

**THIS OPINION IS
NOT A PRECEDENT
OF THE TTAB**

*Decision mailed:
December 3, 2007
GDH/gdh*

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re All Island Media, Inc.

Serial No. 78591633

Clayton A. Prugh of Humes & Wagner, LLP for All Island Media, Inc.

Kathleen M. Vanston, Trademark Examining Attorney, Law Office 103 (Michael Hamilton, Managing Attorney).

Before Hohein, Holtzman and Wellington, Administrative Trademark Judges.

Opinion by Hohein, Administrative Trademark Judge:

All Island Media, Inc. has filed an application to register on the Principal Register the term "GOLD COAST STYLE," in the stylized form shown below,

**GOLD
COAST** *Style*

for "printed weekly guidebooks containing advertisements for consumer goods and services, articles and editorial columns" in International Class 16.¹

¹ Ser. No. 78591633, filed on March 21, 2005, which alleges a date of first use anywhere of January 17, 2005 and a date of first use in commerce of March 3, 2005.

Registration has been finally refused under Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), on the ground that, when used in connection with applicant's goods, the term "GOLD COAST STYLE" is merely descriptive of them. In addition, registration has been finally refused under Section 2(e)(2) of the Trademark Act, 15 U.S.C. §1052(e)(2), on the ground that, as applied to applicant's goods, the term "GOLD COAST STYLE" is primarily geographically descriptive of applicant's printed weekly guidebooks.

Applicant has appealed and briefs have been filed. We affirm the refusals to register.

Turning first to the refusal under Section 2(e)(1) of the Trademark Act, it is well settled that a term is considered to be merely descriptive of goods, within the meaning of such section, if it forthwith conveys information concerning any significant ingredient, quality, characteristic, feature, function, purpose, subject matter or use of the goods. See, e.g., *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); and *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). It is not necessary that a term describe all of the properties or functions of the goods in order for it to be considered to be merely descriptive thereof; rather, it is sufficient if the term describes a significant attribute or idea about them. Moreover, whether a term is merely descriptive is determined not in the abstract but in relation to the goods for which registration is sought, the context in which it is being used or is intended to be used on or in connection with

those goods and the possible significance that the term would have to the average purchaser of the or goods because of the manner of such use. See In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979). Thus, "[w]hether consumers could guess what the product is from consideration of the mark alone is not the test." In re American Greetings Corp., 226 USPQ 365, 366 (TTAB 1985).

Applicant, in its initial brief, contends that the term "GOLD COAST STYLE" is suggestive rather than merely descriptive of its goods, arguing among other things that, contrary to the Examining Attorney's contention that such goods are "concerned, in part, with fashion and style for the Gold Coast area of Long Island," its printed weekly guidebooks, besides "contain[ing] advertisements for consumer goods and services," "also contain articles and editorial columns various topics of interest to the individuals residing in the communities in which the publications are distributed." Thus, according to applicant, "[i]t is incorrect to assert that the publications are focused in any way on fashion" or other lifestyle issues. Furthermore, contrary to the Examining Attorney's argument that the term "GOLD COAST STYLE" merely describes the subject matter of applicant's goods in that its publications contain information and stories relating to the geographic area of the north shore of Long Island known as the "Gold Coast," applicant insists that "Gold Coast" simply "does not refer to a specific geographic area" but instead "is used in the Mark to suggest upscale, chic or elegant." Consumers, applicant therefore maintains, "are not likely to make a goods/place association" because the "guidebooks printed under

the Mark contain articles and editorial columns on various topics having nothing to do with any specific location."

In addition, applicant urges that even if the designation "GOLD COAST is a nickname commonly used to identify the north shore of Long Island" as contended by the Examining Attorney, it is nonetheless the case that "'Gold Coast' also designates numerous different geographic locations, not a single location." Specifically, although notably without evidentiary support in the record, applicant asserts that "there are many areas throughout the world that are known as 'Gold Coast' including at least eight (8) areas in the United States." Applicant consequently appears to argue that because "Gold Coast" fails to designate a single, specific geographical area, such term lacks particularity and hence cannot be merely descriptive of the subject matter of applicant's goods. Moreover, with respect to the Examining Attorney's claim that the word "STYLE" in the term "GOLD COAST STYLE" is descriptive of applicant's goods in that it connotes "fashion" or "lifestyle," applicant argues that "there are many other definitions of 'style' as set forth in "[t]he full definition cited by the Examining Attorney (and included in the attachments to the October 13, 2005 Office Action)."² Thus, applicant contends, the word "style" would not

