

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

**U.S. Application Serial No.** 79268402

**Mark:** FABRICA

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**Applicant:** FABRICA S.R.L.

**Reference/Docket No.** N/A

**Correspondence Email Address:**

**NONFINAL OFFICE ACTION**

**International Registration No.** 0751631

**Notice of Provisional Full Refusal**

**Deadline for responding.** The USPTO must receive applicant's response **within six months of the "date on which the notification was sent to WIPO (mailing date)"** located on the WIPO cover letter, or the U.S. application will be abandoned. To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database, select "US Serial, Registration, or Reference No.," enter the U.S. application serial number in the blank text box, and click on "Documents." The mailing date used to calculate the response deadline is the "Create/Mail Date" of the "1st Refusal Note."

Respond to this Office action using the USPTO's Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Discussion of provisional full refusal.** This is a provisional full refusal of the request for extension of protection to the United States of the international registration, known in the United States as a U.S. application based on Trademark Act Section 66(a). *See* 15 U.S.C. §§1141f(a), 1141h(c).

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

**NO SIMILAR MARKS**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

Applicant, however, must respond to the following requirements.

**MARK DESCRIPTION**

Although applicant submitted a drawing showing the mark in color with a color claim, applicant did not provide the required description that specifies where each color appears in the literal and design elements in the mark. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §807.07(a)-(a)(ii). Therefore, applicant must provide this description. *See* TMEP §807.07(a)(ii).

Generic color names must be used to describe the colors in the mark, e.g., red, yellow, blue. TMEP §807.07(a)(i)-(ii). If black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark, applicant must so specify in the description. *See* TMEP §807.07(d).

The following description is suggested, if accurate: **"The mark consists of the stylized wording "FABRICA" in white with a design of eyes in blue-green, pink, black and white. The black appears in the background."**

**IDENTIFICATION OF SERVICES**

The identification of services is indefinite and must be clarified because the nature of all of the services is not clear. *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.*

Additionally, applicant must correct the punctuation in the identification to clarify the individual items in the list of goods and/or services. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01(a). Proper punctuation in identifications is necessary to delineate explicitly each product or service within a list and to avoid ambiguity. Commas, semicolons, and apostrophes are the only punctuation that should be used in an identification of goods and/or services. TMEP §1402.01(a). An applicant should *not* use colons, periods, exclamation points, and question marks in an identification. *Id.* In addition, applicants should not use symbols in the identification such as asterisks (\*), at symbols (@), or carets. *Id.*

In general, **commas** should be used in an identification (1) to separate a series of related items identified within a particular category of goods or services, (2) before and after “namely,” and (3) between each item in a list of goods or services following “namely” (e.g., personal care products, namely, body lotion, bar soap, shampoo). *Id.* **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class (e.g., personal care products, namely, body lotion; deodorizers for pets; glass cleaners). *Id.*

Applicant may adopt the following wording, if accurate:

“Bill-posting; dissemination of advertising matter and information; advertising and promotional services in the fields of music, arts, culture, fashion, cinema, **and** editorial production; professional management of artistic activities, **namely, management of performing artists**; publication of publicity texts and advertising matter” in International Class 035.

“Training, teaching, educational and professional training services, namely the organization and conduction of classes, seminars, workshops, conferences, and meetings in the fields of arts, culture, cinema, music, graphic design, industrial design, editorial production, and photography; organization and **conducting** of training courses **and** meetings in the fields of arts, culture, cinema, music, graphic design, industrial design, editorial production, and photography; rental of cinematographic equipment and fittings for television shows, movie films and sound recordings; rental of show scenery; rental of cine-films; rental of sound recordings; rental of radio and television sets; **creation**, editing and production of cinematographic, radio and television programs; **creation**, editing and production of musical **radio and television** programs for others; film production; production and editing of entertainments and videotape movies and disk movies for others, **namely, film and video editing and production**; management of cinemas and movie studios, **namely, provision of cinema facilities and movie studio services**; copy editing of books, texts, newspapers and magazines; organization of sport events, competitions, shows, seminars, congresses, **namely, organizing community sporting and cultural events**; organization of exhibitions for cultural and educational purposes the fields of arts, culture, cinema, music, graphic design, industrial design, editorial production and photography; services for entertainment, namely entertainment media production services for motion pictures, television, Internet and radio” in International Class 041.

