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THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE TTAB  
U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

AUG. 24, 98

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Trademark Trial and Appeal Board

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In re Truth For Life

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Serial Nos. 75/008,361 and 75/008,521

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Robert V. Vickers of Vickers, Daniels & Young for Truth for  
Life

Anthony Masiello, Trademark Examining Attorney, Law Office  
104 (Sidney Moskowitz, Managing Attorney)

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Before Sams, Seeherman and Quinn, Administrative Trademark  
Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Truth For Life has applied to register TRUTH FOR LIFE  
as a trademark for "pre-recorded audio tapes dealing with  
religion"<sup>1</sup> and as a service mark for "entertainment in the  
nature of ongoing religious radio programs."<sup>2</sup> In both

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<sup>1</sup> Application Serial No. 75/998,521, filed October 23 1995, and  
asserting first use and first use in commerce in April 1992.

<sup>2</sup> Application Serial No. 75/008,361, filed October 23, 1995, and  
asserting first use and first use in interstate commerce in April  
1992.

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cases, registration was refused by the Examining Attorney pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. 1052(d), on the ground that applicant's mark, when used on its identified goods and services, so resembles the mark TRUTH OF LIFE MOVEMENT, previously registered (with the word MOVEMENT disclaimed) by the same entity for "religious booklets published periodically"<sup>3</sup> and for "religious educational instruction services,"<sup>4</sup> as to be likely to cause confusion or mistake or to deceive.

When the refusals in both applications were made final, applicant appealed. Applicant and the Examining Attorney filed briefs, and applicant requested that, in addition to its reply brief, we consider a supplemental reply brief. We hereby exercise our discretion and grant that motion. Applicant and the Examining Attorney also appeared at an oral hearing before this Board.

Because the issues and record in both applications are similar, we decide the appeals in a single opinion.

Turning first to a consideration of the goods and services, we find that applicant's identified audio tapes dealing with religion and its religious radio programs to be closely related to the registrant's identified religious

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<sup>3</sup> Registration No. 1,083,956, issued January 31, 1978, Sections 8 and 15 affidavit accepted.

<sup>4</sup> Registration No. 1,094,031, issued June 20, 1978, Sections 8 and 15 affidavit accepted.

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booklets and religious educational instruction services. Both applicant's and the registrant's goods and services deal with the subject of religion, whether through audio tapes, booklets, radio programs or educational instruction. The Examining Attorney has made of record a number of third-party registrations which show that the registrants have registered their respective marks for, inter alia, booklets and educational materials in the nature of Bible studies and production of radio programs of a religious nature<sup>5</sup> videotapes and pamphlets featuring religious instruction, a radio program featuring religious instruction, and providing religious seminars<sup>6</sup>, prerecorded audio cassettes featuring religious educational materials, inspirational books and pamphlets, radio broadcasts featuring religion, and conducting seminars in the field of religion<sup>7</sup>; and religious radio and television programs, magazines dealing with religion, and audio and video cassettes dealing with religion.<sup>8</sup> These registrations serve to suggest that the listed goods and/or services are of a type which may emanate from a single source. See **In re Albert Trostel & Sons Co.**, 29 USPQ2d 1783 (TTAB 1993).

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<sup>5</sup> Registration No. 1,928,405.

<sup>6</sup> Registration No. 1,873,643.

<sup>7</sup> Registration No. 1,695,893.

<sup>8</sup> Registration No. 1,332,925.

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Applicant does not dispute the related nature of the goods and services. Rather, it argues that confusion is not likely to occur because of the differences in the marks.

Applicant's mark is TRUTH FOR LIFE; the cited mark is TRUTH OF LIFE MOVEMENT. Although close examination reveals that there are differences in the marks in terms of the small preposition between the words TRUTH and LIFE, and the additional word MOVEMENT in the cited mark, we do not find that these differences are sufficient to distinguish the marks. As applicant itself has noted, "Life" and "Truth" identify common religious themes. It is these words, rather than the two or three letter preposition that connects them, that consumers will note and remember when they view the marks. Further, it is these words which stand out when the marks are pronounced.

Applicant has argued that the marks have different connotations, that TRUTH OF LIFE MOVEMENT suggests an organization that seeks to find the true meaning of life, while applicant's mark, TRUTH FOR LIFE, "will be understood to refer to the Truth revealed by Jesus Christ which is necessary for living a proper life." Brief, p. 6. We are not persuaded by this argument. Although these may be the meanings attributed to the marks by applicant and its attorney, there is no evidence to suggest that in general the consumers of the various identified goods and services

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would understand the marks to have these connotations. Because of the significance of the concepts of "Truth" and "Life", TRUTH OF LIFE MOVEMENT and TRUTH FOR LIFE are likely to viewed by many consumers as having the same significance when used with the particular religiously themed goods or services, namely, that there are certain religious truths which govern peoples' lives.

