

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 79315847

Mark: KREA

Correspondence Address:

Bartłomiej Tomaszewski
Kancelaria Patentowa
ul. E. Kwiatkowskiego 1 lok. 12
PL-03-984 Warszawa POLAND

Applicant: RIVA FINANCE Sp. z o. o.

Reference/Docket No. N/A

Correspondence Email Address:

**NONFINAL OFFICE ACTION
Notice of Provisional Full Refusal**

International Registration No. 1602804

Deadline for responding. The USPTO must receive applicant's response **within six months of the "date on which the notification was sent to WIPO (mailing date)"** located on the WIPO cover letter, or the U.S. application will be abandoned (see <https://www.uspto.gov/trademarks-application-process/abandoned-applications> for information on abandonment). To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database at <https://tsdr.uspto.gov/>, select "US Serial, Registration, or Reference No.," enter the U.S. application serial number in the blank text box, and click on "Documents." The mailing date used to calculate the response deadline is the "Create/Mail Date" of the "IB-1st Refusal Note."

Respond to this Office action using the USPTO's Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Discussion of provisional full refusal. This is a provisional full refusal of the request for extension of protection to the United States of the international registration, known in the United States as a U.S. application based on Trademark Act Section 66(a). *See* 15 U.S.C. §§1141f(a), 1141h(c).

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No.5375041. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

The stated refusal refers to International Classes 35 and 42 only and does not bar registration in the other classes.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the *DuPont* factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01. Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff’d per curiam*, 777 F. App’x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff’d per curiam*, 777 F. App’x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

In this case, both marks contain the term “KREA.” It is this portion of the mark that consumers are most likely to recall when encountering the mark used in connection with the services.

The services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156,

1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

In this case, applicant's services include "brand creation and brand management for goods, services, businesses" and "building design services; technical infrastructure design services."

Registrant's services are "[b]rand concept and brand development services for corporate and individual clients " and "Architectural design; Graphic design; Web site design ."

The services are closely related, namely, they both include brand creation and design services.

Given the similarity of the marks and the closely related nature of the services, consumers are likely to be confused as to the source of the services. Consequently, registration is refused under Section 2(d).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Identification of Services

The current wording used to describe the services needs clarification because it is currently indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

For instance, in Class 35, the wording "retail sale" in the identification of services in International Class 35 is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.11. To be a registrable service, the activity must be primarily for the benefit of someone other than the applicant. *See In re Reichhold Chems., Inc.*, 167 USPQ 376, 377 (TTAB 1970). "Sales" or "selling" normally refers to selling one's own goods or services and is not a registrable service rendered for the benefit of others. *See* TMEP §§1301.01(a)(ii), 1402.11.

Therefore, applicant must delete "sale" from the identification and indicate with greater specificity the nature of the service in International Class 35; e.g., "retail store services featuring a wide variety of consumer goods of others featured in media."

Also in Class 35, the wording "reproduction of documents" is indefinite and too broad. This wording must be clarified because it is not clear what the services are and could identify services in more than one international class. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03, 1904.02(c), (c)(ii). For example, document reproduction in the nature of digitization of documents is in International Class 42 and document reproduction in the nature of photocopying services are in International Class 35.

In an application filed under Trademark Act Section 66(a), an applicant may not change the classification of services from that assigned by the International Bureau of the World Intellectual Property Organization in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Therefore, although the services may be classified in several international classes, any modification to this wording must identify services in International Class 35 only, the class specified in the application for these services. *See* TMEP §1904.02(c), (c)(ii).

Additionally, applicant is advised to delete or modify the duplicate entries in the identification of services in International Class 35 for "publication of advertising texts" and International Class 36 for "rental and lease of real estate". *See generally* TMEP §§1402.01, 1402.01(a). If applicant does not respond to this issue, be advised that the USPTO will remove duplicate entries from the identification prior to registration.

If modifying one of the duplicate entries, applicant may amend it to clarify or limit the goods and/or services, but not to broaden or expand the services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Also, generally, any deleted goods and/or services may not later be reinserted. TMEP §1402.07(e).

