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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Office National des Forets

Serial No. 79015738

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LLP, for Office National des Forets.

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112 (Angela Wilson, Managing Attorney).

Before Bergsman, Wellington, and Ritchie de Larena,
Administrative Trademark Judges.

Opinion by Ritchie de Larena, Administrative Trademark
Judge:

Office National des Forets ("applicant") filed an
application to register the mark CHÊNE DES DOMAINES DE
FRANCE, shown below, for "semi-worked wood for making
household utensils; building timber; sawn timber;
manufactured timber, namely worked lumber; semi-worked
timber; moldable semi-worked wood; wood paneling; wood
veneer," in International Class 19, "wood shavings" in
International Class 22, and "forestry products, namely

unsawn timber, undressed timber," in International Class 22¹.

CHÊNE DES DOMAINES DE FRANCE

The trademark examining attorney refused registration of the mark under Section 2(e)(2) of the Trademark Act of 1946, 15 U.S.C. §1052(e)(2), on the ground that applicant's mark is primarily geographically descriptive of the goods identified in the application. Upon final refusal of registration, applicant filed a timely appeal. Both applicant and the examining attorney filed briefs. For the reasons discussed herein, the Board affirms the final refusal to register.

The Board utilizes a three-part test to determine whether a mark is primarily geographically descriptive of goods under Section 2(e)(2):

1. The primary significance of the mark is the name of a place generally known to the public;
2. The public would make a goods/place or services/place association; and
3. The goods or services do in fact come from the place named in the mark.

In re JT Tobacconists, 59 USPQ2d 1080, 1081-1082 (TTAB 2001) (MINNESOTA CIGAR COMPANY held primarily

¹ Application Serial No. 79015738, filed August 16, 2005, pursuant to Section 66(a) of the Trademark Act, 15 USC §1141f(a). The mark contains an English translation of CHÊNE DES DOMAINES DE FRANCE as "Oak of the National Forests in France."

geographically descriptive of cigar products). See also *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 3 USPQ2d 1450, 1452 (Fed. Cir. 1987) (VITTEL held lacking on second element since few American consumers would identify it as a source for the cosmetics for which applicant sought to register it).

Primary Significance to Public

First we consider whether the primary significance of the mark is the name of a place generally known to the public. Words from modern foreign languages such as French are translated into English to determine their descriptiveness. *In re Northern Paper Mills*, 64 F.2d 998, 17 USPQ 492 (CCPA 1933); *In re Spirits Int'l N.V.*, 86 USPQ2d 1078 (TTAB 2008). Applicant has provided an English translation of its mark as "Oak of the National Forests in France." Accordingly, applicant's mark contains the geographically descriptive terms "France," and more specifically, "the National Forests in France." France, unlike the single town of Vittel, can hardly be considered obscure or remote. The examining attorney produced evidence that France is "the largest country in Western Europe." See *Encarta World English Dictionary* (North American Ed. 2000).

Even if we were to consider the entire phrase "National Forests in France" as the relevant geographical location, it is clear that a 2(e)(2) rejection may be applicable to a geographical location as small as a street

(see *In re Pebble Beach*, 19 USPQ2s 1687 (TTAB 1991) (17 MILE DRIVE held not primarily geographically descriptive of applicant's own goods and services since applicant coined term and controlled it exclusively)), or as large as a region (see *In re Pan-O-Gold Baking Co.*, 20 USPQ2d 1761 (TTAB 1991) (NEW ENGLAND held primarily geographically descriptive for "freshly baked bread and bread rolls")), or a state (see *In re California Pizza Kitchen Inc.*, 10 USPQ2d 1704, 1707 (TTAB 1988) (CALIFORNIA PIZZA KITCHEN held primarily geographically descriptive of restaurant services)). Applicant has asserted that it is "responsible for the management and well-being of French forests including the oak trees which grow therein." See April 13, 2007 Response to Office Action at 3. Indeed, the examining attorney submitted a dictionary definition of "national forest" as "a usually forested area of considerable extent that is preserved by government decree from private exploitation and is harvested only under supervision." See Merriam-Webster Online Dictionary (2008). Applicant's responsibility for the national forest does not preclude us from finding the mark to be primarily geographically descriptive.

Furthermore, the addition of a descriptive or generic word to describe the goods, such as "oak," does not avoid the refusal, since it merely indicates to consumers that the type of goods named in the mark originate from, or are otherwise associated with, the stated geographical

location. See *In re Carolina Apparel*, 48 USPQ2d 1542, 1543 (TTAB 1998) (CAROLINA APPAREL geographically descriptive of retail clothing store services although clothing may derive from a variety of places). Therefore, we determine that the primary significance of applicant's mark is the name of a place generally known to the public.

Goods/Place Association by the Public

Next, we consider whether the public would make a goods/place association between applicant's identified goods and its mark. As the Board has stated, "where the goods or services actually originate from the geographical place designated in the mark, a public association of the goods or services with the place may ordinarily be presumed." *In re Carolina Apparel, supra*, 48 USPQ2d at 1543 (TTAB 1998). The place need not be known for that type of good generally. *In re California Pizza Kitchen Inc., supra*, 10 USPQ2d at 1707. Therefore, we determine that the public would indeed make a goods/place association here because consumers would naturally assume that wood and wood products identified by the mark at issue originate in France, in general, and in the National Forests in France, specifically.

Origin of the Goods

Finally, we consider whether the goods do in fact come from the place named in applicant's mark. Applicant has admitted that it uses its mark to sell oak and other wood from the national forests in France, as indicated by the

mark and the identified goods. See April 13, 2007 Response to Office Action at 2-3. In such case, we are not persuaded by applicant's argument that the geographical term in the mark is merely "suggestive" to consumers of a quality or style of product. See *In re California Pizza Kitchen Inc.*, 10 USPQ2d at 1705. Rather, the mark immediately conveys to consumers both the goods and the geographical location from which they derive. See *In re JT Tobacconists*, supra 59 USPQ2d at 1082. Therefore, we determine that the goods do in fact come from the place named in the mark.

Conclusion

Accordingly, we find that applicant's mark is primarily geographically descriptive under the applicable test since (1) France, and its national forests, are primarily known to the public as a geographical location; (2) the public would make an association between the goods identified in the application and the geographical location set forth in the mark; and (3) applicant's goods do in fact come from the national forests in France.

Decision: The refusal to register is affirmed.