

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/195384

APPLICANT: Romo Hermanas, S.A. De C.V.



CORRESPONDENT ADDRESS:

Lawrence E. Abelman
ABELMAN FRAYNES SCWAB
150 E 42ND ST FL 26
NEW YORK NY 10017-5621

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MAILED 12/22/04

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: GOTLAND VODKA

CORRESPONDENT'S REFERENCE/DOCKET NO: 868591

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 78/195384

Applicant is requesting reconsideration of a final refusal dated May 11, 2004.

Drawing

The current color drawing of the mark is accepted along with the description of the mark and the description of the color in the mark.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action regarding the disclaimer requirement and color claim as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

The applicant is refusing to add GOTLAND to the required disclaimer. The applicant contends that consumers will not recognize GOTLAND as the name of a geographic location and that the "scant evidence" submitted by the examiner proves that the area of Gotland is not well known in the United States. The examining attorney provides additional websites that show Gotland is a popular tourist and cultural locale. This evidence shows that Gotland is not remote or obscure and that consumers would recognize Gotland as a geographic area. Some of the attachments include web articles that state:

- Gotland has a large summer tourist season,
- it is a popular spot for tourists,
- that over 100,000 tourists visit every year,

- in 2002, Gotland ferries set a new record for travelers to Gotland,
- Gotland is the in the top two tourist destinations of Sweden (the other being Stockholm – this information was gathered from the U.S. Department of State),
- popular travel books Frommers and Fodor's refer to Gotland as a tourist destination.

Based on the attached evidence, it is clear that Gotland is a popular tourist destination in Sweden. Consumers are likely to recognize Gotland as a geographical location. The Trademark Trial and Appeal board has considered the admissibility of Internet evidence and held it to be admissible. *Raccioppi v. Apogee Inc.*, 47 USPQ2d 1368 (TTAB 1998).

The disclaimer requirement is continued.

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use GOTLAND VODKA and FROM SWEDEN, IMPORTED and the representation of a bottle apart from the mark as shown.

Color Claim Still Not Acceptable

The color description is acceptable. The requirement for an accurate color claim is continued. The applicant has only claimed the colors blue, white and yellow as features of the mark. The applicant must add the color gold to the colors claimed. 37 C.F.R. §2.52(b)(1). The drawing and the color claim and color description must all agree. Applicant may not submit a substitute drawing showing the mark in the colors specified in the color claim because this would constitute a material alteration of the mark. 37 C.F.R. §2.72; TMEP §807.14(a).

In the present case, the drawing shows the mark in the color(s) blue, white, yellow and gold, however the color claim specifies blue, white and yellow.

The following color claim is suggested: **The colors blue, white, yellow and gold are claimed as a feature of the mark.**

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c).

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/Amy E. Hella/
Trademark Examining Attorney
Law Office 110
U.S. Patent & Trademark Office
571-272-9171

http://64.233.161.104/search?q=cache:WlIKwdsBqQYJ:www.eurisles.org/Textes/Strategy/NonPub/2/NoteVO_GOT_Pointe520touristique_EN.htm+gotland+tourists&hl=en 12/22/2004 08:05:38 AM

This is Google's cache of http://www.eurisles.org/Textes/Strategy/NonPub/2/NoteVO_GOT_Pointe520touristique_EN.htm as retrieved on Dec 11, 2004 20:12:35 GMT

Google's cache is the snapshot that we took of the page as we crawled the web.

The page may have changed since that time. Click here for the [current page](#) without highlighting.

This cached page may reference images which are no longer available. Click here for the [cached text](#) only.

To link to or bookmark this page, use the following url: http://www.google.com/search?q=cache:WlIKwdsBqQYJ:www.eurisles.org/Textes/Strategy/NonPub/2/NoteVO_GOT_Pointe520touristique_EN.htm+gotland+tourists&hl=en

Google is not affiliated with the authors of this page nor responsible for its content.

