radio were better equipped to conjure it up.

From Cambridge English Corpus

This practice is still exercised heavily today, not so much in church and architecture but in cinema and set design.

From Cambridge English Corpus

As mentioned earlier, there were differences between wartime and peacetime cinema; indeed two distinct themes emerge in post-war rural films.

From Cambridge English Corpus

The cinema remains what it has been for the past century - a pre-timed showing of a film in a public location on a pay-as-you-go basis.

From Cambridge English Corpus

Several of the conglomerates also purchased stakes in theater chains and helped rationalize movie exhibitions by developing multiscreen cinema complexes at shopping malls.

From Cambridge English Corpus

Outside the home, the cinema came top of the list of entertainments, with forty-two people attending regularly.

From Cambridge English Corpus







The first step to making your packaging professional

With spectacular enthusiasm she also chats about many other wartime topics: cinema, theatre, radio, sport, political rumours, social gossip and news from the battlefronts.

From Cambridge English Corpus

Of the new mass-entertainment phenomena in the early twentieth century, cinema was





the most influential.

From Cambridge English Corpus

Are people in moving rooms, patrons of the cinema, and users of virtual reality devices really fooled?

From Cambridge English Corpus

Inevitably, television as an historical subject will have to confront the same hurdles that cinema has had to.

From Cambridge English Corpus

Specifically, it explores the role of music in the construction of cinematic subjectivity and cinema's potential to engage with our understanding of musical subjectivity.

From Cambridge English Corpus

Many saw this as a just reward for one of the greatest achievements in cinema history.

From Cambridge English Corpus

A paradigm of this process is found in television's big brother, the cinema.

From Cambridge English Corpus

Indeed, most cinemas were small, owned and managed by eminent local men, and could be considered as a sort of community centre or club.

From Cambridge English Corpus

See all examples of cinema







What is the pronunciation of cinema?

cinder

browse

cinder block cinder toffee Cinderella cinema

cinema hall



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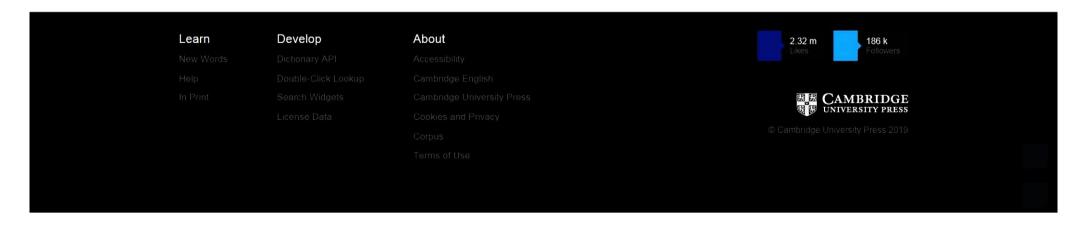
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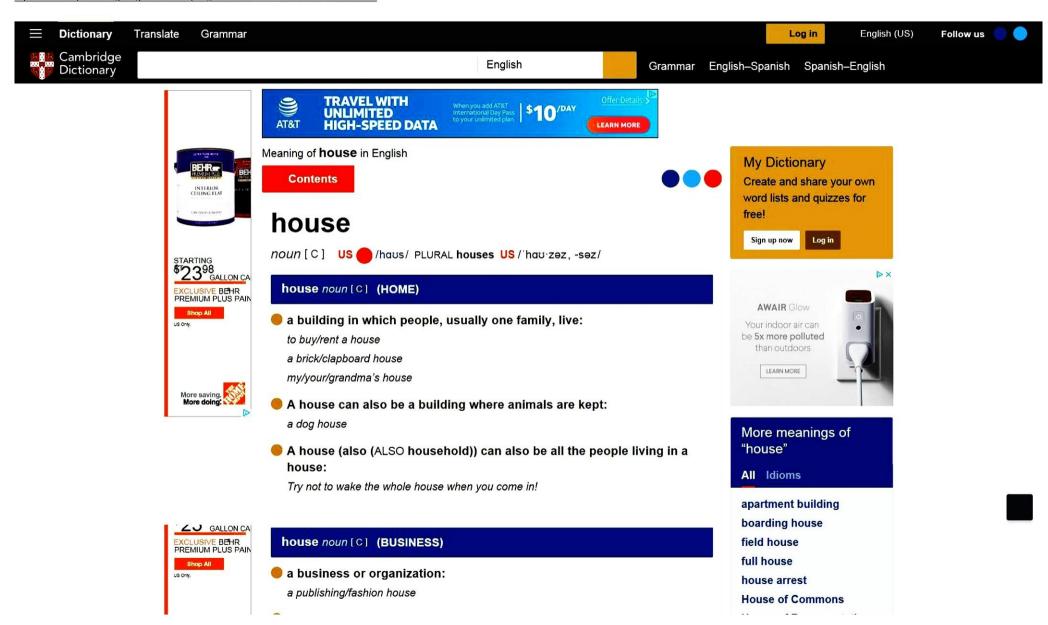
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A house can also be a building or part of a building which is used by an organization:

