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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re **Baby Gold Jewelry, Inc.**

Serial No. 74/532,378

Edward R. Weingram of Weingram & Zall for **Baby Gold Jewelry, Inc.**

Jill Alt, Trademark Examining Attorney, Law Office 108
(**David Shallant**, Managing Attorney).

Before **Cissel**, **Hairston** and **Walters**, Administrative
Trademark Judges.

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

Baby Gold Jewelry, Inc. has filed an application to register the mark GIRLS GOLD COLLECTION for goods which were subsequently identified as gold jewelry.¹

The Trademark Examining Attorney has refused registration under Section (2)(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that applicant's mark, when applied to the identified goods, is merely descriptive

¹Application Serial No. 74/532,378 filed June 2, 1994, alleging a bona fide intention to use the mark in commerce. The word "COLLECTION" has been disclaimed apart from the mark as shown.

of them. When the refusal was made final, applicant appealed. Applicant and the Examining Attorney have filed briefs.

Applicant, in urging reversal of the refusal to register, argues that at most, its mark is suggestive of gold jewelry, and that the "mark requires the exercise of a mental process in relating the mark GIRLS GOLD COLLECTION to gold jewelry." Further, applicant argues that it "is in the process of creating a family of [GIRLS] GOLD marks" and that "the purchasing public, upon encountering a mark having the term GIRLS GOLD will know that such goods originated with Appellant." (Brief, pp. 4 and 6).

The Examining Attorney, on the other hand, maintains that "[t]he plain meaning of the words in the mark, separately or taken together, describe the goods," that the mark GIRLS GOLD COLLECTION conveys to prospective purchasers that this is a group of gold jewelry items to be worn by girls, and that no mental process is required to reach this conclusion. (Brief, p. 7).

In support of the refusal to register, the Examining Attorney submitted dictionary definitions of the words "girl," "gold," and "collection."² In addition, the

² Webster's Third New International Dictionary defines "girl" as a "female child"; "gold" as "a very malleable ductile, yellow trivalent and univalent metallic element . . . that is hardened or changed in color for commercial use (as in coins, jewelry, dentures)"; and "collection" as "a number of objects or persons or a quantity of a substance that has been collected or has collected often according to some unifying principle or orderly arrangement".

Examining Attorney submitted copies of third-party registrations of marks wherein the word "collection(s)" has been disclaimed, and excerpts of articles retrieved from the NEXIS database which mention "gold collection."³

A mark is merely descriptive of goods within the meaning of Section 2(e)(1) of the Act, if it immediately describes an ingredient, quality, characteristic or feature thereof or if it directly conveys information regarding the nature, function, purpose or use of the goods. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215 (CCPA 1978). Further, the question of whether a mark is merely descriptive must be determined not in the abstract, that is, not by asking whether one who sees the mark alone can guess what the applicant's goods are, but rather in relation to the goods for which registration is sought, that is, by asking whether, when the mark is applied to the goods, it

³ These materials accompanied the Examining Attorney's appeal brief. Although evidence furnished after an appeal is technically untimely, inasmuch as applicant did not object thereto in its reply brief, we have treated the materials as properly of record. The following excerpts are illustrative of the articles the Examining Attorney made of record:

A basic gold collection, which retails from \$77 to \$923, offers a large brooch for \$169; a gold-link necklace for \$923, and a simple but heavy gold ring for \$113. Women's Wear Daily, March 2, 1994.

Charles Garnier of Paris was a pioneer in using the process to market a line of fine jewelry, introducing an 18k electroform gold collection in 1984 at the European Watch, Clock and Jewelry Fair in Basel, Switzerland. Jewelers Circular Keystone, May 1992.

immediately conveys information about their nature. In re Bright-Crest, Ltd., 204 USPQ 591 (TTAB 1979).

In this case, we agree with the Examining Attorney that GIRLS GOLD COLLECTION immediately conveys information to purchasers about the nature of the goods on which applicant intends to use its mark, namely that this is a collection of gold jewelry for girls.⁴ Neither imagination or thought is required for a purchaser to arrive at this conclusion concerning the nature of applicant's goods. As the Examining Attorney points out in her brief, each of the words comprising the mark, i.e., "girls," "gold," and "collection" is clear in meaning. When these words are combined to form GIRLS GOLD COLLECTION, no ambiguity results. Further, the omission of the word "jewelry" from GIRLS GOLD COLLECTION does not obviate the descriptiveness of this phrase for gold jewelry. See e.g., Remington Products Inc. v. North American Philips Corp., 892 F.2d 1576, 3 USPQ2d 1444, 1448 (Fed. Cir. 1990). [omission of the word "PERSONAL" from the phrase TRAVEL CARE does not obviate descriptiveness of such phrase for personal travel care products].

As to applicant's argument that it is in the process of creating a family of GIRLS GOLD marks, and that GIRLS GOLD is thus distinctive of applicant's goods, we note that there is no evidence in this record that applicant has indeed

⁴ We note in this regard that applicant does not dispute that its goods are intended to be worn by girls.

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established a family of such marks. The mere adoption of a series of similar marks does not in and of itself establish the existence of a family. See J & J Snack Foods v. McDonald's Corp., 932 F.2d 1460, 18 USPQ2d 1889 (Fed. Cir. 1991).

Decision: The refusal to register under Section 2(e)(1) of the Trademark Act is affirmed.

R. F. Cissel

P. T. Hairston

C. E. Walters
Administrative Trademark
Judges, Trademark Trial and
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