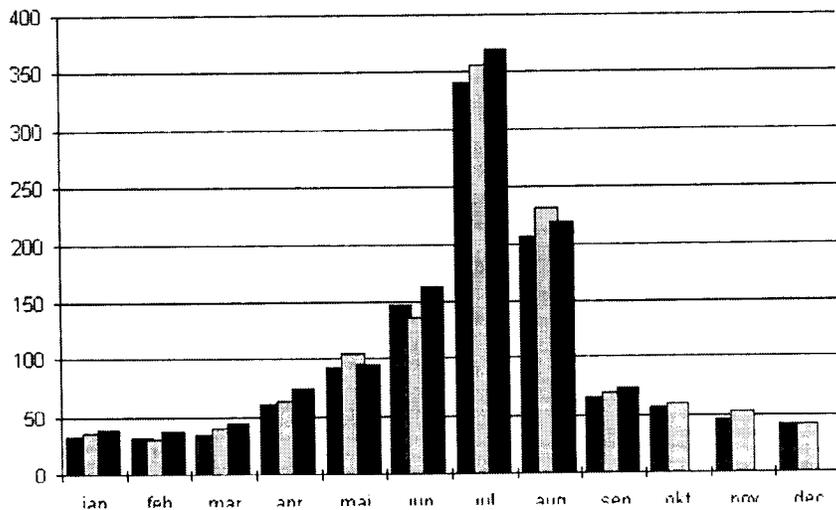
These search terms have been highlighted: **gotland tourists**

EFFECTS OF LIMITED PEAK TOURIST SEASON IN GOTLAND

The tourist season of **Gotland** is heavily concentrated to the months of July and August, and to some extent also June and May. The outlook of Visby changes completely in mid-August when streets in Sunday crowded with **tourists** suddenly on Monday become more or less empty. Schools start (in **Gotland** as in Sweden generally) and restaurants and tourist shops etc close down – too early it seems. Late August and early September could often be seen as the best holiday period here with nice temperatures in the air as well as in the sea. Changing this pattern – less **tourists** in peak weeks and more **tourists** at other times of the year – seem so hard to achieve, although much could be gained thereby. This gain includes reducing the negative effects of heavy concentration of visitors to the island. These effects can be summarised as follows:

Passengers **Gotland** (thousand) by ferry monthly

(figures up to sept 2000)