the Metropolitan Opera House

house noun [C] (POLITICS)

- an organization that makes laws, or its meeting place
- INFML The House is the US house of representatives.





house noun[C] (THEATER)

• the seats in a theater, or the people watching a performance:

The opera played to a full/empty house.



Idiom

on the house





House of Representatives

See all meanings



Word of the Day birth parent

the woman who gave birth to a child or the man who helped to conceive a child (= cause a baby to begin to form), although she or he may not now be the child's legal parent

About this



Blog My very best friend: talking about friendship

to give a person a place to live:

Homeless families have been housed in motels.

The building houses the library (= gives it space).



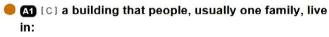
(Definition of "house" from the Cambridge Academic Content Dictionary © Cambridge University Press)

"house" in English

house

noun UK haus/ US haus/
PLURAL houses UK /hau.ziz/ US /hau.ziz/

house noun (HOME)



a detached/semi-detached house

to buy/rent a house

house prices

She lives in a little house in (US on) Cross Street.

See also

farmhouse noun

roadhouse MAINLY US OLD-FASHIONED

[C usually singular] all the people living in a house:

Try not to wake the whole house when you come in!

[C] a building where animals are kept:

the monkey/lion house at the zoo



Read More



New Words mumoir noun July 22, 2019

More new words









a hen house

- More examples

It costs a lot to buy a house in this part of London.

I'm worried about leaving him alone in the house all day.

She had to be rescued by her neighbours when her house caught fire.

It's a typical country estate with a large house for the owner, farm buildings and estate workers' houses.

Would you like to come round to my house after school?

+ Thesaurus: synonyms and related words



house noun (PUBLIC BUILDING)

[C] a building or part of a building that is used for a special purpose:

the Sydney Opera House Broadcasting House

+ Thesaurus: synonyms and related words

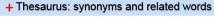
house noun (BUSINESS)

a company that is involved in a particular area of business:

a publishing house

a fashion house

UK a curry house (= a South Asian restaurant)













[U] (ALSO house music) popular dance music with a fast regular beat, usually produced on electronic equipment:

House music first appeared in the late 1980s.

+ Thesaurus: synonyms and related words

house noun (SCHOOL GROUP)

[C] UK any of a small number of groups that the children in a school are put in for sports and other competitions:

an inter-house hockey match

+ Thesaurus: synonyms and related words

house noun (FAMILY)

● [C] UK an important family, especially a royal one:

The British Royal Family belong to the House of Windsor.

+ Thesaurus: synonyms and related words











house noun (POLITICS)

[C] an organization that makes laws, or its meeting place

the House

the members of the organization that makes laws:

The House began debating the proposal at 3 p.m.

See also

the House of Commons

the House of Lords

the House of Representatives

[S] the group of people who suggest a subject for a debate:

The motion for tonight's debate is, "This house believes that capital punishment should be abolished."

+ Thesaurus: synonyms and related words



house noun (PEOPLE AT THEATRE)

[C] the people watching a performance, especially in a theatre:

The opera played to a full/packed house.

+ Thesaurus: synonyms and related words

Grammar

House or home?

We use the noun house to refer to a building: ...





