

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

**U.S. Application Serial No.**  
79338057

**Mark:** HAZAMA

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**Applicant:** MA CO., LTD.

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

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Address:**

**NONFINAL OFFICE ACTION**

**International Registration No.** 1655620

**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 (see <https://www.uspto.gov/trademarks-application-process/abandoned-applications> for information on abandonment). To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database at <https://tsdr.uspto.gov/>, 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 "IB-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 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(a), 2.65(a); TMEP §§711, 718.03.

### **SUMMARY OF ISSUES**

- Identification of Goods and Services
- Mark Description
- Amended Translation Statement
- Email Address and U.S. Licensed Counsel

### **SEARCH OF USPTO DATABASE OF MARKS**

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

### **IDENTIFICATION OF GOODS AND SERVICES**

The goods and services are:

Class 003: Cosmetics; perfume and essential oils for flavoring food, drinks and tobacco

Class 009: Spectacles[ eyeglasses and goggles]

Class 011: Electric lamps and other lighting apparatus

Class 014: Key rings; personal ornaments[ jewellery, jewelry (Am.)] ; shoe ornaments of precious metal; clocks and watches

Class 016: Containers of paper, for packaging; paper and cardboard; stationery; printed matter; paintings and calligraphic works; photographs[ printed] ; photograph stands

Class 018: Industrial packaging containers of leather; bags; pouches; vanity cases, not fitted; umbrellas and their parts; leather and fur, unworked or semi-worked

Class 020: Curtain fittings; door fasteners made of plastic; bottle fasteners made of plastic; window fasteners made of plastic; nails, wedges, nuts, screws, tacks, bolts, rivets and casters, not of metal; washers, not of metal, not of rubber or vulcanized fiber; locks, non-electric, not of metal; cushions[ furniture] ; Japanese floor cushions[ zabuton] ; industrial packaging containers of wood, bamboo or plastics; nameplates and door nameplates, not of metal; furniture; upright signboards of wood or plastics

Class 021: Dinnerware, other than knives, forks and spoons; cosmetic and toilet utensils

Class 024: Woven fabrics, other than edging ribbons for tatami mats; woven textile goods for personal use; cloth labels; knitted raschel lace fabrics; embroidery lace fabrics

Class 025: Clothing; footwear[ other than special footwear for sports]

Class 026: Eyelets for clothing; tapes[ haberdashery] ; ribbons; braids; insignias for wear, not of precious metal; badges for wear, not of precious metal; buckles for clothing[ clothing buckles] ; brooches for clothing; ornamental adhesive patches for jackets; hair ornaments; buttons and the like; shoe ornaments, not of precious metal; shoe eyelets; shoe laces; metal fasteners for shoes and boots; zippers for bags

**[ACCEPTABLE, NO CHANGE NEEDED]** Class 027: Floor coverings; wall hangings, not of textile

Class 035: Retail services or wholesale services for woven fabrics and beddings; retail services or wholesale services for clothing; retail services or wholesale services for footwear, other than special footwear for sports; retail services or wholesale services for bags and pouches; retail services or wholesale services for personal articles; retail services or wholesale services for furniture; retail services or wholesale services for electrical machinery and apparatuses; retail services or wholesale services for cosmetics, toiletries, dentifrices, soaps and detergents; retail services or wholesale services for printed matter; retail services or wholesale services for paper and stationery; retail services or wholesale services for clocks, watches and spectacles[ eyeglasses and goggles]

Particular wording in the identification of goods and services is indefinite and must be clarified because it does not make clear the nature of the goods and services. *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 goods and/or specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the goods and/or services have no common commercial or generic name, applicant must describe the product, its main purpose, or the services intended uses or describe or explain the nature of the services using clear and succinct language. *See id.*

For example, the word “clothing” in the identification of goods in International Class 25 is indefinite and too broad and must be clarified because the word does not make clear the nature of the goods and could identify goods in more than one international class. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03, 1904.02(c), (c)(ii).

The international classification of goods in applications filed under Trademark Act Section 66(a) cannot be changed from the classification the International Bureau of the World Intellectual Property Organization assigned to the goods in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §1401.03(d). Therefore, although clothing can be classified in international classes other than International Class 25 (e.g., International Classes 9, 10, and 18), any modification to the identification must identify goods in International Class 25 only, the class specified in the application for such goods. *See* TMEP §1904.02(c)(ii).

Examples of acceptable identifications for clothing and/or apparel in International Class 25 include the following: “shirts,” “shorts,” “pants,” “coats,” “dresses,” “skirts,” and “socks.” Applicant may also amend the identification by inserting the word “namely,” after “clothing” and then listing the specific types of clothing items.

Additionally, the identification for “retail services” and “wholesale services” in International Class 35 is indefinite and must be clarified because retail and wholesale services could include a wide array of retail and wholesale support services – from accounting to advertising and marketing services. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.11.