jan feb mar apr maj jun jul aug sep okt nov dec

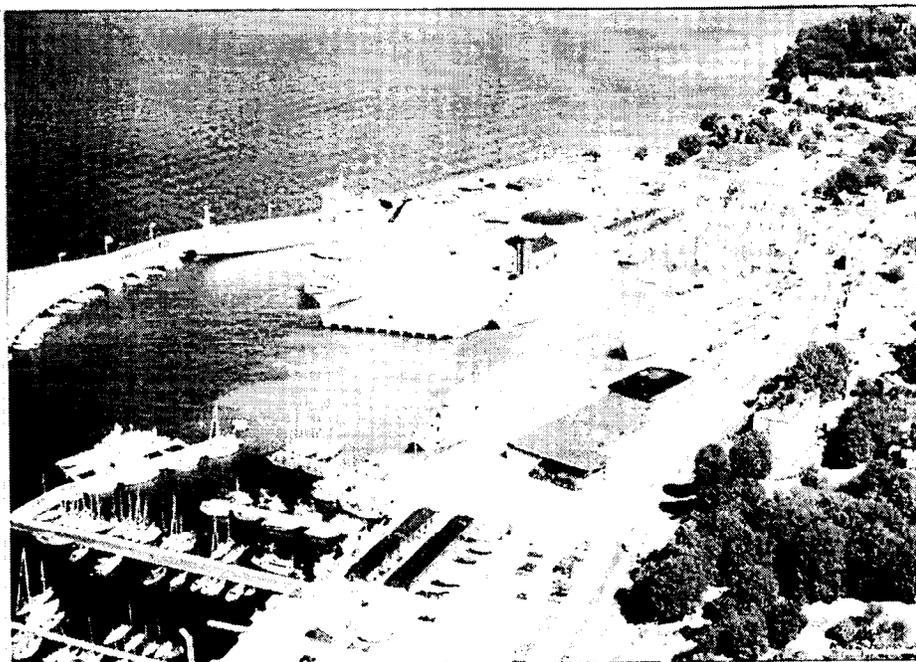
■ 1998 □ 1999 ■ 2000

A major part of the **tourists** visit, above all, Visby and they are dominating the streets of the town in July particularly. An extensive service supply is built up for them: hotels, restaurants, pubs and discotheques. A lot of disturbances affect the residents – noise, traffic congestion, crowded streets, shops and restaurants. Nightlife of Visby is late, loud and “liqueury”. Also, price levels generally go up.

- Summer period means a heavy burden on public services: medical care, street-cleaning, waste and water systems, police force etc. at a time when also people employed here want to have vacation. E.g. if at all possible to get adequate number of police personnel in July – taking into account considerable increase of crime and traffic – it takes extra costs for recruiting personnel from other places and a lot of overtime work.
- Public transport, above all the ferries to mainland, are crowded in July and it is often very hard to get a ticket for your departure desired, at least if you do not book weeks or even months ahead. Also prices, since many years, are considerably higher on the ferries summer-time. Residents of **Gotland** normally the year round pay half the price of that of a person coming from the mainland – which is very good – but during summer this still means a considerable increase of prices – following the price level raise in summer period.

Procedures with a certain number of reserved seats on the ferries for residents have been discussed for many years, but ‘til now without progress. The price issue, however, seem to be on the move. There are very recent words from the state agency, paying for ferry-company deficits (to a fixed level each year), that residents of **Gotland** should no longer have to pay higher ticket prices during summer season.

Picture of Visby Port (with my workplace in square brown building in near middle ...) that might serve to illustrate this text. The photographer should be compensated in that case.



This is Google's cache of <http://www.bingeby.com/> as retrieved on Dec 11, 2004 00:51:42 GMT.

Google's cache is the snapshot that we took of the page as we crawled the web.

The page may have changed since that time. Click here for the [current page](#) without highlighting.

This cached page may reference images which are no longer available. Click here for the [cached text](#) only.

To link to or bookmark this page, use the following url: <http://www.google.com/search?q=cache:XAFEDvPIKjIJ:www.bingeby.com/+gotland+tourists&hl=en>

Google is not affiliated with the authors of this page nor responsible for its content

These search terms have been highlighted **gotland tourists**



- A world heritage site -

Visby - arvet från medeltiden

Visby - the medieval town in Sweden



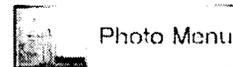
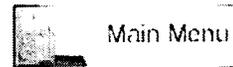
Visby in Sweden is chosen by UNESCO as a World Heritage Site. [The medieval town](#) in Sweden is a medieval event with thousands of participants. It's one of many great medieval history events in Europe.

Visby is a [picturesque city](#) with ruins, roses, cobbled streets, restaurants, a lot of pubs and markets, and the city wall itself. [Visby](#) is a former Hanseatic city in [Sweden](#). The Hansa ruled **Gotland** for hundreds of years during the Medieval Times, today it's a popular island for **tourists** in Europe.

Discover the beauty of this medieval city in Sweden, it can be your next tourist resort.

Hansastaden Visby och den festival som är under [medeltidsveckan](#). Du kan läsa om Valdemar Atterdag och segern över gutarna året 1361. Se staden "innanför murarna" och Visby [medeltid](#), samt miljöer från **Gotland** med sin prägel av medeltid. Visby utvaldes 1995 av UNESCO som världsarvsstad.

