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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re The Work Connection, Inc.

Serial No. 75/869,798

Sherri L. Rohlf of Siegel, Brill, Greupner, Duffy & Foster,
P.A. for The Work Connection, Inc.

Tarah K. Hardy Ludlow, Trademark Examining Attorney, Law
Office 110 (Chris A.F. Pedersen, Managing Attorney).

Before Simms, Cissel and Bottorff, Administrative Trademark
Judges.

Opinion by Simms, Administrative Trademark Judge:

The Work Connection, Inc. (applicant), a Minnesota
corporation, has appealed from the final refusal of the
Trademark Examining Attorney to register the phrase WORK
READINESS PROFILE for "printed instructional materials,
including envelopes to hold such information, featuring
information on temporary employers used to prepare

prospective candidates for employment.”¹ The Examining Attorney has refused registration under Section 2(e)(1) of the Act, 15 USC §1052(e)(1), on the basis that applicant’s mark is merely descriptive of applicant’s goods. Applicant and the Examining Attorney have submitted briefs, but no oral hearing was requested.

The Examining Attorney argues that applicant’s mark merely describes the subject matter of applicant’s materials in that applicant is providing an informational profile used to determine an individual’s work readiness. The Examining Attorney notes that applicant’s specimen of record, labeled “Work Readiness Profile,” indicates:

The Work Readiness Program is designed to prepare candidates before they start working at your facility. Please use this envelope/checklist to provide us with the necessary information to develop a Work Readiness Program.

The Examining Attorney has made of record a number of excerpts from the Nexis computer database showing use of the words “work readiness” in a descriptive manner to indicate the development of an individual’s skills for employment:

Another state commissioner...said there were many jobs available for unemployed, non-professional workers

¹Application Serial No. 75/869,798, filed December 13, 1999, based upon an allegation of use in commerce since March 1, 1996.

who fit the profile of work readiness recipients...

Star Tribune, January 22, 1992

...Andre House, where homeless can eat dinner, shower and obtain clothing; St. Joseph the Worker, job placement and work readiness programs...

The Arizona Republic, September 18, 2001

Through this collaboration, students are able to acquire a general equivalency diploma as well as get assistance with job training, work studies, work-readiness skills and job placement...

The Times-Picayune, August 19, 2001

...Youthworks, a new GED program that focuses on work readiness and job placement for teens, had six graduates...

The Boston Globe, July 1, 2001

The seniors, who are involved with the Jobs for Maine's Graduates program, compete in events such as public speaking, decision-making and interviewing to test their work readiness.

Portland Press Herald, May 1, 2000

NOJI officials also reported that results from a test designed to measure work readiness show that through March 15, 150 program graduates are scoring higher than the average entry-level local workers in construction and manufacturing jobs...

The Times-Picayune, April 19, 2000

Based upon this evidence, the Examining Attorney argues that in the workplace the term "work readiness" immediately brings to mind an individual's employability or

preparedness for work. In addition, the Examining Attorney contends that the term "profile," meaning "a formal summary or analysis of data, often in the form of a graph or table,"² is merely an additional descriptive term denoting that applicant's materials are designed for individuals to determine their own work readiness or to indicate the personalized nature of applicant's goods--a profile on an individual's work readiness. In sum, the Examining Attorney argues that applicant's mark merely describes information provided to assist an individual to prepare for his or her own employment.

Applicant, on the other hand, argues that the mark WORK READINESS PROFILE does not convey any information concerning applicant's goods, and that imagination must be used in order to deduce the nature of applicant's goods, which, according to applicant, provide information on temporary employers, that is, they are *employer* profiles. Brief, 3.³ Applicant states that its goods are not an analysis of an employee candidate's work preparedness.

²The complete relevant definition is "a formal summary or analysis of data, often in the form of a graph or table, representing distinctive features or characteristics: *a psychological profile of a job applicant...*" The American Heritage Dictionary of the English Language (3rd ed. 1992).

³ In response, the Examining Attorney argues that even if applicant is providing information on temporary employers to individuals, such information is nevertheless provided to those individuals to assist them in preparing for employment ("...used to prepare prospective candidates for employment").

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Applicant has stated its willingness to disclaim the word "PROFILE" apart from the mark as shown. Response, 3, filed November 22, 2000.

Upon careful consideration of this record and the arguments of the attorneys, we conclude that, as applied to applicant's goods, the mark is merely descriptive.

A mark is merely descriptive if it immediately describes the ingredients, qualities, characteristics or features of the goods or services, or if it immediately conveys information regarding a function, purpose or use of the goods or services. *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215, 217 (CCPA 1978). *See also In re Nett Designs*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001). To determine mere descriptiveness, one looks at the mark in relation to the goods or services, and not in the abstract. *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); and *Abcor*, 200 USPQ at 218. In addition, courts have long held that, to be "merely descriptive," a term need only describe a single significant quality or property of the goods or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009, 1009 (Fed. Cir. 1987); *Meehanite Metal Corp. v. International Nickel Co.*, 262 F.2d 806, 120 USPQ 293, 294 (CCPA 1959); and *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982).

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Here, according to the description of goods, applicant's goods feature information used to prepare prospective candidates for employment. The Examining Attorney has demonstrated that the phrase "WORK READINESS PROFILE" signifies a summary or analysis of information concerning an employee's preparedness for employment or work readiness. Contrary to applicant's arguments, these words immediately convey the information that applicant's goods are profiles for an employee's work readiness.

Decision: The refusal of registration is affirmed.