² Applicant, in its reply brief, also takes exception to the Examining Attorney's assertion in her brief that, as shown by various third-party registrations which she made of record, the U.S. Patent & Trademark Office has "consistently" treated the word "style" as being descriptive in the context of publications. Specifically, applicant maintains that such "allegation is wrong," arguing that "[t]here are numerous registrations issued for publications where the mark includes the term 'style' and (i) the term is not disclaimed, (ii) the mark is not registered pursuant to Section 2(f), and (iii) the mark is not

be viewed as merely descriptive of its guidebooks, which as noted previously "contain advertisements for consumer goods and services" as well as "articles and editorial columns on various topics of interest to the individuals residing in the communities in which the publications are distributed." Nonetheless, even if the terms "GOLD COAST" and "STYLE" were regarded as descriptive, applicant "disputes the Examining Attorney's claim that the Mark is merely the combination of descriptive terms and [that] no imagination is required to understand the nature of the goods."

The Examining Attorney, on the other hand, takes the position in her brief that "[a] term that describes the subject matter of a publication is ... merely descriptive under Section 2(e)(1)," citing *In re National Recreation Association, Inc.*, 181 F.2d 221, 85 USPQ 281, 282 (CCPA 1950) [holding the term "THE PLAYGROUND" merely descriptive of a weekly magazine devoted to playground supervision and activities]. In particular, she notes that:

Geographic terms found in a mark identifying a publication have been deemed merely descriptive if the publication contains information or stories relating to the geographic area identified. For example, the Trademark Trial and Appeal Board (TTAB) found Chinese characters meaning ORIENTAL DAILY NEWS to be descriptive of a publication about countries or regions of the Orient. *In re Oriental Daily News, Inc.*, 230 USPQ 637 (TTAB 1986). In addition, the TTAB found JAPAN STEEL NOTES to be descriptive for a publication containing brief items and

registered on the Supplemental Register" as shown by copies of various third-party registrations which are attached to its reply brief. Such copies, however, are manifestly untimely under Trademark Rule 2.142(d) and since, in view thereof, applicant's argument is unsupported, such argument will not be given further consideration.

reports pertaining to the steel industry in Japan. *In re Nippon Kokan Kabushiki Kaisha*, 171 USPQ 63 (TTAB 1971). These decisions demonstrate that geographic terms can be merely descriptive in the context of publications.

In the present case, the Examining Attorney contends that, as shown by the following evidence which is of record, the term "GOLD COAST is a nickname commonly used to identify a geographic location, namely, the North Shore of Long Island":

"The North Shore of Long Island is the area along Long Island's northern coast bordering Long Island Sound. Traditionally, the region has been the most affluent on Long Island and among the most affluent in the New York metropolitan area, which has earned it the nickname "the Gold Coast." Though some consider the North Shore to include parts of Queens, ... the term is generally used to refer to the Long Island coastline in Nassau County and Suffolk County. It is often used as a generic name for the entire northern half of Long Island rather than just the area immediately next to the coastline.

In contrast to what is viewed as the more middle class and ethnic South Shore, the North Shore has (or fosters) a reputation of elegance and gentility. Many stately old homes can be found there, and an "old money" atmosphere pervades. In popular culture, it is perhaps best known as the setting of F. Scott Fitzgerald's 1925 novel *The Great Gatsby*, which centered on the area's wealth and the aspiration of the title character to be accepted as a part of its society." -- [http://en.wikipedia.org/wiki/North_Shore_\(Long_Island\)](http://en.wikipedia.org/wiki/North_Shore_(Long_Island)) [website article entitled: "North Shore (Long Island)"];

"Definition: The Gold Coast is the name given to a section of the North Shore coastline of Long Island, New York. It includes the area that stretches from Great Neck to Huntington. During the early twentieth century, many wealthy families lived on the Gold Coast and built opulent mansions there. F. Scott Fitzgerald wrote about this area in his novel, *The Great Gatsby*." -- <http://longisland.about.com/od/>-

aboutlongisland/g/gold_coast [website article entitled: "The Gold Coast (Long Island)"];

"Long Island's 'Gold Coast'

