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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re iEntry, Inc.

Serial No. 76518659

Todd E. Stockwell of Stockwell & Associates for iEntry, Inc.

Hannah Fisher, Examining Attorney, Law Office 111 (Craig D. Taylor, Managing Attorney).

Before Hanak, Holtzman and Zervas, Administrative Trademark Judges.

Opinion by Hanak, Administrative Trademark Judge:

iEntry, Inc. (applicant) seeks to register in standard character form CONTENTMAP for "computer services, namely, publication of editorial content of sites accessible via a global computer network." The intent-to-use application was filed on June 2, 2003.

Citing Section 2(e)(1) of the Trademark Act, the Examining Attorney has refused registration on the basis that applicant's mark is merely descriptive of applicant's

services. When the refusal to register was made final, applicant appealed to this Board. Applicant and the Examining Attorney filed briefs. Applicant did not request an oral hearing.

A mark is merely descriptive pursuant to Section 2(e)(1) of the Trademark Act if it immediately conveys information about a significant quality, characteristic or function of the relevant goods or services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); In re Bed & Breakfast Registry, 791 F.2d 157, 229 USPQ 818, 819 (Fed. Cir. 1986). A mark need only describe one significant quality, characteristic or function of the relevant goods or services in order to be held merely descriptive. In re Gyulay, 3 USPQ2d at 1010. Of course, it need hardly be said that the descriptiveness of a mark is not judged in the abstract, but rather is judged in connection with the goods or services with which the mark is used. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978).

In creating its purported mark, applicant has merely joined together two common words, namely, "content" and "map." The word "content" is defined as meaning "all that is contained in something; everything inside." An example of the use of this word is found in the phrase "a table of

contents." Webster's New World Dictionary (2d ed. 1996).

The verb "map" is defined as meaning, among other things, to "arrange." The American Heritage Dictionary of the English Language (4th ed. 2000).

Applicant's computer services are the publication of editorial content of sites accessible via a global computer network. Based simply upon the definitions of the two common words forming applicant's mark, a consumer would readily understand that applicant's services would involve the mapping (arrangement) of the contents of various web sites accessible via a global computer network. Thus, we find that applicant's mark is merely descriptive of applicant's services, and accordingly affirm the refusal to register.

However, it should be made clear that our refusal is not based simply upon the dictionary definitions of the words "content" and "map." The Examining Attorney has made of record the appropriate pages from two web sites. The first is the U.S. Department of Energy Oak Ridge Office, and the second is the United States Savannah River Operations Office. Both of these web sites use in a very prominent fashion on their first page the generic term "content map." The first page of each of these web sites then arrange (map) the contents of the entire web site. In essence, the generic

term "content map" is essentially a synonym for the common term "index."

Finally, in the event that applicant chooses to appeal our decision, we wish to address a potential argument which was not raised by applicant during the course of this ex parte proceeding. As noted, the Examining Attorney's evidence shows that the generic term "content map" is depicted as two words. The fact that applicant has depicted "contentmap" as one word in no way detracts from the fact that as applied to applicant's services, "contentmap" is extremely highly descriptive. By way of analogy, the term "jet engine" is depicted as two words and it is defined as "an engine for aircraft ... operating on the principle of jet propulsion." Webster's New World Dictionary (2d ed. 1996). This does not mean that an applicant could register the term "jet engine" for an aircraft engine simply by depicting it as one word (jetengine).

Decision: The refusal to register is affirmed.