[Medeltidsveckan - ett rollbyte i nutid.](#)





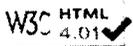
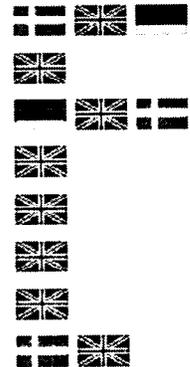
For a whole week in August thousands of people dress themselves in clothes as true to the period as possible, the year 1361. The old-looking town Visby with its old city wall makes the event even better. The photos will maybe inspire you.



Medieval Links

- [Medeltidsveckan](#) Official website about Medeltidsveckan.
- [Jaixa-Imaging.net](#) The Medieval Week in Sweden - photos.
- [The Medievalists](#) A German group with wild, energetic medieval music.
- [Medieval Europe](#) Medieval Europe: The 11th - 15th Centuries.
- [Earth's Ancient History](#) Earth's Ancient History. Maps of Europe, important years.
- [Historical related places of Europe](#) Photos from "historical related places of Europe".
- [Medeltidsveckan Gotland](#) Medeltidsveckan **Gotland** = history events for everyone.
- [Photos from Medeltidsveckan and Visby / Sweden](#) Photos from Medeltidsveckan and Visby / Sweden.

[Add to your favorites](#)



Tested with Opera 7, Netscape 7 and MSIE 6.0
© copyright 2002-2004 Goran N Andersson



<http://64.233.161.104/search?q=cache:pR0gcMFEXX4J:www.sverigeturism.se/smorgasbord/smorgasbord/provincial/gotland/food/+gotland+tourists&hl=en>
12/22/2004 08:08:59 AM

This is Google's cache of <http://www.sverigeturism.se/smorgasbord/smorgasbord/provincial/gotland/food/> as retrieved on Dec 11, 2004 01:54:27 GMT.

Google's cache is the snapshot that we took of the page as we crawled the web.

The page may have changed since that time. Click here for the [current page](#) without highlighting.

This cached page may reference images which are no longer available. Click here for the [cached text](#) only.

To link to or bookmark this page, use the following url: <http://www.google.com/search?q=cache:pR0gcMFEXX4J:www.sverigeturism.se/smorgasbord/smorgasbord/provincial/gotland/food/+gotland+tourists&hl=en>

<http://www.google.com/search?q=cache:pR0gcMFEXX4J:www.sverigeturism.se/smorgasbord/smorgasbord/provincial/gotland/food/+gotland+tourists&hl=en>

Google is not affiliated with the authors of this page nor responsible for its content.

These search terms have been highlighted: **gotland tourists**



→ provincial gotland



Photo: Copyright © Gotlands Turistforening

Accommodation and Restaurants in Gotland

Camping

There are several campingsites in **Gotland**. They are usually of high standard and many of them are offering other kinds of leisure activities such as miniature golf, rental bikes or even dancing.

Since **Gotland** is so popular, book ahead instead of hoping to find accommodation when you arrive. For more information please contact [Gotland's Tourist Information](#)

Castles and Manors

If you want to go on an exclusive weekend trip; a trip that require a minimum of preparations and gives a maximum of relaxation in return. All you need to contact **Discover Sweden Tours/Upptäck Sverige Resor** and tell us how many of you are, if you would like to play golf, experience something special or just enjoy each others company. We will take care of the organisation. At our disposal we have more than 30 selected country estates, hotels and castles, where you will find both peace and harmony. Special places that with their built in wealth of harmony have enriched the lives of their guests for decades

For information please contact: **Upptäck Sverige Resor**, Phone: +46(0)8 20 78 30, Fax +46(0)8 20 88 40, E-mail: info@upptacksverige.com, Homepage: www.upptacksverige.com (Swedish only for the moment)

Cottage rentals

More than 18.000 cottages are available for rent throughout Sweden. Weekly rates vary from SEK 300 and up to SEK 6 000 depending on location, size and standard. To find a cottage in **Gotland**, contact any of the rental companies listed on [this page](#). To view the terms of contract most commonly used in Sweden, [click here!](#)

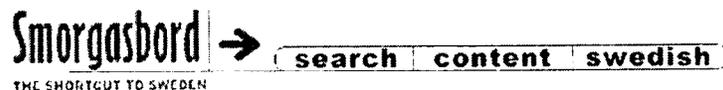
Hotels

Gotland has an excellent selection of hotels, cottages and youth hostels.

