

Re: Trademark Registration of
United Advertising Publications Inc.
Registration No. 1,513,845
Issued: November 22, 1988
For: ADC ADVANCED DISTRIBUTING
COMPANY (stylized)
Petition Filed: November 25, 1996

On Petition

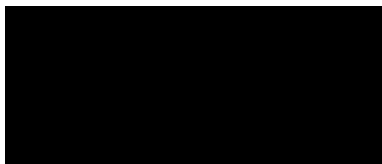
United Advertising Publications Inc. has petitioned the Commissioner to reverse the decision of the Post Registration Applications Examiner (“Post Registration Examiner”) refusing to accept an amendment of the mark identified in the registration pursuant to Section 7(e) of the Trademark Act, 15 U. S. C. §1057(e). The petition is denied under Trademark Rules 2.146(a)(2) and 2.176, 37 C.F.R §§2.146(a)(2) and 2.176.

FACTS

The subject mark was registered on November 22, 1988 as shown below. On November 18, 1994, Petitioner requested amendment of the mark under Section 7(e) of the Trademark Act by deleting the highly stylized initials ADC from the mark.¹ The Post Registration Examiner refused to accept the amendment as an impermissible material alteration of the character of the mark. On February 20, 1996, Petitioner filed a second amendment of the mark containing the deletion of the highly stylized initials ADC and replacing this component of the mark with the initials ADC in another highly stylized form. In a letter dated May 26, 1996, the Post Registration Examiner continued her refusal to accept the proposed amendment on the ground that it also constituted a material alteration of the mark as registered. This petition followed. The original mark and the proposed amended mark are shown below:



Mark as Registered



Proposed Amended Mark

¹ The November 18, 1994 Section 7(e) amendment of the mark was filed concurrently with Petitioner's Affidavits under Sections 8 and 15 of the Trademark Act. The Section 8 and 15 Affidavits were not accepted for failure to submit a specimen showing the mark identified in the registration.

Philip G. Hampton, II
Assistant Commissioner
for Trademarks

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