Idioms

get on like a house on fire
get/put your own house in order
go (all) round the houses
house of cards
on the house



house

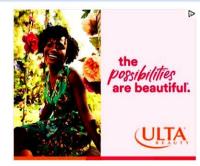
verb[T] UK /hauz/ US /hauz/

to give a person or animal a place to live, or to provide space for something:

It will be difficult to house all the refugees.

The museum houses the biggest collection of antique toys in Europe.

- + More examples
- + Thesaurus: synonyms and related words





(Definition of "house" from the Cambridge Advanced Learner's Dictionary & Thesaurus © Cambridge



University Press)

"house" in Business English

house



noun [C] UK /haus/ US PLURAL houses UK /hauzzz/

COMMERCE a company that is involved in a particular type of business: a fashion/banking/publishing house

House

(ABBREVIATION Ho) used in the names of office or company buildings:

The conference proceeded at the Cannon House Office Building.

COMMERCE a restaurant or café:







in house



WORKPLACE used to describe work that is done by a company's paid employees:

He'll keep the work in house, and get it done more cost-effectively than by using a sub-contractor.

See also

in-house adjective

out of house

on the house

used to describe something, usually a meal or a drink, that is free:

The manager sent over a tray of drinks on the house.



See also

accepting house

brokerage

clearing house

Companies House

discount house

finance house

front of house

fulfilment house

issuing house

securities house



(Definition of "house" from the Cambridge Business English Dictionary © Cambridge University Press)

Examples of "house"



These examples are from the Cambridge English Corpus and from sources on the web. Any opinions in the examples do not represent the opinion of the Cambridge Dictionary editors or of Cambridge University Press or its licensors.

However, this is not because of the objects it houses.

From Cambridge English Corpus

Their relationship with the houses is beyond doubt, as they do not occur further away from the plan.

From Cambridge English Corpus

A possible indication that houses were decorated comes from an oak woodcarving (190 by 16 by 4-5cms) of an anthropomorphic figure.

From Cambridge English Corpus

As a result of the condition in which most houses are found during excavation, there is limited direct evidence for the use of internal space.

From Cambridge English Corpus

I argue that the temporality of domestic architecture is key to understanding the social and cultural significance of houses.

From Cambridge English Corpus

To approach these questions, one can look for evidence of what was done with houses after they were given up for habitation.

From Cambridge English Corpus

Alternatively, since there is no overlap between the houses, they could in theory be contemporaneous.

From Cambridge English Corpus













In many of these areas the large number is likely to be the result of the repeated abandonment of houses.

From Cambridge English Corpus

The farmer nearly always reckoned with his labourers in their own houses.

From Cambridge English Corpus

They were housed by their employers in boarding houses next to or above the shops, while the shopkeepers themselves lived elsewhere.

From Cambridge English Corpus

The first three types of spatial concentration, which we will discuss in more detail below, were the result of immigrants being housed by their employer.

From Cambridge English Corpus

In that year there were immigrants living in one third of the houses, whereas in other years it was a quarter or less.

From Cambridge English Corpus

We say houses are built, but can you 'build' a cave?

From Cambridge English Corpus

Building and inhabiting houses of this kind was another kind of conspicuous consumption.

From Cambridge English Corpus

There is little evidence that people's relationships with houses or with the dead were conceived in the same way.

From Cambridge English Corpus

See all examples of house



Collocations with "house"



These are words often used in combination with house. Click on a collocation to see more examples of it.

These examples are from the Cambridge English Corpus and from sources on the web. Any opinions in the examples do not represent the opinion of the Cambridge Dictionary editors or of Cambridge University Press or its licensors.

abandoned house

07/22/2019 07:13:40 AM

One needs only one abandoned house in a terrace for the entire terrace to end up in a difficult situation in the housing market.

From the Hansard archive

adobe house

By 1826 he had in addition to the adobe house, a garden with fruit trees, considerable cattle and horses.

From Wikipedia

beach house

The duo flees the beach house pursued by the eager judge as the end screen appears.

From Wikipedia

See all collocations with house







What is the pronunciation of house?

hourly hourly rate



browse

hours (and hours) idiom

house

house agent

hausa arrast







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