If applicant’s retail services involve retail stores or outlets (online or brick-and-mortar), or distributorships, applicant should amend the identification to indicate (1) the nature of the retail activity provided (e.g., retail stores, retail distributorships, online retail outlets), and (2) the field or type of goods offered through those retail services, e.g., “retail online ordering services featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” “retail distributorships in the field of {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” and “retail outlets featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry}.” *See* TMEP §§1301.01(a)(ii), 1402.11.

Additionally, applicant must amend the identification to indicate the nature of the wholesale activity that applicant provides (e.g., wholesale distributorships, wholesale services by direct solicitation by sales agents, or wholesale store services). If the services are in the nature of wholesale stores, direct solicitation, or distributorships, the identification should also indicate the field or type of goods offered through the wholesale services, e.g., “wholesale distributorships featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” “wholesale services by direct solicitation by sales agents in the field of {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” and “wholesale store services featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry}.” *See* TMEP §§1301.01(a)(ii), 1402.11.

Furthermore, the identification of goods and/or services contains parentheses and brackets. Generally, an applicant should *not* use parentheses and brackets, including curly brackets, in identifications in order to avoid confusion with the USPTO’s practice of using parentheses and brackets in registrations to indicate (1) goods and/or services that have been deleted from registrations, (2) goods and/or services not claimed in an affidavit of incontestability, or (3) guidance to users of the USPTO’s *U.S. Acceptable Identification of Goods and Services Manual* to draft an acceptable identification. *See* TMEP §§1402.04, 1402.12. The only exception for including parenthetical information in identifications is if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., “fried tofu pieces (abura-age).” *See* TMEP §1402.12.

Therefore, applicant must remove the parentheses and brackets from the identification and incorporate any parenthetical or bracketed information into the description of the goods and/or services.

Applicant may adopt the following wording, if accurate:

Class 003: Cosmetics; perfume; essential oils for flavoring food, **beverages** and tobacco

Class 009: Spectacles **in the nature of** eyeglasses and goggles **for sports**

Class 011: Electric lamps and other lighting apparatus **in the nature of** {indicate specific class 11 goods intended by “other lighting apparatus”, e.g., film stage lighting apparatus}

Class 014: Key rings; personal ornaments, **namely, ornaments of precious metal in the nature of jewelry**; shoe ornaments of precious metal, **namely, shoe jewelry of precious metal**; clocks and watches

Class 016: **Packaging** containers of paper; paper and cardboard; stationery; printed matter, **namely, {indicate form of printed matter, e.g., newspapers, photographs, magazines, books, printed periodicals, newsletters, brochures, etc.} all in the field of {indicate subject matter or field of printed matter}**; paintings and calligraphic works; **printed** photographs; photograph stands

Class 018: Industrial packaging containers of leather; bags, **namely, {indicate specific Class 18 goods intended, e.g., athletic bags, baby diaper bags, bags of leather for packaging, etc.}**; pouches, **namely, {indicate specific Class 18 goods intended, e.g., ticket pouches, waist pouches, pouches of leather, etc.}**; vanity cases, not fitted; umbrellas and their parts; leather and fur, unworked or semi-worked

Class 020: Curtain fittings, **namely, {indicate specific Class 20 goods intended, e.g., curtain rings, curtain hooks, etc.}**; door fasteners made of plastic; bottle fasteners made of plastic; window fasteners made of plastic; **non-metal fasteners, namely, nails, wedges being fastening anchors, nuts, screws, upholstery tacks, bolts, rivets; non-metal** casters; washers, not of metal, not of rubber or vulcanized fiber, **namely, washers of plastic for {indicate use, e.g., furniture}**; locks, **other than** electric, not of metal; **cushions**; Japanese floor cushions (**zabuton**); industrial packaging containers of wood, bamboo or plastics; nameplates and door nameplates, not of metal; furniture; upright signboards of wood or plastics

Class 021: Dinnerware, other than knives, forks and spoons, **namely, {indicate specific items, e.g., plates, cups and saucers}**; cosmetic and toilet utensils, **namely, {indicate specific Class 21 goods intended, e.g., cosmetic spatulas, toilet brush, etc.}**

Class 024: Woven fabrics, other than edging ribbons for tatami mats; woven textile goods for personal use, **namely, {indicate specific Class 24 goods intended, e.g., hand towels, handkerchiefs, etc.}**; cloth labels; knitted raschel lace fabrics, **namely, fabrics for textile use**; embroidery lace fabrics, **namely, fabrics for textile use**

Class 025: Clothing, **namely, {indicate specific item e.g. shirts, pants, skirts, etc.}**; footwear, **other than special footwear for sports**

Class 026: Eyelets for clothing; **haberdashery tapes, namely, garment tapes**; ribbons of **textile**; braids; insignias for wear, not of precious metal, **namely, {indicate specific Class 26 goods intended, e.g., ornamental patches for clothing}**; **ornamental novelty** badges for wear, not of precious metal; **buckles for clothing**; brooches for clothing; ornamental adhesive patches for jackets; hair ornaments **in the form of combs**; buttons and the like, **namely, {indicate specific Class 26 goods intended, e.g., buttons for clothing, novelty buttons, etc.}**; shoe ornaments, not of precious metal, **namely, shoe trimmings**; shoe eyelets; shoe laces; metal fasteners for shoes and boots; zippers for bags

