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Precedent of the TTAB

Mailed: February 14, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

*In re Fáilte Ireland*

Serial No. 86975779

Colin O'Brian of Partridge Partners PC,  
for Fáilte Ireland.

Don Johnson, Trademark Examining Attorney, Law Office 104,  
Danya Browne, Managing Attorney.

Before Quinn, Cataldo and Ritchie,  
Administrative Trademark Judges.

Opinion by Cataldo, Administrative Trademark Judge:

Fáilte Ireland ("Applicant") seeks registration on the Principal Register of  
DUBLIN PASS (in standard characters) as a mark for

Advertising services; television and radio advertising;  
public relations; promoting the goods and services of  
others through the distribution of discount cards in  
International Class 35; and

Information services for entertainment, recreation and  
education in International Class 41.<sup>1</sup>

<sup>1</sup> Application Serial No. 86975779 was filed on November 7, 2013, based upon Applicant's allegation of a *bona fide* intention to use the mark in commerce under Section 1(b) of the

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 ground that the proposed mark merely describes a characteristic or feature of the recited services.<sup>2</sup>

After the Trademark Examining Attorney made the refusal final, Applicant appealed to this Board.<sup>3</sup> We affirm the refusal to register.

### Mere Descriptiveness

The test for determining whether a mark is merely descriptive is whether it immediately conveys information concerning a significant quality, characteristic, function, ingredient, attribute or feature of the product or service in connection with which it is used, or intended to be used. *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012). *See also In re Oppedahl & Larson LLP*, 373 F.3d 1171, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (quoting *Estate*

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Trademark Act and a claim of priority under Section 44(d) of the Trademark Act. Applicant subsequently amended the filing basis to assert ownership of European Office for Harmonization in the Internal Market (OHIM) Registration No. 012284964, issued on November 11, 2014, under Section 44(e) of the Trademark Act, and deleted Section 1(b) as a filing basis.

Applicant disclaimed "PASS" apart from the mark as shown "as to promoting the goods and services of others through the distribution of discount cards."

This application is the child of application Serial No. 86112932, amended to seek registration on the Supplemental Register and issuing as Registration No. 4745301 on May 26, 2013, reciting goods in Classes 9 and 16 and services in Class 41.

<sup>2</sup> Registration previously had been refused under Trademark Act Section 2(e)(2), 15 U.S.C. § 1052(e)(2), on the ground that the proposed mark is primarily merely geographically descriptive of certain of the recited goods and services (prior to division).

<sup>3</sup> In his January 13, 2016 final Office action, the Examining Attorney noted that Applicant may amend the involved application to seek registration on the Supplemental Register. However, Applicant did not request such an amendment, and registrability on the Supplemental Register of DUBLIN PASS in connection with the services recited herein is not before us.

of *P.D. Beckwith, Inc. v. Commissioner*, 252 U.S. 538, 543 (1920) (“A mark is merely descriptive if it ‘consist[s] merely of words descriptive of the qualities, ingredients or characteristics of the goods or services related to the mark.’”). See also *In re TriVita, Inc.*, 783 F.3d 872, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015). The determination of whether a mark is merely descriptive must be made “in relation to the goods [or services] for which registration is sought, the context in which it is being used, and the possible significance that the term would have to the average purchaser of the goods because of the manner of its use or intended use.” *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007) (citing *In re Abcor Dev. Corp.*, 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978)). It is not necessary, in order to find a mark merely descriptive, that the mark describe each feature of the goods or services, only that it describe a single, significant ingredient, quality, characteristic, function, feature, purpose or use of the goods or services. *Chamber of Commerce of the U.S.*, 102 USPQ2d at 1219; *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