Applicant has also argued, in its supplemental reply brief, that the word MOVEMENT also distinguishes the marks because "anyone in religion is very careful in joining themselves to a 'Movement' and all of the negative implications (or positive implications) that a 'Movement' implies." p. 1. Applicant elaborated on this comment at the oral hearing, stating that the word MOVEMENT implies a cult. However, applicant has provided no evidence that MOVEMENT would have such a connotation. The definition of the word "Movement" which is most relevant to the identified goods and services are "a diffusely organized or heterogeneous group of people or organizations tending toward or favoring a generalized common goal: *the antislavery movement; the realistic movement in art,*" that goal being, in the case of goods and services of a religious nature, certain moral precepts.<sup>9</sup> Thus, based on the

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<sup>9</sup> The Random House Dictionary of the English Language, 2d ed., unabridged, ©1987. The Board may take judicial notice of dictionary listings. **University of Notre Dame du Lac v. J. C.**

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evidence of record, we find that the marks TRUTH OF LIFE MOVEMENT and TRUTH FOR LIFE would convey similar meanings to consumers.

Further, although the word MOVEMENT at the end of the cited mark results in that mark's being longer by one word and two syllables than applicant's mark, its presence is not sufficient to distinguish the marks. It is well established that, although marks must be compared in their entireties, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark. **In re National Data Corp.**, 753 F.2d 1056, 2224 USPQ 749 (Fed. Cir. 1985). "Movement," because of its descriptive meaning in terms of religious activities, will not be accorded as great a source-identifying weight by consumers as will the words TRUTH and LIFE. In this connection, we note that the registrant has disclaimed exclusive rights to the word "Movement," thus admitting its descriptive significance.

Applicant states that "no one party has the exclusive right to use the words 'truth,' 'life' or 'movement' in connection with religion," brief, p. 5, and therefore asserts that the fact that both marks contain the words TRUTH and LIFE is not a sufficient basis on which to find

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**Gourmet Food Imports Co., Inc.**, 213 USPQ 594 (TTAB 1982), aff'd, 703 F.2d 1372, 217 USPQ 505 (Fed Cir. 1983).

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confusion. However, our conclusion that the marks are confusingly similar is not based on this fact alone. These words appear in each mark in the same manner, i.e., each begins with the word TRUTH, followed by a small, rather insignificant single-syllable preposition, followed in turn by the word LIFE. These similarities in the marks, thus, go beyond the inclusion of the words TRUTH and LIFE, and include their structure and pronunciation.

We have considered the third-party registrations made of record by applicant, but only one, BRINGING TRUTH TO LIFE, includes both the word TRUTH and the word LIFE. This mark is certainly far different from either applicant's or the registrant's marks than applicant's and the registrant's marks are from each other.

Applicant argues that, because religion is so important, consumers will exercise a great degree of care in making a decision to purchase an item connected with religion. Applicant also argues that there are many religions in existence, many of which have similar names, but that consumers "will not be confused and attend the wrong church or purchase the wrong books merely because the names of the religions have some words in common" because the decision is too important to be made carelessly. Brief, p. 3. In support of this argument, applicant has submitted pages from yellow pages directories which list churches.

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There are several difficulties with applicant's argument. First, while consumers may choose the church which they attend with care, the goods and services at issue are not church services. Rather, applicant's goods are pre-recorded audio tapes dealing with religion, and religious radio programs. Audio tapes are inexpensive items, while radio programs can be accessed without any charge at all. Further, although churches may operate under very similar names, such that people learn to distinguish one church from another based on small differences in the marks, applicant has provided no evidence that items of a religious nature, i.e., audio tapes, radio programs, booklets and educational instruction, are sold or offered by many different organizations under very similar marks.

On this record, we simply cannot conclude that purchasers of the applicant's and registrant's goods and services would be so careful about making the decision to purchase audio tapes or booklets, or to listen to a radio program, that they would recognize the differences in the marks and conclude that they identified separate sources. On the contrary, we believe that someone who is familiar with the registrant's religious booklets or religious educational instruction services sold or rendered under the mark TRUTH OF LIFE MOVEMENT might well, upon encountering applicant's audio tapes sold under the mark TRUTH FOR LIFE,

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or finding a radio program called TRUTH FOR LIFE, assume that the audio tapes or program was connected with the registrant.

Decision: The refusal of registration is affirmed.

J. D. Sams

E. J. Seeherman

T. J. Quinn  
Administrative Trademark Judges  
Trademark Trial and Appeal Board