In Class 41, the identification for educational services is indefinite because it does not indicate the type of educational service provided. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. For example, applicant could be providing seminars on a particular topic, analyzing educational test scores and data for others, or providing educational testing.

Applicant must specify the nature of the educational service being provided. If applicant is providing classes or similar group learning activities, the identification must specify (1) the form of the activity (e.g., classes, seminars, workshops) and (2) the subject matter or field (e.g., retirement benefits, nutrition, business management).

Also in Class 41, the identification of services contains parentheses. Generally, applicants should *not* use parentheses and brackets in identifications in their applications so as to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate services that have been deleted from registrations or in an affidavit of incontestability to indicate services not claimed. *See* TMEP §1402.12. The only exception is that parenthetical information is permitted in identifications in an application if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., "fried tofu pieces (abura-age)." *Id.*

Therefore, applicant must remove the parentheses from the identification and incorporate any parenthetical information into the description of the services.

All unacceptable wording is discussed, by class, below. **Bolded** wording indicates suggested additions to clarify indefinite/overbroad wording. ***Bolded italicized*** wording indicates fill-in-the blank elements with suggestions. **Bolded strikethrough (example)** indicates suggested deletions. **Bolded** wording within brackets indicates explanatory notes not to be reproduced in applicant's amended identification.

Applicant may adopt the following identification of services, if accurate:

Class 35: ***{confirm Class 35 nature of consulting, e.g., Business}*** consulting services in the field of management, organization and conduct of financial business; business management services in the field of procurement in trade; personnel management services; public relations agency services; **branding services, namely, brand creation in the nature of {clarify Class 35 nature of services, e.g., brand development}** and brand management for goods, services, businesses; import-export agency services; marketing services; advertising agency services; radio and television advertising; billboard advertising; mailing advertising **in the nature of direct mail advertising services**; press advertising; rental of advertising time on radio and television; advertising services in the field of promotion of goods and services; sales promotion for third parties; rental of advertising space; commercial information agencies; retail ~~sale store~~ services of **a wide variety of consumer goods of others featured** in the media; cost analyses; market analysis; auditing of

accounts; marketing research; market research; public opinion polling; economic forecasting; reproduction of documents **in the nature of photocopying services**; distribution of advertising materials; collection, systematization and compilation of data stored in computerized databases; updating and maintenance of data in computer databases; publication of advertising texts; *{confirm Class 35 nature of services, e.g., advertising}* copywriting; dissemination of advertisements; writing of advertising texts **in the nature of** *{further specify Class 35 nature of services, e.g., advertising copywriting}*; updating of advertising materials; publication of sponsored *{further specify Class 35 nature of texts, e.g., publicity}* texts; demonstration of goods; presentation of services **in the nature of** *{further specify nature of services, e.g., sales demonstration}*; advertising via computer networks; ~~publication of advertising texts~~; [NOTE: delete or modify duplicate entry of “publication of advertising texts”] organization of fairs and exhibitions for commercial and advertising purposes; distribution of advertising samples; arranging **in the nature of** *{clarify nature of “arranging”, e.g., mediation}* and concluding commercial transactions for others; commercial consulting; preparation of advertising campaigns; promotion of goods **of others**; administration of customer loyalty programs **which provides** *{specify methods or incentives, e.g., free or discount automobile parts if customers maintain their vehicles at an automobile dealership, cash and other rebates for credit card use}*; creation of advertising materials supporting sales at retail outlets; distribution of advertising material at retail outlets; product display services, **namely,** *{specify particular display services, e.g., window display arrangement services, business merchandising display services}*; rental of advertising time on communication media; staff recruitment **in the nature of** *{further specify nature of services, e.g., personnel recruitment}*; job placement; psychometric testing for the selection of personnel; employment hiring services; production of **advertising matter and commercials, namely,** video commercials, ~~production of~~ advertising radio shows and musical pieces, **all for advertising purposes**; distribution of **goods advertising materials, namely,** *{specify nature of “goods” to identify advertising materials distributed under Class 35 classification, e.g., printed material, samples}* for advertising purposes; consultancy relating to tax preparation and tax filing services; accounting and bookkeeping services; preparing business reports; maintenance of financial records **in the nature of** *{further specify nature of services, e.g., financial records management}*