Where a mark consists of multiple words, the mere combination of descriptive words does not necessarily create a nondescriptive word or phrase. *In re Phoseon Tech., Inc.*, 103 UPQ2d 1822, 1823 (TTAB 2012); *In re Associated Theatre Clubs Co.*, 9 USPQ2d 1660, 1662 (TTAB 1988). If each component retains its merely descriptive significance in relation to the goods or services, the combination results in a composite that is itself merely descriptive. *Oppedahl & Larson LLP*, 71 USPQ2d at 1371. However, a mark comprising a combination of merely descriptive

components is registrable if the combination of terms creates a unitary mark with a nondescriptive meaning, or if the composite has a bizarre or incongruous meaning as applied to the goods or services. *See generally In re Colonial Stores Inc.*, 394 F.2d 549, 157 USPQ 382 (CCPA 1968). *See also In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983).

#### Evidence and Argument.

The Examining Attorney contends that

Applicant's mark is composed of the terms "Dublin," the most populace city in Ireland and "pass," a ticket for admission. These terms have the same meaning when combined and used in the context of Applicant's services. Specifically, the terms in the mark describe the place and manner in which Applicant's services are offered, namely, their advertising, public relations, promotion and information services are about or in relation to Dublin, and they are offered in connection with a ticket or pass being offered by Applicant. Thus, Applicant's mark as a composite is descriptive of Applicant's service.

6 TTABVUE 6.<sup>4</sup> In support of this contention, the Examining Attorney has introduced into the record the following encyclopedia entries for "DUBLIN:"

"city, capital of Ireland, located on the east coast in the province of Leinster. Situated at the head of Dublin Bay of the Irish Sea, Dublin is the country's chief port, centre of financial and commercial power, and seat of culture.;"<sup>5</sup>

"Dublin is the capital and most populous city of Ireland;"<sup>6</sup>

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<sup>4</sup> Citations to the briefs refer to TTABVUE, the Board's online docket system, by page number. Citations to the examination record refer to the Trademark Office's online Trademark Status and Document Retrieval system (TSDR), by date and page number.

<sup>5</sup> Britannica.com. December 31, 2013 Office action at 10.

<sup>6</sup> Wikipedia.org. *Id.* at 12. We have considered this Wikipedia evidence because it essentially is cumulative of and is corroborated by the other evidence of record, and because

“city in the Republic of Ireland and Dublin county, on Dublin Bay at the mouth of the Liffey River.”<sup>7</sup>

The Examining Attorney also has introduced into the record dictionary definitions of the term “PASS.” According to these definitions, “PASS” may be defined as –

“to go or make one’s way through;”<sup>8</sup>

“a written permission to move about freely in a place or to leave or enter it;”<sup>9</sup>

“a document that lets you go somewhere or do something is a pass. You can have a backstage pass at a concert, a three-day pass from a military base, or a hall pass for using the restroom during class.”<sup>10</sup>

The Examining Attorney further has introduced pages from Applicant’s Internet website showing use of DUBLIN PASS in connection with a sightseeing card.<sup>11</sup>

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it was made of record early enough to give Applicant the opportunity to challenge or rebut it. *See In re IP Carrier Consulting Group*, 84 USPQ2d 1032, (TTAB 2007).

<sup>7</sup> Columbiagazetteer.org. *Id.* at 52.

<sup>8</sup> Merriam-webster.com. *Id.* at 47.

<sup>9</sup> Merriam-webster.com. *Id.* at 50.

<sup>10</sup> Vocabulary.com. September 2, 2015 Office action at 9.

<sup>11</sup> December 31, 2013 Office action at 29-36.

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## Dublin Pass Sightseeing Card

Want to make the most of your visit to Dublin? The Dublin Pass will help you save time and money right throughout your trip. Here's what you'll enjoy with one great value card:

**Great savings** – one Dublin Pass covers **over €190 worth** of admission prices to 32 top visitor attractions, so you'll be saving money before you know it!

**Extra benefits** – not only will you have free admission to great visitor attractions but the Dublin Pass also entitles you to **26 extra benefits, offers and discounts** at various locations.