The North Shore of Long Island's Nassau County is outlined by the Long Island Sound and tells a story of opulence, beauty and wealth to startle the imagination. Of historic significance as well, this region is dubbed, the 'Gold Coast.' It is open to the public. Visiting the grand estates, preserves and museums along the 'Gold Coast' provides priceless insight into an elegant past." -- http://www.licvb.com/display_info.-fm?ID_name=press_story_ideas [website article entitled "Press Story Ideas"]; and

"A Brief History

Originally comprising vast areas of the North Shore of Long Island, from Great Neck to Huntington, the Long Island Gold Coast, as it was called, was a favorite retreat of the rich and famous. Starting at about the turn of the century and through the 1930's, the North Shore was a virtual Who's Who of High Society. From the Astors to the Vanderbilts, this was THE place to be for some of the most notable Americans. The mansions constructed during that period numbered in the hundreds." -- <http://www.ligoldcoast.com/history.html> [website article entitled: "Long Island's Gold Coast"].

Such evidence, the Examining Attorney maintains, "demonstrates that GOLD COAST has been used to identify the North Shore of Long Island for at least one hundred years" and that "[c]ontemporary use of the term indicates that GOLD COAST is still used to identify this region today." Consequently, she insists, the term "GOLD COAST" "is a long-used and well-established nickname for this geographic area."

As to the word "STYLE," the Examining Attorney points to the excerpt of record from "yourdictionary.com" in which The American Heritage Dictionary of the English Language (4th ed. 2000) defines such word, *inter alia*, as meaning in relevant part

"5. a. A comfortable and elegant mode of existence: *living in style*. b. A mode of living: *the style of the very rich*. 6. a. The fashion of the moment, especially of dress; vogue. b. A particular fashion: *the style of the 1920s*. See Synonyms at fashion." She argues, in light thereof, that such word, "[i]n the context of publications, ... refers to information pertaining to fashion and lifestyle" and thus is merely descriptive of the contents of publications directed to the subjects of fashion and/or lifestyle as further evidenced by the copies of record of various third-party registrations in which "the term STYLE, ... in connection with publications, is consistently disclaimed, registered pursuant to Section 2(f), or registered on the Supplemental Register" when forming part of the registered marks.

In view thereof, and in consequence of the information appearing on the specimen of record, which is a copy of the cover of the March 3, 2005 issue of applicant's guidebook that states that it is "100% Mailed" to "Long Island's North Shore" and touts "HUGE SAVINGS" on various items of clothing and accessories at a "SALE" by "McNamera's, the Examining Attorney insists that:

GOLD COAST STYLE, therefore, describes a publication containing information about fashion and lifestyle on the Gold Coast. The specimen of record is the cover of the [applicant's] weekly publication. It makes a prominent reference to Long Island's North Shore. This is precisely the area comprising what is commonly known as the Gold Coast. The cover of the publication also clearly makes reference to items of fashion, stores and sales. The publication is distributed around Long Island's Gold Coast and is clearly intended to provide fashion and lifestyle information relevant to those living on the Gold Coast. Therefore, the

term describes the subject matter of the publication.

While also recognizing that "[t]he registrability of a mark created by combining only descriptive words depends on whether a new and different commercial impression is created," such as when "the mark so created imparts an incongruous meaning as used in connection with the goods," the Examining Attorney asserts that "[i]n the present case, the combination of the descriptive words creates no incongruity" and, inasmuch as "no imagination is required to understand the nature of the goods, the mark is merely descriptive."

Upon careful consideration of the arguments presented and evidence of record, we agree with the Examining Attorney that the term "GOLD COAST STYLE" is merely descriptive of applicant's "printed weekly guidebooks containing advertisements for consumer goods and services, articles and editorial columns." In particular, the website excerpts establish that the term "GOLD COAST" refers to the geographic area consisting of the north shore of Long Island, New York. That such term may also designate other locales, as contended by applicant, is irrelevant and immaterial inasmuch as "GOLD COAST" does not lose its requisite particularity simply because it likewise is the name of those specific areas as well. It is clear, moreover, that the word "STYLE," in the context of publications such as guidebooks, refers to and merely describes information pertaining to fashion and/or lifestyle. Applicant's guidebooks, as the information disclosed by the specimen of record shows, actually include topics relating to fashion and/or lifestyle. The fact that, as

contended by applicant, its guidebooks may also be focused on or directed to topics other than fashion and/or lifestyle is irrelevant and immaterial since its goods, other than being oriented to advertisements, articles and editorials of interest to consumers, contain no restrictions or limitations as to their subject matter and are broadly identified so as to encompass guidebooks which focus on matters of fashion and/or lifestyle directed to consumers.