Class 36: Agency services in financial and insurance matters, **namely,** *{further specify nature of services, e.g., insurance agency services, debt collection agency services, transfer agency services rendered to issuers of investment securities}*; consulting services in financial and insurance matters; **funds** investment services from equity and third party funds; rental and lease of real estate; administration **in the nature of** *{clarify meaning of “administration” in Class 36, e.g., real estate trustee services, arranging of leases for real estate}* and management of real estate; arranging of leases and rental agreements for real estate; real estate valuation; rental of office space; financial services, **namely,** *{specify particular financial services, e.g., financial consulting, financial analysis, financial planning}*; conducting of financial transactions **in the nature of** *{further specify nature of services, e.g., clearing*

and reconciling financial transactions via a global computer network, providing secure commercial transactions}; financial consulting; securities brokerage; securities brokerage via the Internet; *{confirm Class 36 nature of services, e.g., financial}* consulting services relating to the provision of investment, consumer and mortgage loans, leasing services, installment plan sales; financial transactions relating to investment, consumer and mortgage loans **in the nature of** *{further specify nature of services, e.g., clearing and reconciling financial transactions via a global computer network, assisting others with the completion of financial transactions for stocks, bonds, securities and equities}*; financial management of finances; management of real estate; processing of cash transactions; agency in investment, consumer and mortgage financial transactions, **namely,** *{further specify nature of services, e.g., debt collection agency services, transfer agency services rendered to issuers of investment securities}*; insurance *{further specify nature of services, e.g., agency, brokerage, carrier}* services; financial analysis; preparation of financial reports by experts **for others** for financial purposes; financial information; preparation of financial and valuations reports by experts **for others** for tax purposes; **financial** custodian services, **namely,** *{further specify nature of services, e.g., maintaining possession of financial assets for others for financial management purposes}*; preparation of financial reports **for financial purposes in the nature of** *{specify Class 36 services, e.g., credit reporting services}*; preparation of financial reports in matters of financial liabilities of individuals and businesses towards banks and financial institutions; capital investments; deposits of valuables **in the nature of** *{further specify nature of services, e.g., safe deposit box services}*; banking services relating to savings deposits and fixed time deposits; stockbroking; stock market agency services, **namely,** *{further specify nature of services, e.g., providing stock market information, quotation of stock market prices, stock broking services}*; financial agencies, **namely,** *{further specify nature of services, e.g., debt collection agency services, transfer agency services rendered to issuers of investment securities}*; debt recovery agencies; real estate brokerage and rental services; real estate investment services from equity and third party funds; acquisition of funds; ~~rental and lease of real estate~~; [NOTE: delete duplicate entry] acquisition of real estate from the secondary and primary markets; acquisition of real estate from the secondary and primary markets via the internet; real estate agency services relating to the purchase and sale of real estate and land; currency exchange services; brokerage of securities and currencies **in the nature of** *{further specify nature of “brokerage of currencies”, e.g., currency trading, currency exchange services}*; brokerage of securities and currencies **in the nature of** *{further specify nature of “brokerage of currencies”, e.g., currency trading, currency exchange services}* via the Internet; agency in financial transactions **in the nature of** *{further specify nature of services, e.g., clearing and reconciling financial transactions via a global computer network, assisting others with the completion of financial transactions for stocks, bonds, securities and equities}*; **financial investment services, namely,** issuing of tradable securities [NOTE: amended to confirm Class 36 nature of services]; issuing of tokens of value featuring electronic payment units, monetary units, electronic money; cryptocurrency trading services; financial transactions on foreign exchange and commodity markets,

namely, *{further specify nature of services, e.g., trading of overseas market securities futures, commodity trading for others}*; financial transactions on cryptocurrency markets, namely, *{further specify nature of services, e.g., cryptocurrency trading services, cryptocurrency exchange services}*; charitable fundraising; charitable services, namely, fundraising; investing funds for charitable purposes; collection of monetary donations for charitable purposes; fundraising for charitable purposes through entertainment events; **financial** valuation of commercial activities