**Free entry** – Dublin has **so many great places to see**, and with your Dublin Pass, you can enjoy **free entry to 32 major attractions**. See [where to use](#) it here.

**Skip the queues** – we know that you'll want to **see as much of Dublin as possible**. So thanks to your Dublin Pass, you can go **straight to the top of the queue** (*Due to guided tour requirements, this feature is not valid at Kilmainham Gaol, Old Jameson Distillery or Dublinia*).

**More choice** – Long trip? Short break? With **1, 2, 3 or 6 day options** that only activate the first time you use them, you can enjoy the Dublin Pass **whatever way suits you**.

**Peace of mind** – a Dublin Pass **eliminates the need for cash transactions** and small change at our attractions, so you can keep your wallet safely tucked away.

**FREE guidebook and map** - you won't have any problems finding your way around with our free guidebook containing **details of all the attractions and offers** that are accessible with your Dublin Pass, plus **maps of the city** and general visitor information.

**Get the best use from your card** - your Dublin Pass will be activated from the first time you use it then valid for consecutive days after that.



Applicant asserts that

the Mark creates a unique commercial impression that is not automatically clear to the consumer. The entire Mark, “DUBLIN PASS,” is unique to the Ireland National Tourism Development Authority as advertising and information services in Classes 35 and 41. The Mark’s use is not common or widespread within the information or advertising services industries nor does it have an accepted meaning to consumers.

4 TTABVUE 8-9. In support of this contention, Applicant submitted into the record pages from the online versions of three dictionaries showing no match for the term “Dublin pass.”<sup>12</sup> However, the absence of a dictionary definition of “DUBLIN PASS” is not dispositive. Rather, it is well-settled that even if Applicant is the first and/or the only user of the term “DUBLIN PASS” in connection with its services, it is well settled that such does not entitle Applicant to the registration thereof if 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); *In re Mark A. Gould, M.D.*, 173 USPQ 243, 245 (TTAB 1972).

Applicant also argues that

the presence of other registered marks using a modifier and the word “pass” as programs that promote tourism and provide discounts for various attractions in a given area illustrates that the USPTO has accepted similar marks before and, thus, believes such marks are not descriptive.<sup>13</sup>

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<sup>12</sup> Oxforddictionaries.com; dictionary.cambridge.org; merriam-webster.com. Applicant’s December 3, 2015 communication, Exhibit B at 39-41.

<sup>13</sup> 4 TTABVUE 9.

In support of this contention, Applicant introduced into the record copies of the following third party registrations for various PASS formative marks, all in standard characters:<sup>14</sup>

Reg. No. 4829811, on the Principal Register under Section 2(f), for the mark THE PARIS PASS (“PASS” disclaimed in Class 9) for

electronically encoded and bar-coded cards containing admission tickets for various attractions (Class 9); travel guidebooks (Class 16); administration of a program for enabling participants to obtain discounts to enter a number of tourist attractions and use local transportation (Class 35); travel ticket reservation services (Class 39); ticket reservation and booking services for entertainment, sporting and cultural events (Class 41).

Reg. No. 4829810 (owned by the same entity as Reg. No. 4289811 above), on the Principal Register under Section 2(f), for the mark THE LONDON PASS (“PASS” disclaimed in Class 9) for the same goods and services recited above.

Reg. No. 4484656, on the Principal Register, for the mark EXPLORER PASS (“PASS” disclaimed) for

cards, which are not magnetically encoded, for use in business transactions, namely, enabling admission to attractions and offering savings on shopping, dining and travel (Class 9); promoting tourism in various cities through pre-paid discounted admissions to and offering discounts at various attractions and restaurants within a given city (Class 35).

