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**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

Paper No. 9  
EWH/krd

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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In re **Casucci S.P.A.**  
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Serial No. 75/**526,520**  
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**Francie R. Gorowitz of Ladas & Parry for Casucci S.P.A.**

**Michael L. Engel**, Trademark Examining Attorney, Law Office  
108 (**David Shallant**, Managing Attorney).

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Before **Hanak**, **Hohein** and **Bucher**, Administrative Trademark  
Judges.

Opinion by **Hanak**, Administrative Trademark Judge:

**Casucci S.P.A. (applicant)** seeks to register the mark shown below for various clothing articles including shirts, skirts, shorts, t-shirts and jeans. The application was filed on July 28, 1998 based upon applicant's ownership of Italian Registration No. 730,462 for the same mark and goods. In its United States application, applicant disclaimed the exclusive right to use the word "jeans"

apart from the mark as shown below.

Citing Section 2(d) of the Trademark Act, the examining attorney refused registration on the basis that applicant's mark, as applied to applicant's goods, is likely to cause confusion with the mark CASUCHI, previously registered in typed drawing form for various clothing articles including shirts, skirts, shorts, t-shirts and jeans. Registration No. 1,967,553.

When the refusal to register was made final, applicant appealed to this Board. Applicant and the examining attorney filed briefs. Applicant did not request a hearing.

In any likelihood of confusion analysis, two key, although not exclusive, considerations are the similarities of the goods and the similarities of the mark. Federated

Foods, Inc. v. Fort Howard Paper Co., 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) ("The fundamental inquiry mandated by Section 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.").

Considering first the goods, they are, in part, absolutely identical. Both the application and the cited registration include shirts, skirts, shorts, t-shirts and jeans. Of course, when the goods are legally identical, they are advertised in the same media; travel in the same trade channels; and are purchased by the same types of consumers. Century 21 Real Estate Corp. v. Century Life of America, 970 F.2d 874, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992). These three additional factors of identical media, trade channels and purchasers only "enhance the likelihood of confusion." Century 21 Real Estate, 23 USPQ2d at 1700.

In addition, the identical goods in question encompass inexpensive products such as t-shirts which are purchased by a diverse range of buyers (including children) who in many instances exercise only minimal care. These factors of inexpensive goods purchased by ordinary purchasers exercising minimal care only further enhance the probability of a likelihood of confusion. Kenner Parker

Toys Inc. v. Rose Art Industries Inc., 963 F.2d 350, 22 USPQ2d 1453, 1458 (Fed. Cir. 1992).

Turning to a consideration of the marks, we note at the outset that "when marks would appear on virtually identical goods or services, the degree of similarity [of the marks] necessary to support a conclusion of likely confusion declines." Century 21 Real Estate, 23 USPQ2d at 1700. Of course, this is particularly true when the identical goods include inexpensive goods purchased by ordinary consumers exercising minimal care.

It is clear what the registered mark is, namely, CASUCHI. However, it appears that applicant and the examining attorney disagree as to how to describe in text form applicant's mark. Applicant characterizes its mark as WORLD OF JEANS CASUCCI. The examining attorney describes applicant's mark as CASUCCI WORLD OF JEANS CASUCCI. While it is impossible to depict with absolute precision applicant's mark in text form, we believe that the examining attorney's depiction is more correct in that it reflects that the term CASUCCI appears twice (and not once) in applicant's mark.

In comparing the two marks, we begin with the proposition that the marks must, of course, be compared in their entireties. However, there is nothing improper when

analyzing two marks to give more weight to certain features of a mark, provided that there are "rational reasons" for doing so. In re National Data Corp., 753 F.2d 1056, 224 USPQ 749, 751 (Fed. Cir. 1985). It is clear that if "a particular feature is descriptive or generic with respect to the involved goods or services [then that] is one commonly accepted rationale for giving less weight to a portion of a mark." National Data, 224 USPQ at 751.

In the case of applicant's mark, the word JEANS has been disclaimed since it is a generic term for one of the clothing articles for which applicant seeks registration, namely, jeans. Moreover, consumers seeing applicant's mark would, in our judgment, view the phrase WORLD OF JEANS as indicating that applicant offers a large selection of jeans. In this regard, the word "world" is defined as "a large amount; great deal." Webster's New World Dictionary (2d ed. 1970). Thus, while the term CASUCCI in applicant's mark is depicted in lettering somewhat less prominent than the lettering used for the phrase WORLD OF JEANS, nevertheless, we find that CASUCCI would be the primary source indicator for applicant's goods. At pages two and three of its brief, applicant acknowledges that CASUCCI is a surname. This surname is virtually identical to the registered mark CASUCHI, which also appears to be a

surname, probably of Italian origin. The only difference in the two surnames, both of which consist of seven letters, is that the second to last letter in the registered mark is an H and the second to last letter in the surname in applicant's mark is a C.

In short, while in terms of visual appearance the two marks have only limited similarities given the sheer size of the phrase WORLD OF JEANS in applicant's mark, nevertheless, we find that the two marks have very similar connotations. Both marks indicate that the identical items of apparel emanate from a concern with the virtually identical surname CASUCHI/CASUCCI. Moreover, in terms of pronunciation, we find that the CASUCCI portion of applicant's mark would certainly be articulated, especially given the fact that it appears not once but twice in applicant's mark. When so articulated, that portion of applicant's mark is virtually identical (if not identical) to the registered mark CASUCHI. In short, while there are differences in the marks, especially in terms of visual appearance, we find they are similar enough such that their use on identical, inexpensive goods purchased by ordinary consumers exercising minimal care is likely to result in confusion. Of course, to the extent that there are doubts on the issue of likelihood of confusion, these doubts must

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be resolved against applicant as the newcomer. Kenner  
Parker Toys, 22 USPQ2d at 1458.

Decision: The refusal to register is affirmed.