Class 37: *{further specify nature of services, e.g., Building}* construction services; construction of multi-family and detached houses; construction of industrial facilities; construction of commercial and office facilities; *{further specify nature of services, e.g., building}* construction services in the field of technical infrastructure; building renovation; building maintenance; installation services in construction, namely, *{further specify what is being installed, e.g., installation of environmental containment systems, installation of masonry walls and structures, installation of doors and windows}*; *{further specify subject matter of information within Class 37, e.g., building construction}* information and construction supervision services; installation and repair of climate control equipment; installation and repair of electrical equipment; plastering, painting, sealing of buildings; securing buildings from moisture **in the nature of** *{further specify nature of services, e.g., sealing of buildings, installation of siding}*; asphaltting, paving of roads; installation and repair of anti-burglary equipment; general building contractor services; rental of construction equipment; installing and repair of lifts; repair or maintenance of sporting equipment and entertainment equipment; construction consulting services

Class 38: [NOTE: “telecommunication” specified in several places below to confirm nature of services and proper classification in Class 38] **Telecommunications services**, namely, transferring and disseminating information and data via computer terminals and the Internet; provision of access to electronic sites; provision of digital **telecommunication** access to TV programs and radio shows **provided via** *{specify telecom delivery method, e.g., the internet, a video-on-demand service}*; news agencies, namely, *{specify nature of services, e.g., the transmission of news items to news reporting organizations}*; press agencies, namely, *{specify nature of services, e.g., the transmission of news items to news reporting organizations}*; provision of access to virtual space for the purposes of discussion forum **in the nature of** *{further specify nature of services, e.g., providing on-line forums for transmission of messages among computer users}*; videoconferencing services; transmission of information **by** *{specify transmission method, e.g., electronic communications networks, digital networks, telematics codes}*; electronic *{specify activity provided, e.g., transmission of}* e-mail; *{further specify nature of service, e.g., broadcasting services}*, namely, transmission of advertising programmes and media advertising communications via digital communications networks; transmission of digital text and image information **in the nature of** *{further specify nature of services, e.g., text and picture wireless messaging services}*; transmission of database information via telecommunication networks;

provision of **telecommunication** access to information, film and image resources on the Internet; providing access to **electronic sites, namely**, on-line social network portals; internet access provider services featuring sharing and rental of Internet access to third parties; providing access to **electronic sites, namely**, on-line commercial platforms; providing access to **electronic sites, namely**, on-line financial platforms, including cryptocurrency trading platforms

Class 41: Education services, **namely**, *{specify type and/or subject matter of services, e.g., classes in the field of investing, workshops in the field of gardening}*; distance education, **namely**, *{specify type and/or subject matter of services, e.g., conducting distance learning instruction at the university level, providing online classes in the field of investing}*; foreign language teaching; organization of training **in the field of** *{specify field, e.g., investing, gardening, horseback riding}*; practical training **in the field of** *{specify field, e.g., investing, gardening, welding}*; **providing** information about education; professional development training; publication of texts and books; on-line publication of electronic books and periodicals; providing online electronic publications, not downloadable for on-line sharing **in the field of** *{specify field, e.g., investing, gardening}*; writing and publication of texts, other than publicity texts, **namely**, *{specify particular types of texts in Class 41, e.g., speeches for non-advertising purposes, articles for journals, other than for advertising or publicity, screenplays}*; organization and conducting of conferences, congresses, seminars, symposiums, meetings **for educational purposes in the field of** *{specify field, e.g., investing, real estate}*; entertainment services, **namely**, *{specify particular services, e.g., providing online nondownloadable videos in the field of investing, production and distribution of ongoing television programs in the field of investing}*; sports services, **namely**, *{specify particular services, e.g., conducting of sports competitions, providing information relating to sporting activities}*; production of professional artists' shows **in the nature of** *{further specify nature of services, e.g., art exhibitions}*; arranging of entertainment and occasional events, **namely**, *{specify types of events, e.g., social entertainment events, community sporting and cultural events}*; **entertainment services, namely**, arranging and conducting of team building events (~~entertainment~~) **in the nature of** *{specify type of events, e.g., social entertainment events, conducting guided outdoor expeditions for groups}*; organization of entertainment, occasional events **in the nature of** *{specify type of events, e.g., social entertainment events, community sporting and cultural events}*; organization of team building events (~~entertainment~~) **in the nature of** *{specify type of events, e.g., social entertainment events, conducting guided outdoor expeditions for groups}*; organization of leisure, entertainment and sports events, **namely**, *{specify type of events, e.g., social entertainment events, community sporting events, guided outdoor expeditions}*; organization of competitions of educational and entertainment nature, **namely**, *{specify particular types of competitions, e.g., sports competitions, culinary competitions, spelling competitions}*; information about entertainment events; organization of sports camps; organization of events in the field of entertainment, **namely**, *{specify types of events, e.g., social entertainment events, community sporting and cultural events}*; amusement parks; leasing of karaoke equipment; rental of sports and entertainment terrains, **namely**, *{specify*