Reg. No. 4754613, on the Principal Register, for the mark CITY PASS (“CITY” disclaimed) for

promoting tourism in various cities through pay-one-price package of admission tickets to multiple attractions within a given city or region; online retail store services featuring pay-one-price packages of

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<sup>14</sup> Applicant’s December 3, 2015 communication, Exhibit A at 18-37.

admission tickets to multiple attractions within a given city or region; advertising and marketing services for others in the field of travel and tourism, namely, providing advertisements and promotional information by means of a global computer network; administration of a business affiliate program in the field of travel and tourism (Class 35);

providing information in the field of travel over a global computer network; providing information in the field of tourism, namely, excursions, day trips, and sightseeing travel tours, over a global computer network; travel agency services, namely, arranging ticket reservations for sightseeing travel tours (Class 39);

entertainment services, namely, arranging ticket reservations for recreational and leisure events, namely, attendance at theme parks, amusement parks, planetariums, zoos and aquarium attractions; providing discount tickets to multiple attractions within a given city or region by means of a global computer network; providing entertainment information to tourists and travelers about theme parks, amusement parks, planetariums, zoos and aquarium attractions; providing educational information to tourists and travelers about museums, cultural and landmark venues (Class 41).

Reg. No. 4770574, on the Supplemental Register, for the mark PUBPASS for

promotion, advertising, and marketing services for bars, pubs, breweries, bistros, cafes, canteens, clubs, and restaurants through the sale and distribution of passport-sized booklets entitling booklet holder to free drinks (Class 35).

Reg. No. 4692748, on the Principal Register, for the mark BACKSTAGE  
PASS for

consumer loyalty services, namely, administration of a consumer loyalty program featuring loyalty points that provide casino, hotel, restaurant and bar benefits to reward repeat visitors; arranging and conducting incentive reward programs to promote the sale of casino, hotel, restaurant and bar services (Class 35).

Reg. No. 4360982, on the Principal Register, for the mark CONCERTPASS  
for

management, organization and development of loyalty programs for others for commercial, promotional and/or advertising purposes, the loyalty programs featuring the use of event technologies including online applications, computer files and databases and communications equipment such as the Internet, mobile phones, barcodes and RFID (Class 35);

communications services provided as part of a loyalty program, namely, providing electronic transmission of users' preferences and others' promotional and advertising information about events via the Internet, mobile phones, barcodes and RFID (Class 38).

Reg. No. 4461834, on the Principal Register, for the mark EPIC PASS ("PASS" disclaimed) for

ski resort services featuring a ski pass program (Class 41).

We find that the third-party registrations do not support Applicant's position. First, as is well established, we must make our decision in each case on its own merits "[e]ven if some prior registrations had some characteristics similar to" the current application, "the PTO's allowance of such prior registrations does not bind the Board ... ." *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001). Moreover, of the eight registrations upon which Applicant relies, one is registered on the Supplemental Register and two are registered under Section 2(f) based on acquired distinctiveness. In addition, four of the registrations include a disclaimer of the term "PASS" apart from the mark as shown. As a result, these registrations show mixed treatment of the term "PASS" in the context of services related to those recited in the involved application. Moreover, these registrations are not conclusive on the question of the mere descriptiveness of DUBLIN PASS inasmuch as we are not privy to the prosecution histories thereof. *In re*

*International Taste Inc.*, 53 USPQ2d 1604, 1606 (TTAB 2000) (“With respect to third-party registrations which include disclaimers...we do not have before us any information from the registration files as to why an Examining Attorney required and/or why the applicant/registrant offered such disclaimers.”).

Finally, Applicant contends that “the term ‘pass’ is a word with a variety of definitions, many of which do not aptly describe the nature of Applicant’s services.”<sup>15</sup> In support of this contention, Applicant introduced into the record a definition of “PASS” showing a variety of meanings in diverse contexts.<sup>16</sup> Applicant notes that the “non-descriptive use of ‘PASS’ is found in many currently registered trademarks in International Classes 35 and 41”<sup>17</sup> and introduced into the record copies of the following third-party registrations for marks, all on the Principal Register in standard characters unless otherwise noted, in support thereof:

Reg. No. 4842712 for the mark PEPSI PASS for

incentive awards program to promote the sale of non-alcoholic beverages whereby participants accumulate points from purchases and brand engagement that can be redeemed for non-alcoholic beverages, merchandise, discounts or cash prizes in Class 35;

Reg. No. 4781133 for the mark PASS MORE THAN JUST GAS! for

conducting medical examination preparation and review courses and providing course material in connection therewith in Class 41;

Reg. No. 4783386 for the mark MINISTRY PASS (“MINISTRY” disclaimed)

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<sup>15</sup> 4 TTABVUE 11.