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).

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.S. Acceptable Identification of Goods and Services Manual\*](#). *See* TMEP §1402.04.

## **ENGLISH TRANSLATION REQUIRED**

To permit proper examination of the application, applicant must submit an English translation of the foreign wording in the mark FABRICA. 37 C.F.R. §§2.32(a)(9), 2.61(b); *see* TMEP §809. The following English translation is suggested: **The English translation of “FABRICA” in the mark is “factory”**. TMEP §809.03. *See* attached translation evidence.

## **U.S. COUNSEL REQUIRED**

**Applicant must be represented by a U.S.-licensed attorney at the USPTO to respond to or appeal the provisional refusal.** An applicant whose domicile is located outside of the United States or its territories is foreign-domiciled and must be represented at the USPTO by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §§2.11(a), 11.14; *Requirement of U.S.-Licensed Attorney for Foreign-Domiciled Trademark Applicants & Registrants*, Examination Guide 4-19, at I.A. (Rev. Sept. 2019). An individual applicant’s domicile is the place a person resides and intends to be the person’s principal home. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. A juristic entity’s domicile is the principal place of business; i.e., headquarters, where a juristic entity applicant’s senior executives or officers ordinarily direct and control the entity’s activities. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. Because applicant is foreign-domiciled, applicant must appoint such a U.S.-licensed attorney qualified to practice under 37 C.F.R. §11.14 as its representative before the application may proceed to

registration. 37 C.F.R. §2.11(a). See [Hiring a U.S.-licensed trademark attorney](#) for more information.

**To appoint or designate a U.S.-licensed attorney.** To appoint an attorney, applicant should submit a completed Trademark Electronic Application System (TEAS) [Revocation, Appointment, and/or Change of Address of Attorney/Domestic Representative](#) form. The newly-appointed attorney must submit a TEAS [Response to Examining Attorney Office Action](#) form indicating that an appointment of attorney has been made and address all other refusals or requirements in this action, if any. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. See 37 C.F.R. §2.17(b)(1)(ii).

## **RESPONSE GUIDELINES**

For this application to proceed, 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 Action”](#) 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.

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**How to respond.** [Click to file a response to this nonfinal Office action](#)

## **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 **midnight Eastern Time** of the last day of the response period. TEAS and ESTTAmaintenance 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 needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

 Text  Documents

DETECT LANGUAGE

ENGLISH

SPANISH

FRENCH



ENGLISH

SPANISH

ARABIC



Automatically view any web page in your preferred language  
Chrome is a fast, secure browser with updates built in


NO THANKS

YES

fabrica



factory 

 Did you mean: *fábrica*



7,5009



#### Definitions of fabricar

Noun

**Establecimiento con las instalaciones y la maquinaria necesarias para fabricar, confeccionar, elaborar u obtener un producto**

«fábrica de zapatos» «fabrica de trinos» «fabrica algodonera» «fabrica textil»



**Acción de fabricar.**

«un pantalón con defecto de fábrica»

Verb



**Hacer un producto a partir de la combinación de sus componentes, especialmente en serie y por medios mecánicos.**

«esta compañía fabrica aparatos de radio, hasta la producción de la máquina continua» «el papel se fabricaba en molinos de pequeños molinos papeteros que se distribuían a lo largo de los principales ríos peninsulares»

#### Translations of fábrica

Noun

Frequency 

**factory**

fábrica, factoría, comisaria

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**mill**

molino, fábrica, ingenio, molino, taller

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**plant**

planta, instalación, fábrica, maquinaria, equipo, establecimiento

--

**works**

obras, fábrica, taller, todo, mecanismo, instalaciones

--

**manufacture**

manufactura, fábrica, producto

--

**fabric**

teja, tejido, estructura, fábrica

-

**masonry**

albañilería, mampostería, masonería, fábrica, francmasonería

-

6 more definitions

Synonyms of **fabricar**

Neun

plantar

rectoria    plencia

Verb

construir

elaborar

See also

fabricar

Google Traducción



History



Saved



Community