particular “terrains”, e.g., swimming pools, sports grounds, outdoor theater arts facilities}; rental of movie and theater decorations **in the nature of** *{further specify nature of “decorations,” e.g., sets for the production of film and theatrical productions}*; arranging and organization of award ceremonies, **namely, providing recognition by way of awards** for achievements in the field of finance and real estate; organization of popular scientific conferences

Class 42: Creation and maintenance of websites for third parties; providing Internet search engines; computer programming; software design; design of computer systems for education and finance; maintenance, rental, consulting in the field of computer software; conversion of data or documents into electronic form, **namely, from physical to electronic media** [NOTE: amended to clarify nature of services]; updating, development, consulting, maintenance, design, rental of computer software; rental of web servers; computer system analysis; rental of web servers and co-location servers for containerized data centers of others; administration of network websites, Internet portals devoted to education and finance **for others**; installation of computer software; updating of computer software; ~~creation—of~~ *{clarify nature of “creation,” e.g., providing online nondownloadable software for generating}* cryptocurrency cryptographic keys for authorization of financial transactions; creation of software for support of financial transactions; *{specify type of building, e.g., residential, factory, commercial}* building design services; technical infrastructure design services **in the nature of** *{further clarify nature of services, e.g., computer system design}*; design of interior decoration; research, opinions **in the nature of evaluations**, expert reports and technical analyses **in the field of building** construction; land surveying; geological research, expert reports and measurements; construction inventory measurements **in the nature of measurement evaluations in the field of building construction materials**; consulting services in the field of environmental protection; technical design related to environmental protection; urban planning

Class 45: Legal services; provision of expert legal opinions; legal research; legal services provided by qualified lawyers in order to meet the needs of individuals; legal services provided by qualified lawyers in the field of ensuring security and protection of individuals and property; copyright management; intellectual property **rights** licensing; personal legal affairs consultancy

See TMEP §1402.01.

Applicant may amend the identification to clarify or limit the services, but not to broaden or expand the services beyond those in the original application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted services may not later be reinserted. See TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). See TMEP §1402.04.

Entity

The application does not indicate applicant's legal entity type and citizenship, or state or country of organization or incorporation. Accordingly, applicant must specify its legal entity type and its national citizenship or the U.S. state or foreign country of organization or incorporation. See 37 C.F.R. §§2.32(a)(3)(i)-(v), 2.61(b); TMEP §§803.03, 803.04. Acceptable legal entity types include an individual, a partnership, a corporation, a joint venture, or the foreign equivalent. See TMEP §§803.03 *et seq.*

If applicant's legal entity type is an individual, applicant must so specify and provide his or her national citizenship. See 37 C.F.R. §2.32(a)(3)(i); TMEP §803.03(a).

If applicant is a corporation, association, partnership, joint venture, or the foreign equivalent, applicant must so specify and provide the U.S. state or foreign country under whose laws applicant is organized or incorporated. 37 C.F.R. §2.32(a)(3)(ii); TMEP §803.04. For a U.S. partnership or joint venture, applicant must also list the names, legal entity types and national citizenship or the U.S. state or foreign country of organization or incorporation of all the general partners or joint venturers. 37 C.F.R. §2.32(a)(iii)-(iv); TMEP §803.03(b)-(c). For an association, applicant must also specify whether the association is incorporated or unincorporated. TMEP §803.03(c).

