

**To:** Petutschnig, Dietmar([dietmar@panamaposse.com](mailto:dietmar@panamaposse.com))  
**Subject:** U.S. Trademark Application Serial No. 97118887 - PANAMA POSSE  
**Sent:** August 24, 2022 07:27:57 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[Panama](#)

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

**U.S. Application Serial No.** 97118887

**Mark:** PANAMA POSSE

**Correspondence Address:**

PETUTSCHNIG, DIETMAR  
9811 W CHARELSTON BLVD, 2262  
LAS VEGAS NV 89117 UNITED STATES

**Applicant:** Petutschnig, Dietmar

**Reference/Docket No.** N/A

**Correspondence Email Address:** [dietmar@panamaposse.com](mailto:dietmar@panamaposse.com)

**NONFINAL OFFICE ACTION**

**The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be [abandoned](#).** Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date:** August 24, 2022

The referenced application has been reviewed by the assigned trademark examining attorney.

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Applicant must respond timely and completely to the issue(s) below to enable further prosecution of the application. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

#### Identification of services

The **bolded** portion(s) of the identification of services is unacceptable and must be clarified because it either lacks sufficient specificity and/or is too broad and/or is mis-classified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Generally, applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.* Some suggestions are embedded in the identification and are in *italics*.

Applicant may adopt any or all of the suggestions so long as they are accurate. If applicant does not adopt a suggestion, then applicant must amend the identification so that it is as specific as the suggestions or the language found in the U.S. Acceptable Identification of Goods and Services Manual.

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.

The current identification of services is:

International Class 041: Organizing sporting events, namely, **boat, yacht, vessel rallies**

The bolded wording is not acceptable because it is not clear whether the rallies are for competition purposes or travel purposes. The events would be classified in accordance with their nature and purpose. The specimens of record as well as applicant's webpages seem to indicate that applicant organizes group travel events which involves the crossing of the Panama Canal. As such, the purpose is for travel and not for competition. Accordingly, applicant may adopt the following, if accurate: organizing boat, yacht and water vessel rallies for the purpose of sailing and travel through the Panama Canal in **Class 39**. If there are competition components to this event, the following may be adopted, organizing sporting events in the nature of boat, yacht and water vessel rallies for competition purposes featuring the crossing of the Panama Canal in **Class 41**.

Applicant's services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

#### Multiple class application requirements

The application references services based on use in commerce in more than one international class;

therefore, applicant must satisfy all the requirements below for each international class:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in more classes than those for which fees have been paid. Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.
- (3) **Submit verified dates of first use of the mark** anywhere and in commerce **for each international class**. [See more information about verified dates of use.](#)
- (4) **Submit a specimen for each international class**. The current specimen is acceptable for class(es) 39; and applicant needs a specimen for any additional class(es). [See more information about specimens.](#)

#### **Examples of specimens.**

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

- (5) **Submit a verified statement** that **“The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.”** [See more information about verification.](#)

*See* 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

#### Disclaimer

Applicant must disclaim the wording “PANAMA” because it is primarily geographically descriptive of the origin of applicant's goods and/or services. *See* 15 U.S.C. §1052(e)(2); *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 959, 3 USPQ2d 1450, 1451-52 (Fed. Cir. 1987); TMEP §§1210.01(a), 1210.06(a), 1213.03(a).

The attached evidence from the gazetteer shows that PANAMA is a generally known geographic place or location. *See* TMEP §§1210.02 *et seq.* The specimens show that applicant's services include the crossing of the canal in this country. *See* TMEP §1210.03. Because the goods and/or services feature this place or location, a public association of the goods and/or services with the place is

presumed. See *In re Hollywood Lawyers Online*, 110 USPQ2d 1852, 1858 (TTAB 2014) (citing *In re Spirits of New Merced, LLC*, 85 USPQ2d 1614, 1621 (TTAB 2007)); TMEP §§1210.02(a) 1210.04.

