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Paper No. 14
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re United Shipping & Technology, Inc.

Serial No. 75/719,560

Michael S. Sherrill of Sherrill Law Offices for applicant.

Brett Tolpin, Trademark Examining Attorney, Law Office 107
(Thomas Lamone, Managing Attorney).

Before Simms, Seeherman and Hairston, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

United Shipping & Technology, Inc. has appealed the refusal of the Trademark Examining Attorney to register I-COURIER for "providing information in the field of courier services and delivery of documents, parcels and goods by truck and air by means of a global network."¹

Registration has been refused pursuant to Section 2(e)(1) of the Trademark Act on the ground that the mark,

¹ Serial No. 75/719,560, filed June 2, 1999, alleging a bona fide intention to use the mark in commerce.

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

Applicant and the Examining Attorney have filed briefs. No oral hearing was requested.

According to the Examining Attorney, the letter "I," when used as a prefix, has become recognized as an acronym for Internet, and that when joined with the word "COURIER," the combined mark I-COURIER immediately describes the nature of applicant's services, namely, that information about courier services is being provided through the Internet.

In support of the refusal, the Examining Attorney submitted articles retrieved from the NEXIS database wherein such terms as "I-commerce", "I-business", "I-mall", and "I-shoppers" are used as evidence that "I" is recognized as an acronym for Internet. In addition, the Examining Attorney made of record copies of the web pages of several companies that provide courier services as evidence that the word "courier" describes not only a person who delivers documents, packages, etc., but a company that provides delivery services as well.

Applicant, in urging reversal of the refusal to register, acknowledges that "I" has become recognized as an acronym for Internet. However, it is applicant's position

that the combination of the letter "I" and the word "COURIER," when joined to form I-COURIER "literally describes a person who carries messages or information over the Internet (e.g., a virtual reality mailman)." (Brief, p. 4). Applicant maintains that its services, as identified, do not encompass a virtual reality mailman, but instead are informational in nature.

A term is merely descriptive, and therefore unregistrable pursuant to Section 2(e)(1), if it immediately conveys knowledge of the ingredients, qualities, or characteristics of the goods or services with which it is used. On the other hand, a term which is suggestive is registrable. A suggestive term is one which suggests, rather than describes, such that imagination, thought or perception is required to reach a conclusion on the nature of the goods or services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987). There is but a thin line of distinction between a suggestive and a merely descriptive term, and it is often difficult to determine when a term moves from the realm of suggestiveness into the sphere of impermissible descriptiveness. In re Recovery, Inc., 196 USPQ 830 (TTAB 1977).

Applying these principles to the evidence of record, we conclude that I-COURIER has not been proven to be merely

descriptive of the identified services of providing information in the field of courier services and delivery of documents, parcels and goods by truck and air by means of a global network. While the individual elements "I" and "COURIER" each have a descriptive significance in connection with the services, when the words are combined, the significance of the term I-COURIER is only suggestive. In this case, it has not been established that courier services are conducted over the Internet in the sense that a company may conduct business or commerce over the Internet; thus, I-COURIER is not similar to such terms as I-commerce and I-business. Rather, it appears that companies such as applicant offer services at their website which allow customers to access general shipping information, e.g., rates and transit times, and to track packages during transit. It requires some analysis and mental steps to conclude, when seeing the mark I-COURIER in connection with the identified services, that applicant's services will allow customers to access, over the Internet, information about courier services in general as well as specific information about their shipping orders. As such, I-COURIER is only suggestive of the identified services of providing information in the field of courier services and delivery of documents, parcels and goods by truck and air

by means of a global network. We should point out, however, that in reaching this conclusion, we have not been persuaded by applicant's argument that I-COURIER describes a "virtual reality mailman." It is not clear to us that there is such a thing and therefore we do not see how applicant's mark would suggest one.

We readily admit that our determination on this issue is not free from doubt; however, in accordance with our practice, we must resolve that doubt in applicant's favor.

Decision: The refusal to register is reversed.