Plainly, when the terms "GOLD COAST" and "STYLE" are combined, especially as displayed in the format sought to be registered by applicant, the composite term "GOLD COAST STYLE" immediately conveys, without the need for speculation or conjecture, that the subject matter of applicant's guidebooks is fashion and lifestyle information of interest to consumers living in the area known as the Gold Coast, which in the case of applicant's weekly publications is the north shore of Long Island, New York. See, e.g., In re Cox Enterprises Inc., 82 USPQ2d 1040, 1043-44 (TTAB 2007) [THEATL, a recognized nickname for the city of Atlanta, Georgia, is merely descriptive of at least that portion of the subject matter of magazines and weekly newspapers which relates to news, events and attractions in Atlanta and which is directed to consumers in Atlanta]. It is also clear that, in the context of applicant's goods, there is nothing in the combined term "GOLD COAST STYLE" which consumers residing along the Gold Coast of Long Island would find incongruous, ambiguous or even suggestive, nor is there anything which would require that they exercise any imagination,

cogitation or mental processing, or which would necessitate the gathering of further information, in order for the merely descriptive significance thereof to be readily apparent. No new and different commercial impression is created inasmuch as nothing in the combination results in a unitary mark with a unique, bizarre or otherwise nondescriptive meaning as applied to applicant's goods. Rather, the constituent elements retain their descriptive significance and their combination is itself merely descriptive of applicant's goods in that the term "GOLD COAST STYLE" conveys forthwith that applicant's guidebooks cover matters on the subjects of fashion and/or lifestyle which are pertinent to Gold Coast consumers.

Turning, next, to the remaining ground for refusal, we note as a general proposition that in order for registration of a mark to be properly refused on the ground that it is primarily geographically descriptive of an applicant's goods, it is necessary to establish (i) that the primary significance of the mark is that of the name of a place generally known to the public and (ii) that the public would make a goods/place association, that is, believe that the goods which the mark is sought to be registered originate in that place. See, e.g., *In re Brouwerij Nacional Balashi NV*, 80 USPQ2d 1820, 1821 (TTAB 2006); *In re JT Tobacconists*, 59 USPQ2d 1080, 1081-82 (TTAB 2001); *University Book Store v. University of Wisconsin Board of Regents*, 33 USPQ2d 1385, 1402 (TTAB 1994); and *In re California Pizza Kitchen Inc.*, 10 USPQ2d 1704, 1705 (TTAB 1988), *citing* *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 3 USPQ2d 1450,

1452 (Fed. Cir. 1987). Provided that these conditions are met, and the goods come from the place named by or in the mark, the mark is primarily geographically descriptive.

Moreover, where there is no genuine issue that the geographical significance of a term is its primary significance, and where the geographical place named by the term is neither obscure nor remote, a public association of the goods with the place may ordinarily be presumed from the fact that the applicant's goods come from the geographical place named by or in the mark. *See, e.g.*, In re Brouwerij Nacional Balashi NV, supra; In re JT Tobacconists, supra at 1082; In re Carolina Apparel, 48 USPQ2d 1542, 1543 (TTAB 1998); In re California Pizza Kitchen Inc., supra; and In re Handler Fenton Westerns, Inc., 214 USPQ 848, 850 (TTAB 1982). In addition, the presence of generic or highly descriptive terms in a mark which also contains a primarily geographically descriptive term does not serve to detract from the primary geographical significance of the mark as a whole. *See, e.g.*, In re Brouwerij Nacional Balashi NV, supra; In re JT Tobacconists, supra at 1082; In re Carolina Apparel, supra; In re Cambridge Digital Systems, 1 USPQ2d 1659, 1662 (TTAB 1986); and In re BankAmerica Corp., 231 USPQ 873, 875 (TTAB 1986).