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use “PANAMA” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

### Response guidelines

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. See 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(a)(1), (b)(1).

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

/K. Margaret Le/  
K. Margaret Le  
(571) 272-9456  
margaret.le@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.

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Panama

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Panama

TYPE OF PLACE	country, republic
LOCATION	Panama
POPULATION	3,242,173

**Panama**, Spanish *Panamá*, republic (≈ 29,760 sq mi/77,081 sq km; 2004 estimated population 3,000,463; 2007 estimated population 3,242,173), occupying the **Isthmus of Panama**, which connects **Central** and **South America**; • **Panamá**, also the largest city.

Geography

To the W and E of Panama respectively are **Costa Rica** and **Colombia**; the **Panama Canal Area** bisects the country. **Colón**, a major port, is the second-largest city, and **David** is the third-largest city. In the W are rugged mountains (Volcán **Barú** is 11,401 ft/3,475 m high) of volcanic origin, which yield in the middle of the country to low hills; a low mountain range lies in the E. Lowlands line both the **Caribbean** and **Pacific** coasts and there are numerous offshore islands. The climate is generally tropical with abundant rainfall.

Population

More than half the population is urban, and many of the urban workers are employed in the Panama Canal Area. The population is of extremely diverse descent, as the building of the Panama Canal brought large numbers of workers from all over the world. Spanish is the official language, and the population is almost entirely Roman Catholic. There are two universities in the country.

Economy

Panama still possesses substantial forest reserves, although the agricultural demands of rapid population growth have resulted in significant and accelerating deforestation. There are valuable but unexploited copper and manganese deposits, also some mercury and magnesium. Only about one-quarter of the land is used for agriculture. On the upland savannas cattle are grazed and subsistence crops (notably rice), sugarcane, cocoa, and coffee are grown. Bananas are grown on the Pacific coast. The country has various light industries. The **Colón Free Zone**, established 1953, has become a center for foreign investment in manufacturing. Bananas are the leading export, followed by shrimp and fish products, sugar, and coffee; consumer goods, raw materials, and foodstuffs are imported. Much of the trade is with the U.S. Unemployment and underdevelopment have been chronic problems in Panama. In recent years the country has become a nexus for the shipment of illegal drugs from Colombia to the U.S., as well as a center for drug-related financial transactions.

History: to 1821

Panama was densely inhabited by different indigenous peoples before the arrival of the Spanish. The first European to sail within sight of Panama was the Spaniard Rodrigo de Bastidas in 1501, and Columbus dropped anchor off the present-day *Panabito* in 1502. Vasco Núñez de Balboa established (1510) the first successful colony. In 1519 Balboa made his momentous voyage across the isthmus to the Pacific, thus highlighting the dominant factor in the nation's history—the short distance from sea to sea. Under the governorship of Pedro Arias de Ávila, Panama City was founded in 1519. Panama was subordinated to the viceroyalty of *Peru* and remained in this status until 1717, when it was transferred to *New Granada*. Attempts at Scottish settlement in the Darien Scheme of the seventeenth century failed. With the decline of the Spanish Empire, Panama lost much of its importance in the carrying trade.

**History: 1821 to 1940**

It became a part of independent Gran Colombia in 1821 and was a province of Colombia after 1830. Its significance as a crossroad increased again when U.S. settlers bound for Oregon and the goldfields of California passed through Panama. W. H. Aspinall built (1848–1855) the Panama Railroad, and the question of a canal across the isthmus became paramount. The project ultimately led to a revolution against Colombian sovereignty and the establishment of Panama as a separate republic (see *Panama Canal*). The new state, proclaimed in November 1903, was under the aegis of the U.S., and the canal and American interests in it became the determinants of Panama's history. The Hay–Bunau–Varilla Treaty with the U.S. established the Canal Zone, controlled by the U.S., and authorized U.S. intervention in Panamanian affairs if necessary to protect the zone. The internal politics of the republic have been stormy, with frequent changes of administration. U.S. forces were landed in 1908, 1912, and 1918.

