

**This Opinion is Not a  
Precedent of the TTAB**

Mailed: February 19, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re Aexa Aerospace LLC*  
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Serial No. 86181509  
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Matthew H. Swyers of The Trademark Company, PLLC,  
for Aexa Aerospace LLC.

Matt Einstein, Trademark Examining Attorney, Law Office 115,  
John Lincoski, Managing Attorney.

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Before Seeherman, Taylor, and Hightower,  
Administrative Trademark Judges.

Opinion by Hightower, Administrative Trademark Judge:

Aexa Aerospace LLC (“Applicant”) seeks registration on the Principal Register of the mark INTERNATIONAL AIR AND SPACE PROGRAM (in standard characters), with AIR AND SPACE PROGRAM disclaimed, for “Organizing conferences and symposia in the field of aero space,” in International Class 41.<sup>1</sup>

The Trademark Examining Attorney has refused registration of Applicant’s mark under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the

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<sup>1</sup> Application Serial No. 86181509 was filed on January 31, 2014, alleging first use and first use in commerce at least as early as January 1, 2013, under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a).

ground that Applicant's mark is merely descriptive, in that it describes features of Applicant's services.

After the Examining Attorney made the refusal final, Applicant appealed. We affirm the refusal to register.

A term is merely descriptive if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services it identifies. *See In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009, 1009 (Fed. Cir. 1987). Determining the descriptiveness of a mark is done in relation to an applicant's identified goods or services, the context in which the mark is being used, and the possible significance the mark would have to the average purchaser because of the manner of its use or intended use. *See In re Chamber of Commerce of the U.S.*, 102 USPQ2d at 1219. Descriptiveness of a mark is not considered in the abstract. *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007). In other words, we evaluate whether someone who knows what the goods or services are will understand the mark to immediately convey information about them. *In re MBNA America Bank N.A.*, 340 F.3d 1328, 67 USPQ2d 1778, 1780 (Fed. Cir. 2003).

Applicant concedes that the disclaimed wording "air and space program" is merely descriptive, and focuses its arguments solely on the word "international."<sup>2</sup> Applicant posits that "international" could have a variety of meanings to consumers, and argues that "[s]ome degree of imagination is required to associate the term

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<sup>2</sup> Appeal Brief at 13, 4 TTABVue at 14.

‘international’ with the Applicant’s services.”<sup>3</sup> Applicant also notes that there are several definitions of the term “international,” including “involving two or more countries: occurring between countries,” “made up of people or groups from different countries,” and “active or known in many countries.”<sup>4</sup>

Applicant’s arguments are not persuasive. As we previously said: “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) (finding SMARTTOWER merely descriptive for automated commercial and industrial cooling towers).

Applicant’s own specimen describes its services as “an international program for students.” An excerpt from the second page of Applicant’s specimen appears below:



<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 14, 4 TTABVUE at 15 (quoting Exhibit 1 to Applicant’s May 27, 2014 Response to Office Action, from merriam-webster.com); *see also* June 18, 2014 Final Office Action at 2.

We agree with the Examining Attorney that a consumer familiar with Applicant's services will immediately recognize the term INTERNATIONAL to convey information about them – that is, that Applicant offers an “international program.”<sup>5</sup>

Moreover, we have often found marks incorporating the term “international” to be merely descriptive of services that, like Applicant's, are international in scope. *See In re Institutional Investor, Inc.*, 229 USPQ 614, 617 (TTAB 1986) (holding INTERNATIONAL BANKING INSTITUTE for organizing seminars for leading bankers from major countries incapable of acquiring distinctiveness as a service mark); *In re Billfish Int'l Corp.*, 229 USPQ 152, 154 (TTAB 1986) (finding BILLFISH INTERNATIONAL CORP. & design merely descriptive of corporation involved with billfish on an international scale); *BankAmerica Corp. v. Int'l Travelers Cheque Co.*, 205 USPQ 1233, 1237 (TTAB 1979) (holding INTERNATIONAL TRAVELERS CHEQUE merely descriptive of financial consulting services that are international in scope).

When each component of a mark retains its merely descriptive significance in relation to the goods or services, the combination results in a composite that is itself merely descriptive. *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 71 USPQ2d 1370, 1372 (Fed. Cir. 2004). We find that Applicant's mark INTERNATIONAL AIR AND SPACE PROGRAM immediately and directly informs purchasers of features of its services, namely, that it is an international program related to air and space issues, and therefore the mark is merely descriptive under Section 2(e)(1).

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<sup>5</sup> Examiner's Brief, 6 TTABVUE at 8.

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**Decision:** The refusal to register is affirmed.