However, "if ... there exists a genuine issue raised that the place named [by or] in the mark is so obscure or remote that purchasers would fail to recognize the term as indicating the geographical source of the goods," In re Societe Generale des Eaux Minerales de Vittel S.A., supra at 3 USPQ2d 1451, the

Examining Attorney must furnish evidence sufficient to establish a public association of the goods with that place. Id. The determination of such a goods/place association is not made in the abstract, but rather in connection with the goods with which the mark is used and from the perspective of the relevant purchasing public for those goods. See, e.g., In re Brouwerij Nacional Balashi NV, supra at 1822; and In re MCO Properties Inc., 38 USPQ2d 1154, 1156 (TTAB 1995).

Applicant's contentions that the mark "GOLD COAST STYLE" is not primarily geographically descriptive of its goods are principally based on the asserted failure of the Examining Attorney to establish the first element of the test for such descriptiveness, namely, whether the primary significance of the mark is geographic. Applicant urges in its initial brief that "the primary significance of 'GOLD COAST' is not geographic" because "'GOLD COAST' is used in the Mark to suggest upscale, chic or elegant, not a specific geographic location," due essentially to the ordinary dictionary meaning of the word "gold" and its connotation of "precious or of high quality."

Applicant also appears to suggest that any geographical meaning of the term "GOLD COAST" is minor, obscure, remote or unconnected with its goods, notwithstanding its insistence that such term "designates numerous different geographic locations, not a single geographic location." In particular, as to the latter, applicant maintains that "[i]t is widely known that 'Gold Coast' is the popular name for many areas and cities around the world that are located along the coast of a significant body or

water or ocean and often have many wealthy residential areas." According to applicant, "[t]he most notable 'Gold Coast' is a section of Queensland, Australia," although there are also at least eight areas in the United States which are so known, including--applicant admits--"the area on the north shore of Long Island, New York." However, as indicated earlier in the discussion herein of mere descriptiveness, with the exception of proof that the north shore of Long Island, New York is and has for many years been known as the "Gold Coast," applicant's assertions regarding other locations known as the "Gold Coast" are notably without evidentiary support in the record. Instead, as support for its position that such term is not primarily geographical, applicant refers to a list of various third-party registrations for marks which consist of or include the term "GOLD COAST" (or its asserted foreign equivalent, "COTE D'OR"), covering various goods and services other than guidebooks, in which, according to applicant "the exclusive right to use 'Gold Coast' apart from the marks was not disclaimed in any of the registrations ... and none of the marks were registered based upon a showing of acquired distinctiveness under Section 2(f)."

With respect to the second element of the test for primary geographical descriptiveness, that is, whether the public would make a goods/place association by believing that the goods which the mark is sought to be registered originate in the place named by the mark, applicant maintains that such is unlikely inasmuch as "the guidebooks printed under the Mark contain articles and editorial columns on various topics having nothing

to do with any specific location." Finally, as to the third element which must be satisfied in order to make a showing of primary geographical descriptiveness, it is noted that applicant makes no argument that its goods do not come from the "Gold Coast" or north shore area of Long Island, New York. In fact, nowhere in the prosecution history of its application is there any indication that its guidebooks do not originate in such area. In particular, we note in this regard that nowhere in its reply brief does applicant specifically address the following contentions by the Examining Attorney in her brief:

The question of whether a term is primarily geographically descriptive under §2(e)(2) ... depends on whether or not a mark identifies the place from which the goods ... originate. Goods ... may be said to "originate" from a geographic location if, for example, they are manufactured, produced or sold there. See *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 38 USPQ2d 1691 (TTAB 1996) ([although] *RODEO DRIVE* held primarily geographically deceptively misdescriptive of [applicant's] perfume, ... opposer's evidence showed that a significant number of Rodeo Drive retailers sell "prestige" fragrances, and that the public would be likely to make the requisite goods/place association between perfume and Rodeo Drive).

As has been noted above, the specimen of record indicates that the goods [in this case] are sold or distributed in the Gold Coast area. This means that it is appropriate to state that the goods "originate" from the geographic location named in the mark.

