

THIS DISPOSITION IS NOT
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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Teloquent Communications Corporation

Serial No. 75/133,615

Donna M. Weinstein of Fish & Richardson P.C. of Teloquent
Communications Corporation

Peter Cataldo, Trademark Examining Attorney, Law Office 103
(Michael Szoke, Managing Attorney)

Before Seeherman, Hanak and Chapman, Administrative
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Teloquent Communications Corporation has appealed from
the refusal of the Trademark Examining Attorney to register
WEB CALL CENTER as a trademark for "computer software for
coordinating global network access with telephone
communication operations."¹ Registration has been refused

¹ Application Serial No. 75/133,615, filed July 12, 1996,
asserting a bone fide intention to use the mark in commerce.

Ser. No. 75/133,615

pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the ground that applicant's mark is merely descriptive of its identified goods.

Applicant and the Examining Attorney have filed briefs; an oral hearing was not requested.

We affirm the refusal.

A term is merely descriptive, within the meaning of Section 2(e)(1) of the Trademark Act, if it immediately conveys information concerning a quality, characteristic, function, ingredient, attribute or feature of a product or service. **In re Venture Lending Associates**, 226 USPQ 285 (TTAB 1985). Moreover, the question of whether a particular term is merely descriptive must be determined not in the abstract, but in relation to the goods or services for which registration is sought. See **In re Engineering Systems Corp.**, 2 USPQ2d 1075 (TTAB 1986).

In this case, the Examining Attorney has made of record excerpts from numerous articles taken from the NEXIS data base. Applicant has pointed out that some of these articles are from foreign publications or wire service reports, and some refer to applicant's own product. Applicant is correct that we cannot determine from this record whether the foreign and wire service articles were,

in fact, disseminated to the public in the United States, although the wire service reports are evidence of how the various authors view the term "Web call center." Even if we exclude all the questionable articles, however, pertinent references which remain include the following:

...they should use the NetMeeting 2.0 SDK interfaces and ActiveX controls for Internet telephone applications such as web call centers...

...Web call centers really increase the level of service a company can extend to its customers.

"Computer Telephony," June 1997

Is your mission-critical app [sic] server (Web call center, etc.) connected to the Internet...

"Teleconnect," June 1997

Hammer debuted a web-call center software add-on to their testing box.

"Teleconnect," April 1997

...database of images for agent-to-browser transmission stored in AT&T's network; and AT&T's voice network for web/call-center integration.

AT&T is hoping you'll leave the web-to-call-center integration to them.

"Computer Telephony," March 1997

Headline: Tech Trends: Web Integration; Call Centers Go On-Line

...public on the Internet," says Greg Johnston, manager of integrated networks at Household Credit Services, Salinas,, Calif. "This Web call-center idea does pose interesting possibilities."

"CommunicationsWeek," January 1, 1996

AT&T to link Web, call centers
AT&T Corp. plans to launch in October a
trial service that links Web pages with
sales and customer-...
"Computerworld," Sept. 16, 1996

Aspect Telecommunications Monday
introduced Aspect Interactive Web, a
powerful solution that integrates the
World Wide Web with call center
transactions to deliver a new level of
customer service.
"EDGE," August 12, 1996

Moreover, even the articles which applicant asserts refer to its own product in a trademark manner show, in all but one case, descriptive or generic use of "call center." For example, the August 26, 1996 "PC Week" article states that "A typical call center includes a Gateway server with hardware and software to link to the Internet," and the August 27, 1996 article in "ISDN NEWS" mentions that "Telequent [applicant] also launched Web Call Center, which enables users to reach a company's call center via the web."

The Examining Attorney has also made of record several third-party registrations for marks containing the term CALL CENTER for telecommunications equipment and services, and computer software in the field of telecommunications. These registrations all include disclaimers of the words CALL CENTER, thereby indicating that the term is considered to be descriptive for such goods and services.

Applicant's goods, as identified, are "computer software for coordinating global network access with telephone communication operations." "Global network" is another term for the World Wide Web, or Web, and "telephone communication operations" is another term for call centers. The purchasers of applicant's goods, as indicated by the periodicals which discuss these products, including applicant's own software,² would clearly be knowledgeable about this terminology. They would immediately understand, upon viewing WEB CALL CENTER used in connection with "computer software for coordinating global network access with telephone communication operations," that the software is used for a Web call center. As such, the mark is merely descriptive, in that it directly conveys information about a principal characteristic of the software.

Decision: The refusal of registration is affirmed.

E. J. Seeherman

E. W. Hanak

B. A. Chapman
Administrative Trademark Judges
Trademark Trial and Appeal Board

² For example, articles which refer to applicant's WEB CALL CENTER software have appeared in "PC Week," "Computer Telephony," "ISDN NEWS" and "Network World."