- [Hotels in Visby](#)

Restaurants

Gotland has a huge number of restaurants to choose from, thanks to the many **tourists** visiting the island. Visby is said to have the largest number of restaurants per capita in Sweden. **Gotland's** speciality, when it comes to restaurants, is medieval food. There are many other types of restuarants but the medieval food is what **Gotland** is most famous for



THE SHORTCUT TO SWEDEN

[Search](#) [Tourist information](#) [Nature, Recreation, Sport](#) [Culture](#) [Industry & Trade](#) [Society](#)

[Useful information](#) [Gazette](#) [Maps](#) [Contents](#) [About](#) [E-mail](#)

This is Google's cache of <http://galaxy.uci.agh.edu.pl/~aksamit/sail/gotland.html> as retrieved on Nov 16, 2004 12:55:45 GMT.

Google's cache is the snapshot that we took of the page as we crawled the web.

The page may have changed since that time. [Click here for the current page](#) without highlighting.

This cached page may reference images which are no longer available. [Click here for the cached text](#) only.

To link to or bookmark this page, use the following url: <http://www.google.com/search?q=cache:917hcU7iCWYJ:galaxy.uci.agh.edu.pl/~aksamit/sail/gotland.html+gotland+tourists&hl=en>

<http://www.google.com/search?q=cache:917hcU7iCWYJ:galaxy.uci.agh.edu.pl/~aksamit/sail/gotland.html+gotland+tourists&hl=en>

Google is not affiliated with the authors of this page nor responsible for its content.

These search terms have been highlighted: **gotland tourists**

Gotland

Gotland has an area of 3,140 square kilometers and a population of 57,000. Visby, the only town, has a little over 21,000 inhabitants. The main industry, apart from agriculture, trade and light industry, is tourism. Cruises alone bring approx. 100,000 **tourists** every summer. Visitors from all over the world come to our beautiful island. While life in the country is still as peaceful and quiet as it always was, Visby is seething with attractions and entertainment. There is everything here that the holidaymaker could wish for.

.....

.....

G.A.

This is Google's cache of http://hfs.hogia.fi/ferrysystems/document.aspx?docID=264 as retrieved on Dec 12, 2004 11:23:02 GMT. Google's cache is the snapshot that we took of the page as we crawled the web. The page may have changed since that time. Click here for the current page without highlighting This cached page may reference images which are no longer available. Click here for the cached text only To link to or bookmark this page, use the following url. http://www.google.com/search?q=cache:WgZwyoFTPqsJ:hfs.hogia.fi/ferrysystems/document.aspx?docID=264+gotland+tourists&hl=en

Google is not affiliated with the authors of this page nor responsible for its content.

These search terms have been highlighted. **gotland tourists**



Hogia Ferry Systems



- Home
- BOOKIT
- HTMS
- Services
- The Company
- News

BOOKIT eNews January 2003

The travel fair Matka2003

As one of the first happenings in travel trade every year, the Finnish travel fair was held in Helsinki 16th-19th January 2003. During the four days 72.000 visitors were offered travel related products from 1993 exhibitors from 57 countries.

The Finnish tourism organisation Travel Development Centre Ltd. (www.smak.fi) reported that the Finnish tourism operators receive in average 13% of the bookings via internet or by email. The eight BOOKIT users who where present at the fair have already successfully implemented web-booking and web payment functions on their web sites.