Accordingly, we take it as established for purposes of this appeal that applicant's guidebooks come from or originate in the area of the north shore of Long Island, New York which is known as the Gold Coast in that at a minimum, as shown by the

specimen of record, they are distributed by applicant by mail in such location. Moreover, as to the two remaining elements of the test for primary geographical descriptiveness, we agree with the Examining Attorney that such have been satisfied on the record herein. Specifically, contrary to applicant's apparent argument, the record shows that the term "GOLD COAST" in applicant's mark identifies a place which is generally known to the relevant purchasing public and, in fact, would be well known to consumers for applicant's guidebooks. See, e.g., *In re MCO Properties Inc.*, 38 USPQ2d 1154, 1156 (TTAB 1995) [whether a place is generally known is determined not in the abstract or with reference to the nationwide purchasing public, but rather with reference to the relevant purchasing public for the goods in question]. While applicant principally argues that such term is not primarily geographical because it assertedly designates a variety of locations, we concur with the Examining Attorney that, even if the record contained supporting evidence of the existence of such other locations, that would not mean that "Gold Coast" is not primarily a geographical term. Rather, as persuasively pointed out by the Examining Attorney in her brief:

The fact that the mark identifies more than one geographic location does not necessarily detract from the term's primary geographic significance. See, e.g., *In re Loew's Theatres, Inc.*, 769 F.2d 764, 226 USPQ 865 (Fed. Cir. 1985) (DURANGO held primarily geographically deceptively misdescriptive of chewing tobacco not grown in Durango, Mexico, where the evidence of record showed that tobacco is a crop produced and marketed in that area, even though there is more than one place named Durango); *In re Cambridge Digital Systems*, 1 USPQ2d 1659 ... (TTAB 1986) (CAMBRIDGE DIGITAL and design held primarily

geographically descriptive of computer systems and parts thereof, where applicant's place of business is Cambridge, Massachusetts, even though there is more than one Cambridge). In this instance, while GOLD COAST may be used to identify more than one location, it is clear that this term has been used consistently, from at least the turn of the twentieth century though [sic] the present, to identify the North Shore of Long Island. The fact that the term is used to identify other geographic regions does not detract from its geographic descriptiveness in relation to the North Shore of Long Island.

Furthermore, the record clearly shows that the term "Gold Coast," as a designation or nickname for the north shore of Long Island, is not minor, obscure, remote nor otherwise unconnected with applicant's goods and is, instead, "widely known" as applicant essentially concedes. As to its argument that "the primary significance of 'GOLD COAST' is not geographic" because "'GOLD COAST' is used in the Mark to suggest upscale, chic or elegant, not a specific geographic location," it is apparent on this record that any such meaning which may be associated with the mark is due to the fact that the term "Gold Coast" evokes the very geographic area of the north shore of Long Island which, particularly in its heyday earlier in the twentieth century but still largely continuing today, was and is known for its affluence and tony reputation due to its many stately old homes and an "'old money' atmosphere" of opulence, elegance and gentility. Such an image, however, simply does not detract or preclude the primary significance of the term "Gold Coast" from being geographical. See, e.g., Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc., supra at 1695 [while recognizing that term

"Rodeo Drive" "evokes images of affluence and high-fashion" and that "[i]t is the Rodeo Drive lifestyle which applicant has sought to capture with its perfume and which has been useful to Rodeo Drive retailers in promoting their fragrances," the Board found that "the evidence of record establishes that the primary meaning of Rodeo Drive is geographical"].

In addition, although not argued by applicant, we nonetheless agree with the Examining Attorney that the presence of the word "STYLE" in applicant's "GOLD COAST STYLE" mark "does not obviate a determination of geographic descriptiveness." As indicated earlier in this opinion with respect to the discussion of mere descriptiveness, the evidence of record shows that the word "style" in the context of applicant's guidebooks refers to fashion or lifestyle and thus is merely descriptive of the subject matter of applicant's goods. The addition of such word consequently does not detract from or negate the primary significance of applicant's mark, which is that of the name of a place generally known to the public as the Gold Coast of Long Island, New York. See, e.g., In re South Park Cigar Inc., 82 USPQ2d 1507, 1513 (TTAB 2007) [holding that presence of laudatory term "GOLD" in mark "YBOR GOLD" for cigars and tobacco does not preclude a finding that primary significance of both the term "YBOR" and mark as a whole is geographical]; In re JT Tobacconists, supra at 1083 [finding that as to mark "MINNESOTA CIGAR COMPANY," the presence "of the generic terminology 'CIGAR COMPANY' for an entity in the business of selling cigars and related cigar products such as cigar cases and humidors does not

detract from or otherwise alter the fact that the primary significance of the mark as a whole is geographical"]; and In re Bacardi & Co. Ltd., 48 USPQ2d 1031, 1034 (TTAB 1997) [holding that the terms "SELECT," "CLASICO," "OLD," "PRIMO" and "CLIPPER" in, respectively, the marks "HAVANA SELECT," "HAVANA CLASICO," "OLD HAVANA," HAVANA PRIMO" and "HAVANA CLIPPER," all for rum, "do not detract from the primary geographic significance of ... the proposed composite marks"].