Class 027: Floor coverings; wall hangings, not of textile

Class 035: Retail **store** services **and** wholesale **store** services for woven fabrics and beddings; retail **store** services **and** wholesale **store** services for clothing; retail **store** services **and** wholesale **store** services for footwear, other than special footwear for sports; retail **store** services **and** wholesale **store** services for bags and pouches; retail **store** services **and** wholesale **store** services for personal articles **in the nature of {indicate specific types of goods intended by “personal articles”}**; retail **store** services **and** wholesale **store** services for furniture; retail **store** services **and** wholesale **store** services for electrical machinery and apparatuses; retail **store** services **and** wholesale **store** services for cosmetics, toiletries, dentifrices, soaps and detergents; retail **store** services **and** wholesale **store** services for printed matter; retail **store** services **and** wholesale **store** services for paper and stationery; retail **store** services **and** wholesale **store** services for clocks, watches and spectacles, eyeglasses and goggles **for sports**

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 narrowed. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06, 1904.02(c)(iv). 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 narrowed. *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). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

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.

## **MARK DESCRIPTION**

Applicant must submit a description of the mark because the mark in the drawing appears in stylized lettering, not standard characters. *See* 37 C.F.R. §2.37; TMEP §§808.01, 808.02. Applications for marks not in standard characters must include a description of all literal elements in the mark. *See* 37 C.F.R. §2.37.

The following description is suggested, if accurate: **The mark consists of the wording “HAZAMA” in stylized font.**

### **AMENDED TRANSLATION**

To permit proper examination of the application, applicant must submit an amended English translation of the foreign wording in the mark clarifying the translation provided. 37 C.F.R. §§2.32(a)(9), 2.61(b); *see* TMEP §809. The following is suggested: **The English translation of “HAZAMA” in the mark is “Valley”, “Interval”, “Interstice”.** TMEP §809.03. See attached translation evidence. To respond to this requirement for information, open the appropriate Trademark Electronic Application System (TEAS) response form and enter the serial number, answer “yes” to question 3, and provide the information on the “Additional Statement(s)” page in the “Translation” text box(es) in the form.

Applicant has a duty to respond directly and completely to this requirement for information. *See In re Ocean Tech., Inc.*, 2019 USPQ2d 450686, at \*2 (TTAB 2019) (citing *In re AOP LLC*, 107 USPQ2d 1644, 1651 (TTAB 2013)); TMEP §814. Failure to comply with a requirement for information is an independent ground for refusing registration. *In re SICPA Holding SA*, 2021 USPQ2d 613, at \*6 (TTAB 2021) (citing *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P’ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814).

### **EMAIL ADDRESS AND U.S. LICENSED COUNSEL**

**Email address required.** Applicant must provide applicant’s email address, which is a requirement for a complete application. *See* 37 C.F.R. §2.32(a)(2); TMEP §803.05(b). This email address cannot be identical to the primary correspondence email address of a U.S.-licensed attorney retained to represent applicant in this application. *See* TMEP §803.05(b).

**Applicant is required to be represented by a U.S.-licensed attorney to respond to or appeal the provisional refusal** because applicant’s domicile is located outside of the United States and applicant does not appear to be represented by a qualified U.S. attorney. 37 C.F.R. §2.11(a); TMEP §601.01(a). An applicant whose domicile is located outside of the United States or its territories must be represented 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); TMEP §§601, 601.01(a). In this case, applicant’s domicile is identified in the application as outside of the United States or its territories. For more information, see the U.S. Counsel webpage at <https://www.uspto.gov/trademark/laws-regulations/trademark-rule-requires-foreign-applicants-and-registrants-have-us> and Hiring a U.S.-licensed trademark attorney webpage at <https://www.uspto.gov/trademarks-getting-started/why-hire-private-trademark-attorney>.

**To appoint a U.S.-licensed attorney** in this application, applicant should submit a completed

Trademark Electronic Application System (TEAS) Change Address or Representation form at <https://teas.uspto.gov/ccr/car>. The newly-appointed attorney must submit a TEAS Response to Examining Attorney Office Action form at <https://teas.uspto.gov/office/roa/> indicating that an appointment of attorney has been made and address all other refusals or requirements in this action. 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); TMEP §604.01.

## **RESPONSE GUIDELINES**

**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 an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

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

/Marta Stadel/

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## **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 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.



# Japanese Dictionary

🔍 狭間



🔍 Kanji Lookup

## 狭間



はざま  
hazama

noun (common) (futsuumeishi)

- interval; threshold; interstice
- valley; gorge; ravine
- loophole; eyelet

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## Kanji in this word

## 狭

JLPT 2



9 strokes

cramped, narrow, contract, tight

On'Yomi: キョウ, コウ

Kun'Yomi: せま.い, せば.める, せば.まる, さ

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## 間

JLPT 5



12 strokes

interval, space

On'Yomi: カン, ケン

Kun'Yomi: あいだ, ま, あい

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