GPRS - low cost alternative for wireless booking and check-in?

For working places with no fixed infrastructure - such as temporary working places, stand-alone check-in and sales points and travelling sales personnel - GPRS has been suggested as a connection alternative. These connections have lately been offered at a low price by the competing telecom operators.

Briefly you can say that the GPRS technology uses free capacity on the GSM network. The connection speed of the communication can vary considerably depending on the load of the GSM network. Today GPRS is an alternative for wireless data communication, but among the telecom operators there is an uncertainty regarding the future and development of GPRS. Most operators are waiting for the 3G technology and are therefore careful with the development of current technology.

Hogia Ferry Systems follows closely the development and test the latest technology to find new ways of communication between client and BOOKIT.

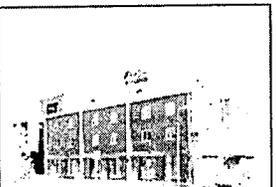
News

03 Dec 2004 BOOKIT eNews Dec 04 >>

02 Nov 2004 OVDS introduces online reservation for ferry passengers >>

24 June 2004 HTMS - for efficiency in terminals >>

17 May 2004 Fast ferry services introduce fast reservation system >>



Hogia Ferry Systems Ab
Helsingfors, Finland

ways of communication between client and BOOKIT.

New record for Destination Gotland

Destination **Gotland** announces that a new record of increase of travellers has been reached. 1 370 000 passengers travelled with the ferries of Destination **Gotland** during 2002. This is 6% more than the year before.

Some reasons to the increase are that Sweden in general has become more popular for **tourists**, the island of **Gotland** has become a popular destination in particular and the accessibility for the travellers has increased on the ferries and through booking by telephone and via Internet.

Hogia supplies Destination **Gotland** with the BOOKIT reservations system and the on-line internet booking functions and are glad to announce that new functionality with possibilities for travel package booking has been added to the website of Destination **Gotland**.

Comarit starts a new route with their new ferry

The Moroccan ferry company Comarit with ferry lines between Morocco and Spain announces that they have acquired the 1980 built ferry ms. Liberté from SNCM-Ferryterranée for a new route from Tangier in Morocco to Sète in France. The crossing will take 34 hours and the ferry can accommodate 1200 passengers and load 500 cars. Her new name will be ms. Biladi which means 'my country'.

Comarit uses BOOKIT for reservations and offer travel agents a BOOKIT web service for reservations and ticketing.

RG Line won the concession for the Umeå-Vasa route

The tendering process for the state supervised traffic between Swedish Umeå, and Finnish Vasa has been concluded. The current operator of the route, RG Line, will continue on the route with ms. Casino Express.

RG Line uses BOOKIT for reservations of passengers, vehicles and cargo as well as tourism products and travel packages, which can be booked on their website www.rgline.com. Hogia Ferry Systems is pleased to be the official supplier of reservations systems also to this government supervised route.

Hogia and Microsoft in close cooperation

Hogia and Microsoft Business Solution announce that they have signed a contract for developing application modules in close cooperation. The Microsoft business solution Axapta will contain functionality for salary administration from Hogia. The products will be sold by Microsoft Certified Business Solution Partners.

AAA

Dun & Bradstreet (www.dnb.com) has rated Hogia Ferry Systems Ab with the highest rating class, AAA, in their credit rating classification system. Only 4.85% of the Finnish companies have been awarded with the AAA-rating.

hfs@hogia.fi

Vallonvägen 1 B
FI-65610 KORSHOLM
VASA FINLAND
Phone: +358 6 3192800
Fax: +358 6 3192899
bookit@hogia.fi
bookit.hogia.fi

Fabriksgatan 13
SE-412 50 GOTHENBURG
SWEDEN
Phone: +46 31 7330820
Fax: +46 31 7330821
htms@hogia.fi
htms.hogia.fi