We are not persuaded, moreover, that we should find that the primary significance of the mark "GOLD COAST STYLE" is nevertheless not geographical by applicant's reliance on a list of certain third-party registrations for marks consisting of or including the term "GOLD COAST" (or its asserted foreign equivalent, "COTE D'OR") which cover various goods and services other than guidebooks simply because, according to applicant "the exclusive right to use 'Gold Coast' apart from the marks was not disclaimed in any of the registrations ... and none of the marks were registered based upon a showing of acquired distinctiveness under Section 2(f)." Although, as a counter thereto, we observe that the Examining Attorney points out in her brief that she has made of record copies of several other third-party registrations for marks, covering various goods and services other than guidebooks and including the term "GOLD COAST," in which "the term GOLD COAST has been disclaimed, registered pursuant to Section 2(f), or registered on the Supplemental Register" and therefore assertedly "demonstrate that GOLD COAST has been found to be a geographically descriptive term in the context of a

variety of goods and services," suffice it to say that a consistent pattern or practice on the part of the U.S. Patent and Trademark Office with respect to the treatment of such marks and those referred to by applicant is not discernable.

Instead, as the Examining Attorney also states in her brief:

Third-party registrations are not conclusive on the question of geographic descriptiveness. Each case must be considered on its own merits. A proposed mark that is [primarily] geographically descriptive does not become registrable simply because other similar marks appear on the register. See *In re Scholastic Testing Service, Inc.*, 196 USPQ 517 (TTAB 1977); TMEP §1209.03(a).

Consequently, while applicant faults the Examining Attorney in its reply brief for allegedly having given "little attention to the numerous registrations cited by Applicant ... for marks including Gold Coast ... in which the exclusive right to use 'Gold Coast' apart from the marks was not disclaimed and none of the marks were registered based upon a showing of acquired distinctiveness under Section 2(f)," it is still the case, as noted by our principal reviewing court in *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001), that "[e]ven if some prior registrations had some characteristics similar to [applicant's] application, the ... allowance of such prior registrations does not bind the Board or this court." See also, *In re Broyhill Furniture Industries Inc.*, 60 USPQ2d 1511, 1514 (TTAB 2001); and *In re Pennzoil Products Co.*, 20 USQP2d 1753, 1758 (TTAB 1991). Such registrations accordingly do not assist applicant in registering its mark.

Finally, with respect to whether the relevant public is likely to make a goods/place association, it would appear that inasmuch as the geographical significance of applicant's "GOLD COAST STYLE" mark is its primary significance and the geographical place named by the term "GOLD COAST" is neither obscure nor remote, a public association of applicant's guidebooks with the Gold Coast of Long Island could and should be presumed just from the fact that the applicant's goods come from the geographical place named in the mark. Nonetheless, the Examining Attorney goes on to argue in her brief, and we concur, that the specimen of record "also establish[es] the goods/place association," contending that (citations omitted):

Applicant's specimen of record consists of the cover of a publication. It makes a prominent reference to Long Island's North Shore. It is clear from the cover that the publication is designed for and relevant to those living on Long Island's Gold Coast. Purchasers are likely to believe the goods originate in that geographic location because the specimen indicates that the goods are provided there.

Applicant's assertion that the relevant public would not make a goods/place association because "the guidebooks printed under the Mark contain articles and editorial columns on various topics having nothing to do with any specific location," is without merit inasmuch as it is clear, as observed in the earlier discussion herein of mere descriptiveness, that the subject matter of its publications covers matters on the subjects of fashion and/or lifestyle which are pertinent to Gold Coast consumers.

We accordingly find that consumers are likely to believe that applicant's guidebooks, when marketed under the mark "GOLD COAST STYLE," come from or originate in the area of the north shore of Long Island, New York known as the "Gold Coast" and that such mark is therefore primarily geographically descriptive of applicant's goods.

Decision: The refusals under Sections 2(e)(1) and 2(e)(2) are affirmed.