

<p>This Opinion is Not a Precedent of the TTAB</p>

Mailed: November 24, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Allegis Group, Inc.

Serial No. 85802125

Sherry Flax of Saul Ewing LLP for Allegis Group, Inc.

Bridgett G. Smith, Trademark Examining Attorney, Law Office 115,
John Lincoski, Managing Attorney.

Before Wellington, Lykos, and Hightower
Administrative Trademark Judges.

Opinion by Wellington, Administrative Trademark Judge:

Allegis Group, Inc. ("Applicant") seeks registration on the Principal Register of
the mark RECRUITMENT PARTNERSHIP ORGANIZATION for:

Employment agency services, namely, filling the temporary and permanent staffing needs of businesses; Employment hiring, recruiting, placement, staffing and career networking services; Human capital management outsourcing services; Outsourcing in the field of temporary and permanent employment staffing; Outsourcing services (in International Class 35).¹

Applicant has disclaimed exclusive use of the term ORGANIZATION.

¹ Application Serial No. 85802125 was filed on December 13, 2012, based on a bona fide intent to use the mark in commerce under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(b).

The Trademark Examining Attorney issued a final refusal of registration under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the ground that applicant's proposed mark, when used in connection with the recited services, is merely descriptive thereof.

Applicant filed a request for reconsideration which was denied by the Examining Attorney. Applicant then appealed and briefs have been filed by Applicant and the Examining Attorney.

Based upon the record and the arguments made, we affirm the refusal.

Mere Descriptiveness

A mark is deemed to be merely descriptive of goods or services, within the meaning of Section 2(e)(1), if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. *In re Chamber of Commerce of the United States of America*, 675 F.3d 1297, 102 USPQ2d 1217 (Fed. Cir. 2012); *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828 (Fed. Cir. 2007); and *In re Abcor Development*, 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). A mark need not immediately convey an idea of each and every specific feature of the applicant's goods or services in order to be considered merely descriptive; rather, it is sufficient that the mark describes one significant attribute, function or property of the goods or services. *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); and *In re MBAssociates*, 180 USPQ 338 (TTAB 1973).

Whether a mark is merely descriptive is determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which it is being used on or in connection with the goods or services, and the possible significance that the mark would have to the average purchaser of the goods or services because of the manner of its use. *In re Bright-Crest, Ltd.*, 204 USPQ 591, 593 (TTAB 1979). “The question is not whether someone presented with only the mark could guess what the goods or services are. Rather, the question is whether someone who knows what the goods or services are will understand the mark to convey information about them.” *In re Tower Tech Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002).

Based on the record, we agree with the Examining Attorney that the applied-for mark comprises terms that are merely descriptive of the services described in the application and that the composite of these terms does not create an incongruous or non-descriptive meaning in relation to the services. *See, e.g., DuoProSS Meditech Corp. v. Inviro Medical Devices, Ltd.*, 695 F.3d 1247, 103 USPQ2d 1753 (Fed. Cir. 2012) (SNAP SIMPLY SAFER merely descriptive for medical devices); and *In re Oppedahl & Larson LLP*, 71 USPQ2d 1370, 1372 (Fed. Cir. 2004) (PATENTS.COM merely descriptive of computer software for managing a database of records that could include patents for tracking the status of the records by means of the Internet). More specifically, RECRUITMENT PARTNERSHIP ORGANIZATION merely informs consumers that Applicant is “an organization that works in partnership to provide recruitment services.” Brief at (unnumbered) p. 4.

In support of the refusal of registration, the Examining Attorney has made of record the following dictionary definitions of terms comprising the mark under consideration:

Recruitment: the act of getting recruits; enlisting people for the army (or for a job or a cause, etc.);²

Partnership: A relationship between individuals or groups that is characterized by mutual cooperation and responsibility, as for the achievement of a specified goal: *Neighborhood groups formed a partnership to fight crime.*³

Organization: A group of persons organized for a particular purpose; an association: *a benevolent organization.*⁴

The Examining Attorney has also submitted evidence demonstrating that the wording “Recruitment Partnership” (or variations of these two terms) is used to describe a relationship between two agencies or organizations to better assist finding employees. For example:

Legacy's recruitment partnerships

New Avenues for Youth

LegacyHealth's partnership with **New Avenues for Youth** began in 2010. Youth interested in a health care environment will have opportunities for mentoring support and paid internships.