**History: 1940 to 1974**

A controversial figure in Panamanian politics has been Arnulfo Arias. Elected president in 1940, he was ousted a year later for being pro-Fascist. He seized power in 1949 but was overthrown in 1951. José Antonio Remón, elected in 1952, was assassinated in 1955; Ernesto de la Guardia, Jr., inaugurated the following year, survived disturbances in 1958 and 1959. In the meantime, a new canal treaty was concluded in 1955 as political unrest developed in Panama over the Canal Zone issue. In 1958 and again in 1960 further steps were taken to assuage Panamanian discontent by establishing uniform wages and employment opportunities in the Canal Zone and by reaffirming Panama's titular sovereignty over the zone. Despite some difficulties new treaties were negotiated in 1967 between the U.S. and Panama, providing for Panamanian sovereignty over the Canal Zone, joint operation of the canal, and possible construction of a new, sea-level canal, but Panama refused to ratify them (1970).

**History: 1974 to 1990**

In early 1974 Panama and the U.S. agreed in principle to the eventual end of U.S. jurisdiction over the canal and the Canal Zone. Arias was again elected president in October 1968, but was deposed eleven days later in a military coup. General Omar Torrijos Herrera emerged as the dominant figure shortly thereafter. Torrijos conducted enormous public works projects that gained him considerable popularity while plunging the country into debt. In 1977, he concluded a treaty with the U.S. that provided for a gradual transfer of jurisdiction over the canal to Panama; complete Panamanian control was completed in 2000. A second treaty guaranteed the permanent neutrality of the canal. After Torrijos's death in a plane crash in 1981, Colonel Manuel Antonio Noriega Moreno slowly gained power, and in 1983 took complete control of the national guard and of the country. Throughout the 1980s Noriega manipulated elections, ruling Panama through puppet presidents. The U.S. imposed strict sanctions that severely damaged Panama's economy and resulted in large protests against Noriega. On December 15, 1989, the Panamanian legislature declared Noriega president and declared the U.S. and Panama to be in a state of war. The same day a U.S. marine was killed by Panamanian soldiers. On December 20, the U.S. responded with "Operation Just Cause," attacking the capital with a combined military force of over 25,000 soldiers.

**History: 1990 to Present**



Noriega surrendered on January 3, 1990 and was taken to the U.S., where he was later tried and convicted on charges of drug trafficking. Guillermo Endara, elected to the presidency in 1989 but prevented by Noriega from taking office, was sworn into office during the invasion. The invasion resulted in considerable loss of life as well as significant damage to Panamá. In 1994 Ernesto Pérez Balladares won the presidency, and the constitution was amended to abolish the military. Mireya Moscoso Rodríguez, the widow of a former president, was elected president in 1999. On December 31, 1999, the entire Canal Zone was turned over to Panama. In 2004 Martín Torrijos, the son of General Torrijos, was elected president, vowing to fight corruption and to investigate alleged human rights violations that took place under his father's government.

#### Government

Panama is governed under the constitution of 1972 as amended. Executive power is held by the president, who is both head of state and head of government and is popularly elected for a five-year term. The unicameral National Assembly has seventy-eight members who are also elected for five years. The current head of state and government is President Martín Torrijos Espino (since September 2004). Administratively the country is divided into nine provinces, plus an autonomous territory for indigenous people.

#### Citations

##### MLA

"Panama." *Columbia Gazetteer of the World Online*. 2022. Columbia University Press. 24 Aug. 2022. <<http://www.columbiagazetteer.org/main/ViewPlace/106174>>

##### Chicago Manual of Style

*Columbia Gazetteer of the World Online*, s.v. "Panama," <http://www.columbiagazetteer.org/main/ViewPlace/106174> (accessed August 24, 2022).

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## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 24, 2022 for  
**U.S. Trademark Application Serial No. 97118887**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.