

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB

MAY 18, 98

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re **International Data Group, Inc.**

Serial No. 74/**650,283**

Mark B. Harrison of Spencer & Frank for applicant.

Darry Carmine, Trademark Examining Attorney, Law Office 102
(Thomas Shaw, Acting Managing Attorney).

Before Sams, Quinn and Hohein, Administrative Trademark
Judges.

Opinion by Quinn, Administrative Trademark Judge:

An application has been filed by International Data
Group, Inc. to register the mark WEBMEDIA for "organizing
and conducting a trade show exhibition and exposition in the
field of computers, communications and information
technology."¹

The Trademark Examining Attorney has refused
registration under Section 2(e)(1) of the Trademark Act on

¹ Application Serial No. 74/650,283, filed March 22, 1995,
alleging a bona fide intention to use the mark in commerce.

the ground that applicant's mark, if used in connection with applicant's services, would be merely descriptive of them.

When the refusal was made final, applicant appealed. Applicant and the Examining Attorney have filed briefs. An oral hearing was not requested.

Applicant contends, in urging that the refusal of registration be reversed, that the mark is, at worst, just suggestive of applicant's services. Although applicant concedes that the term "WEB" in its mark is merely descriptive, applicant goes on to assert that the term "MEDIA" is vague, with numerous meanings, thereby rendering the mark WEBMEDIA, in its entirety, not merely descriptive.

The Examining Attorney contends that the applied-for mark is merely descriptive of trade shows and expositions devoted to the use of computers and information technology to provide mass communications (i.e., "media") via the World Wide Web (i.e., "Web"). In support of the refusal to register, the Examining Attorney submitted dictionary definitions for the terms "Web" and "media," and excerpts retrieved from the NEXIS database.

It is well settled that a term is considered to be merely descriptive of services, within the meaning of Section 2 (e)(1) of the Trademark 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 services. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). It is not necessary that a term describe all of the properties or functions of the services in order for it to be considered to be merely descriptive thereof; rather, it is sufficient if the term describes a significant attribute or idea about them. Moreover, whether a term is merely descriptive is determined not in the abstract but in relation to the services for which registration is sought. In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979).

The term "Web," as defined in The Internet Dictionary (1995), means "the most commonly used name for the *World Wide Web*, an interlinked collection of **hypertext** documents (**Web pages**) residing on **Web servers** and other documents, menus, and databases, available via **URLs** (uniform resource locators)." Applicant acknowledges that "Web" means "World Wide Web" and, as noted above, concedes that the term is descriptive. The term "media" is defined in The Oxford English Dictionary (2d ed. 1989) as "newspapers, radio, television, etc., collectively, as vehicles of mass communication."

Some of the NEXIS excerpts show that the term "Web media" has been used in a descriptive manner in connection with mass communications, such as business promotions, via the World Wide Web. Such uses include "buying Web media to

establish their brand's presence;" "nation's largest advertiser is soliciting proposals from major Web media sites to place ad banners;" "the agency's Web media buying for other clients;" "Web media brokerage that helps businesses promote their Web sites through banner advertising;" "the growing number of World Wide Web media buying services;" "publish the same information for both printed and Web media;" and "the one who proposed the agency learn how to sell Web media."

The evidence of record persuades us that the World Wide Web is a form of media, and that "Web media" has a recognized meaning in the computer field, namely to identify the World Wide Web as media for communication, including the advertising of products and/or services. A customer or potential customer encountering WEBMEDIA for applicant's services of organizing and conducting a trade show exhibition and exposition in the field of computers, communications and information technology would be immediately informed that the trade show involved specifically the matter of using the World Wide Web as media for mass communication. The fact that the term "media" is broad and may encompass other meanings is not persuasive of a different result. Suffice it to say that the term "media" takes on a specific meaning as used in the designation WEBMEDIA for services of the type rendered by applicant.

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Decision: The refusal to register is affirmed.

J. D. Sams

T. J. Quinn

G. D. Hohein

Administrative Trademark
Judges, Trademark Trial
and Appeal Board

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