Email address required. Applicant must provide applicant's email address, which is a requirement for a complete application. See 37 C.F.R. §2.32(a)(2); [Mandatory Electronic Filing & Specimen Requirements](#), Examination Guide 1-20, at III.A. (Rev. Feb. 2020). Applicant's email address cannot be identical to the listed primary correspondence email address of any attorney retained to represent applicant in this application. See Examination Guide 1-20, at III.A.

Applicant must be represented by a U.S.-licensed attorney to respond to or appeal the provisional refusal. An applicant whose domicile is located outside of the United States or its territories is foreign-domiciled and must be represented by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §§2.11(a), 11.14; Requirement of U.S.-Licensed Attorney for Foreign-Domiciled Trademark Applicants & Registrants, Examination Guide 4-19, at I.A. (Rev. Sept. 2019). An individual applicant's domicile is the place a person resides and intends to be the person's principal home. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. A juristic entity's domicile is the principal place of business; i.e., headquarters, where a juristic entity applicant's senior executives or officers ordinarily direct and control the entity's activities. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. Because applicant is foreign-domiciled, applicant must appoint such a U.S.-licensed attorney qualified to practice under 37 C.F.R. §11.14 as its representative before the application may proceed to registration. 37 C.F.R. §2.11(a). See Hiring a U.S.-licensed trademark attorney at <https://www.uspto.gov/trademarks-getting-started/why-hire-private-trademark-attorney> for more information.

Only a U.S.-licensed attorney can take action on an application on behalf of a foreign-domiciled applicant. 37 C.F.R. §2.11(a). Accordingly, the USPTO will not communicate further with applicant

about the application beyond this Office action or permit applicant to make future submissions in this application. And applicant is not authorized to make amendments to the application.

To appoint or designate a U.S.-licensed attorney. To appoint an attorney, applicant should submit a completed Trademark Electronic Application System (TEAS) Change Address or Representation form at <https://teas.uspto.gov/wna/ccr/car>. The newly-appointed attorney must submit a TEAS Response to Examining Attorney Office Action form at <https://teas.uspto.gov/office/roa/> indicating that an appointment of attorney has been made and address all other refusals or requirements in this action, if any. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. See 37 C.F.R. §2.17(b)(1)(ii).

How to respond. [Click to file a response to this nonfinal Office action.](#)

/April Rademacher/
April Rademacher
Trademark Examining Attorney
Law Office 108
(571) 270-3353
april.rademacher@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

Print: Tue Aug 17 2021

87484289

(4) STANDARD CHARACTER MARK

KREA KEEP CREATING

Mark Punctuated

KREA KEEP CREATING

Translation

Goods/Services

- IC 035. US 100 101 102.G & S: Brand concept and brand development services for corporate and individual clients. FIRST USE: 20160901. FIRST USE IN COMMERCE: 20160901
- IC 042. US 100 101.G & S: Architectural design; Graphic design; Web site design. FIRST USE: 20160901. FIRST USE IN COMMERCE: 20160901

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

87484289

Filing Date

20170612

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20171024

Registration Number

5375041

Date Registered

20180109

Owner

(REGISTRANT) REGIUS GROUP INTERNATIONAL INC CORPORATION PANAMA Calle 50, Torre Global, Piso 18, #1812 Panama City PANAMA 0831-0184

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record
Eric P. Gros-Dubois

Print: Tue Aug 17 2021

87484269

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM



Mark Punctuated

KREA KEEP CREATING

Translation

Goods/Services

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Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Design Code

Serial Number

87484269

Filing Date

20170612

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20171121

Registration Number

5394876

Date Registered

20180206

Owner

(REGISTRANT) REGIUS GROUP INTERNATIONAL INC CORPORATION PANAMA Calle 50, Torre Global, Piso 18 #1812 Panama City PANAMA 0831-0184

Priority Date

Disclaimer Statement

Description of Mark

Color is not claimed as a feature of the mark. The mark consists of the stylized wording "**KREA** KEEP CREATING".

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record
Eric P. Gros-Dubois