Workforce Improvement with Immigrant Nurses (WIIN)

Since 2003, Legacy has been an enthusiastic partner in the **WIIN program**. Our partnership has opened the door to planning an on-site open house, participating in their business leadership events, including job fairs.

Project SEARCH

In 2007 Legacy made a commitment to support the employment of individuals with disabilities by being the first healthcare organization in Oregon to partner with **Project SEARCH**, a nationally recognized initiative for the employment, job retention and career advancement of people with cognitive disabilities. Since 2007, Legacy has hired four Project SEARCH referrals. To learn more about Project SEARCH at Legacy, please call 503-415-5403 or email projectsearch@lhs.org.

National Association of Hispanic Nurses (NAHN)

Our workforce represents the growing diversity of the communities we serve and our world. In support of this, Legacy Health has participated in the **NAHN national conference** for the last several years.

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² From www.thefreedictionary.com, attached to Office Action dated October 18, 2013. Definition taken from *The American Heritage Dictionary of the English Language* (4th ed. updated 2009).

³ *Id.*

⁴ *Id.* Attached to Office Action dated March 6, 2013.

Cooperative Physician Recruitment Partnership

We've Built a Successful Partnership Track Record.

Organizations looking for flexibility benefit from our range of **cooperative partnership options**. Solutions range from building an in-house recruitment department through an entirely outsourced program – and nearly any variation in between.

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Motion Recruitment Partners operates three recruitment-oriented companies. Two of them, **Jobspring Partners** and **Workbridge Associates**, partner with clients to fill critical technology positions in nine cities around the country.

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Global Recruitment Partnerships

AP Group has signed an agreement with the Chartered Institute for Securities and Investment (CISI) to be the organisation's exclusive global recruitment partner. With five offices around the world and dealing in more than 40 jurisdictions, AP Group, one of the largest offshore recruitment firms in the world, will be responsible for finding key staff for CISI members as well as advising members of opportunities across the globe.

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Indeed, as highlighted in the Examining Attorney's brief, Applicant submitted a "specimen" with its application containing the following description of its services:

AGS RPO [Applicant] will assign a dedicated team of recruitment experts to support hiring requirements. The RPO team will act in partnership with HR [presumably "human resources"] to adhere to [] regulatory requirements. The goal of the RPO team will be to fully support the hiring community and human resources in order to establish and meet hiring goals.

In this case, the evidence of record clearly establishes that Applicant's proposed mark, comprised of the descriptive terms RECRUITMENT PARTNERSHIP ORGANIZATION, merely describes a feature or characteristic of the recited services in the application. Specifically, the mark immediately informs clients that Applicant will work in partnership with them (or a human resources department) in

⁵ Attached to Office Action dated March 6, 2013.

⁶ *Id.*

⁷ Attached to Office Action dated October 18, 2013.

⁸ *Id.*

its employee recruitment efforts. Applicant's argument that "the combination of the terms is unique as used in connection with employment services" (Brief, p. 3), is belied by the evidence. Clearly, others are using the wording "recruitment partnership" in connection with employee recruitment services. At best, Applicant is the first to add the generic term "organization" to the end of this wording. Even if Applicant is the first or only user of RECRUITMENT PARTNERSHIP ORGANIZATION in connection with employee recruitment services, it is well settled that such does not entitle Applicant to the registration thereof where, as here, the term has been shown to immediately convey only a merely descriptive significance in the context of Applicant's services. *See, e.g., In re National Shooting Sports Foundation, Inc.*, 219 USPQ 1018, 1020 (TTAB 1983); and *In re Mark A. Gould, M.D.*, 173 USPQ 243, 245 (TTAB 1972).

Decision: The descriptiveness refusal under Section 2(e)(1) is affirmed.