

THIS DISPOSITION IS NOT  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re The Work Connection, Inc.

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Serial No. 75/869,797

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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).

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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 PROGRAM for employment counseling and recruitment services.<sup>1</sup> The Examining Attorney has refused registration under Section 2(e)(1) of the Act, 15 USC §1052(e)(1), on

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<sup>1</sup>Application Serial No. 75/869,797, filed December 13, 1999, claiming use and use in commerce since March 1, 1996. The original description of services was "program implemented by a managed staffing service which is designed to prepare candidates for work assignments."

the basis that applicant's mark is merely descriptive of applicant's services. 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 type of employment counseling which applicant offers--that is, that applicant provides employment counseling to prospective job candidates to prepare them for particular jobs or work assignments. In other words, applicant offers programs to train prospective employees to become ready for work. The Examining Attorney has made of record dictionary definitions of the components of applicant's mark as well as excerpts from the Nexis computerized database where the words "work readiness program" have appeared. It is the Examining Attorney's position that the term "work readiness" is a term of art commonly used in relation to employment services, and that the word "program" denotes the format of applicant's services. A few of the numerous examples of record are quoted below:

The institute now includes 15 adult group homes in Westchester and the Bronx, a school for developmentally disabled children and work-readiness programs for adults.  
Daily News, April 29, 2001

In large part, local housing officials attribute Coats' success to her single-

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minded determination. She struggled for eight years through a series of internships, G.E.D. and work-readiness programs.

Star Tribune, April 10, 2001

Part of the money will be used to establish a work-readiness program for residents of South San Diego, San Ysidro and Otay Mesa in which unemployed people will receive training in such basics as punctuality and appropriate workplace attire.

The San Diego Union-Tribune, June 29, 2000

The state needs to look at its funding methods to pay for work readiness programs.

Kansas City Star, September 29, 1999

The Examining Attorney also points to the specimens of record which state as follows:

The Work Readiness Program works toward one goal: to completely prepare the candidates before they start working. The candidate is first given a manual detailing the specific job requirements, safety procedures, expectations, and general policies. Then a training video is shown providing the candidate with a greater understanding of the actual working environment. On-site training is provided for complex positions. All this is to assure you that all candidates are ready to go when they start.

While applicant acknowledges, Response, 2, filed November 22, 2000, that applicant offers programs to train candidates for work assignments, and that applicant prepares job candidates for work by providing them with

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relevant information about prospective employers and job requirements (brief, 1, 3), it is nevertheless applicant's position that WORK READINESS PROGRAM does not immediately convey any information concerning the "class" of applicant's services. Applicant maintains that consumers cannot immediately ascertain from the mark whom the program is for or what the program involves, and that imagination, reflection or mental pause is needed to deduce the nature of applicant's services. Applicant does state, however, that it is willing to disclaim the word "PROGRAM."

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

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

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1117, 2 USPQ2d 1859 (Fed. Cir. 1987); and *Abcor*, 200 USPQ at 218.

Here, according to the specimens, applicant's services prepare job candidates for work. The Examining Attorney has satisfactorily demonstrated that the phrase "WORK READINESS PROGRAM" signifies a program to prepare job candidates for employment, the very nature of applicant's services. Contrary to applicant's argument, these words immediately convey the information that applicant offers programs which make prospective employees ready for work.

Decision: The refusal of registration is affirmed.