

2/27/01

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

Paper No. 9
EWH/AKP

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re *Hygiene Systems, Inc.*

Serial No. 75/529,277

Edward W. Rilee of Rhodes, Coats & Bennett, L.L.P. for
Hygiene Systems, Inc.

Martha L. Fromm, Trademark Examining Attorney, Law Office
106 (*Mary Sparrow*, Managing Attorney)

Before *Hanak, Chapman* and *Drost*, Administrative Trademark
Judges.

Opinion by *Hanak*, Administrative Trademark Judge:

Hygiene Systems, Inc. (applicant) seeks to register
NATURE SAVER in typed drawing form for "paper, namely
toilet tissue and paper towels." The application was filed
on July 31, 1998 with a claimed first use date of October
1996.

Citing Section 2(d) of the Trademark Act, the
Examining Attorney has refused registration on the basis
that applicant's mark as applied to toilet tissue and paper
towels is likely to cause confusion with the identical mark

NATURE SAVER, previously registered in typed drawing form for a wide array of paper products. To be more specific, the Examining Attorney has cited three registrations for the mark NATURE SAVER, all owned by S.P. Richards Company. Registration Nos. 1,681,168; 1,787,494; and 2,118,611.

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.

Some of the many goods covered by cited Registration No. 1,787,494 include "paper towels and tissues." Thus, applicant seeks to register the identical mark for identical goods (paper towels) and for goods (toilet tissue) which are encompassed by the word "tissues" in this particular cited registration.

When identical marks are use on identical goods, confusion is not merely likely, rather it is certain. We need not consider whether the use of applicant's mark for toilet tissue and paper towels is likely to cause confusion with the use of registrant's identical mark for other types of paper products.

Decision: The refusal to register is affirmed.