

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

U.S. Application Serial No. 79392817

Mark: HNDRD

Correspondence Address:
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Applicant: HYAKU SPORTS PTE. LTD.

Reference/Docket No. N/A

Correspondence Email Address:

**NONFINAL OFFICE ACTION
Notice of Provisional Full Refusal**

International Registration No. 1783263

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 issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Results of Trademark Act Section 2(d) Search

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.

Summary of Issues that Applicant Must Address

1. Requirement to Provide an Email Address for Applicant
2. Requirement that Applicant be Represented by U.S.-Licensed Counsel
3. Requirement to Clarify the Identification of Goods
4. Requirement for a Description of the Mark

Requirement to Provide an Email Address for Applicant

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).

Requirement that Applicant be Represented by U.S.-Licensed Counsel

Applicant is required to be represented by a U.S.-licensed attorney 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 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); TMEP §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](#) about this requirement and [Hiring a U.S.-licensed trademark attorney](#) about finding an attorney.

To appoint a U.S.-licensed attorney, (1) use the Trademark Electronic Application System (TEAS) [Change Address or Representation](#) form to appoint an attorney after they have been retained, or (2) applicant's attorney can appear by responding on applicant's behalf using the TEAS response form, indicating that an appointment of attorney has been made, addressing all other refusals or requirements in the action, if any, and properly signing the response.

Requirement to Clarify the Identification of Goods

THIS REQUIREMENT APPLIES ONLY TO THE PARTICULAR GOODS INDICATED BELOW.

The identification requires clarification as indicated below. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. An application must specify, in an explicit manner, the particular goods on or in connection with which the applicant uses, or has a bona fide intention to use, the mark in commerce. *See* 15 U.S.C. §1051(a)(2), (b)(2); 37 C.F.R. §2.32(a)(6); TMEP §1402.01. In the identification of goods

, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases like "including" and "or". TMEP §1402.03(a); *see* 37 C.F.R. §2.32(a)

(6). If applicant uses indefinite words such as “including,” such wording must be followed by “namely,” and a list of each specific good identified by its common commercial or generic name. *See* TMEP §1402.03(a).

The identification of goods contains brackets. Generally, applicants should not use parentheses and brackets in identifications in their applications so as to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate goods and/or services that have been deleted from registrations or in an affidavit of incontestability to indicate goods and/or services not claimed. *See* TMEP §1402.12. Therefore, unless otherwise indicated below, applicant must remove the

brackets

from the identification and incorporate any bracketed information into the description of the goods.

Further guidance is provided below.

International Class 25

The word “clothes” and similar wording, such as “work clothes” and “clothes for sport,” 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 “clothes” and then listing the specific types of clothing items.

International Class 28

The wording "sports equipment" in the identification of goods is indefinite and must be clarified because it does not specify the types of sports equipment in International Class 28 for which the mark is used. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Therefore, applicant must specify the types of sports equipment in International Class 28 using the common commercial or generic names for the goods.

Similarly, the wording "sports bats," "exercise equipment, other than for medical rehabilitative purposes," "grips for rackets," and "sports training apparatus" is indefinite and must be amended to specify the types of these goods in International Class 28. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

Applicant must also clarify the nature of the wording "bags adapted for sporting articles," such as by amending it to "bags specially adapted for sporting equipment." *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

Scope Advisory

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).

Suggested Amendments

Applicant should note that any wording in **bold** or in ***bold italics*** below offers guidance and/or shows the changes being proposed for the identification of goods and/or services. If there is wording in applicant's version of the identification of goods and/or services that should be removed, it will be shown in bold with a line through it such as this: ~~**strikethrough**~~. Applicant should enter its amendments in standard font. If applicant wishes to accept the suggested deletions, applicant must manually delete the struck through wording in any USPTO response form. Copying and pasting the language below will not result in deletion of the struck through wording, which will remain within the identification.

Applicant may adopt the following identification of goods if accurate:

International Class 25: Clothes, **namely, {specify types in Class 25 using generic names, e.g., *shirts, pants, jackets*}; work clothes, namely, {specify types in Class 25 using generic names, e.g., *shirts, pants, jackets*}; clothes for sport, namely, {specify types in Class 25 using generic names, e.g., *shirts, pants, jackets*}; swimwear; footwear; footwear for sports; insoles; headwear; undergarments; gloves ~~{clothing}~~ as **clothing****

International Class 28: Sports equipment, **namely, {specify types in Class 28 using generic names, e.g., *badminton racquets*}; rackets; sports bats, namely, {specify types in Class 28 using generic names, e.g., *cricket bats, softball bats, baseball bats*}; balls for sports; exercise equipment, other than for medical rehabilitative purposes, namely, {specify types of such exercise equipment in Class 28 using generic names, e.g., *exercise machines, manually-operated exercise equipment*}; strings for rackets; shuttlecocks; ~~grips~~ **grip tapes** for rackets; **sports articles, namely, athletic supporters** ~~{sports articles}~~; body-training apparatus; sports training apparatus, **namely, {specify types in Class 28 only using generic names, e.g., *baseball training gloves, pitching machines*}; tables for table tennis; nets for sports; yoga blocks; bags specially adapted for sporting ~~articles~~ **equipment******

For assistance with identifying goods in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and*

- **Missing the response deadline to this letter will cause the application to abandon.** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS 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.

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International Class 28: Sports equipment, **namely, {specify types in Class 28 using generic names, e.g., *badminton racquets*}**; rackets; sports bats, **namely, {specify types in Class 28 using generic names, e.g., *cricket bats, softball bats, baseball bats*}**; balls for sports; exercise equipment, other than for medical rehabilitative purposes, **namely, {specify types of such exercise equipment in Class 28 using generic names, e.g., *exercise machines, manually-operated exercise equipment*}**; strings for rackets; shuttlecocks; ~~grips~~ **grip tapes** for rackets; **sports articles, namely, athletic supporters** ~~{sports articles}~~; body-training apparatus; sports training apparatus, **namely, {specify types in Class 28 only using generic names, e.g., *baseball training gloves, pitching machines*}**; tables for table tennis; nets for sports; yoga blocks; bags **specifically adapted for sporting articles equipment**

