

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF  
THE TTAB

Hearing:  
November 10, 2005

Mailed: February 17, 2006  
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re V.E.W., Ltd.

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Serial No. 78056154

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Sharon Blinkoff of Buchanan Ingersoll PC for V.E.W., Ltd.

Andrea Nadelman, Trademark Examining Attorney, Law Office  
110 (Chris A. F. Pedersen, Managing Attorney).

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Before Quinn, Hairston and Kuhlke, Administrative Trademark  
Judges.

Opinion by Hairston, Administrative Trademark Judge:

An application has been filed by V.E.W., Ltd. to  
register VERA WANG ON WEDDINGS as a trademark for  
"magazines, books, brochures and catalogues, all featuring  
information on fashion, weddings, wedding planning,

lifestyles, and matters of general interest.”<sup>1</sup>

The trademark examining attorney has refused registration under Sections 1, 2 and 45 of the Trademark Act on the ground that the designation VERA WANG ON WEDDINGS, as used on the specimens of record, does not function as a trademark because it is the title of a single book.

When the refusal was made final, applicant appealed. Briefs have been filed and an oral hearing was held. We affirm the refusal to register.

The examining attorney argues that the designation sought to be registered, VERA WANG ON WEDDINGS, is the title of a single book and therefore is not entitled to registration. Citing *In re Cooper*, 254 F.2d 611, 117 USPQ2d 396 (CCPA 1958), the examining attorney maintains that it is settled law that the title of a single book is not registrable, and she is not persuaded by applicant's arguments that the designation it seeks to register is an exception to this rule of law.

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<sup>1</sup> Serial No. 78056154, filed April 1, 2001, which was based on an allegation of a bona fide intention to use the mark in commerce. Applicant subsequently filed an amendment to allege use wherein it claims a date of first use anywhere and a date of first use in commerce of December 31, 2001. The word WEDDINGS is disclaimed apart from the mark as shown. Also, the application includes a statement that the name identified therein is a living individual whose consent is of record.

Applicant, in urging reversal of the refusal, argues that the examining attorney's refusal to register "[is] based solely on the mechanical application of the rule on book titles." (Brief, unnumbered p. 2). Applicant contends that the designation it seeks to register is an exception to the rule because Vera Wang is well known in the bridal industry, in particular, and the fashion industry, in general. In this regard, applicant submitted ample evidence that Ms. Wang is well known in the bridal and fashion fields. Also, applicant contends that its book has been promoted and sold with perfume as part of a product set and therefore the designation it seeks to register has come to represent a source to purchasers. Finally, applicant argues that the facts in this case are similar to those in *In re Polar Music International AB*, 714 F.2d 1567, 221 USPQ 315 (Fed. Cir. 1983).

Initially, we note that the specimen of record shows use of the designation sought to be registered, VERA WANG ON WEDDINGS, on a single book, and applicant does not maintain that the designation has been used on a series of books. As the examining attorney has correctly pointed out, it is well settled that the title of a single book is not entitled to registration. *In re Cooper*, supra. Furthermore, subsequent to the filing of briefs in this

case, the Board rendered a decision in *In re First Draft*, 76 USPQ2d 1183 (TTAB 2005) which involved an application to register the name of an author for a series of books. One of the substantive questions addressed by the Board in that case was "whether an author's name is, as the examining attorney contends, generally to be treated as unregistrable and, if so, why." First Draft at 1187. The Board held, at 1190:

We conclude that, as a general rule, an author's name is not registrable for a single work but may be registrable for a series of written works, when there is sufficient other indicia that the name serves more than as a designation of the writer, that is, that it also functions as a mark.

The Board could not have been more clearer on the question of whether an author's name, in particular, is registrable for a single work.

Moreover, we are not persuaded by applicant's arguments that the designation it seeks to register is an exception to settled law. The evidence of the renown of Vera Wang in the bridal and fashion fields does not establish that the designation has come to represent a source to purchasers of the book. We recognize that in certain cases, a personal name has been characterized as essentially descriptive. See McCarthy, J. Thomas, McCarthy on Trademarks and Unfair Competition §13.2 (4<sup>th</sup> ed. database

updated 2005) and cases cited therein). However, the refusal herein is not based on mere descriptiveness under Section 2(e)(1) of the Act, but rather on the failure of the designation to function as a mark. Thus, to the extent that applicant is claiming that the name Vera Wang has become "distinctive" as a result of advertising and promotion, such a claim is not applicable in this case.

Further, the fact that applicant's book is promoted and sold with perfume as part of a product set is not persuasive because applicant is not seeking registration of its designation for a product set consisting of a book and perfume. Our determination of the registrability of the designation must be based on a consideration of the goods in the application.

Finally, the Polar Music case is readily distinguishable on its facts. In that case, the applicant sought to register the name of the recording group ABBA for sound recordings. In holding that the name could be registered as a trademark, the court pointed to evidence that applicant controlled the quality of the sound recordings and the fact that the ABBA name had been used numerous times on different records.

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In the case before us, there is no evidence that applicant has used the name Vera Wang on numerous, i.e., a series of, books.

In view of the foregoing, we find that the designation sought to be registered, VERA WANG ON WEDDINGS, does not function as a mark and therefore may not be registered.

**Decision:** The refusal to register is affirmed.