<sup>16</sup> Dictionary.com. Applicant’s December 3, 2015 communication, Exhibit C at 42-58.

<sup>17</sup> 4 TTABVUE 12.

online subscription-based retail store services featuring downloadable digital content primarily of a religious or spiritual nature in Class 35;

Reg. No. 4770758, on the Supplemental Register, for the mark ACCESS

UNTIL YOU PASS for

educational services, namely, conducting online courses in the field of accounting test preparation in Class 41;

Reg. No. 4748878 for the mark UFC FIGHT PASS (“FIGHT” disclaimed) for

entertainment services, namely, provision of non-downloadable television programs and other multimedia programs via a video-on-demand service; entertainment services, namely, providing ongoing non-downloadable television and multimedia programs featuring entertainment, sports and mixed martial arts delivered by the Internet; entertainment services, namely, a multimedia program series featuring entertainment, sports and mixed martial arts distributed via various platforms across multiple forms of transmission media; entertainment services, namely, providing webcasts in the field of entertainment, sports and mixed martial arts in Class 41;

Reg. No. 4746276 for the mark shown below (“PUB PASS” disclaimed) for

membership club services in the nature of providing discounts to members in the field of beverages, food, and entrance fees at all participating bars, pubs, gastropubs, taverns, clubs, and restaurants in Class 35;



Reg. No. 4745183 for the mark POD PASS for

retail and on-line grocery store services featuring home delivery service in Class 35;

Reg. No. 4504808 for the mark MAGIC PASS (“PASS” disclaimed) for

Entertainment services in the nature of basketball exhibitions; entertainment services in the nature of arranging ticket reservations for admission to pre-game shows, namely, performances provided prior to basketball exhibitions in Class 41.

However, of these eight registrations, one is issued on the Supplemental Register and two include disclaimers of the word “PASS.” In addition, these registrations recite services including grocery store services, beverage sales incentive programs, exam preparation and review courses, television programming, restaurant membership programs and basketball exhibitions that have little to do with the services at issue in the involved application. *See Nat’l Cable Television Ass’n, Inc. v. Am. Cinema Editors, Inc.*, 937 F.2d 1572, 19 USPQ2d 1424, 1430 (Fed. Cir. 1991) (discounting the probative value of third-party use where such uses were unrelated to services at issue); *SBS Products Inc. v. Sterling Plastic & Rubber Products Inc.*, 8 USPQ2d 1147, 1149 n.6 (TTAB 1988) (“[E]ven if evidence of such third-party use were submitted, it would be of no aid to respondent herein where the third-party usage was for goods unrelated to either petitioner’s skin care products or respondent’s stuffing box sealant”). Applicant’s arguments regarding the other meanings of the word “PASS” do not take into account the perception of the consumer as to meaning in the context of Applicant’s services, *i.e.*, what meaning is relevant to advertising, promotion, public relations and information services. *In re RiseSmart Inc.*, 104 USPQ2d 1931, 1933 (TTAB 2012); *In re Chopper Indus.*, 222 USPQ 258, 259 (TTAB 1984). As a result, we find these registrations are not persuasive on the descriptiveness of the term “PASS” in relation to all of Applicant’s recited services.



### Analysis

The record shows that the term “DUBLIN” describes the capital city of the Republic of Ireland. Applicant does not dispute this meaning, and no other meaning of the term is apparent. The record further shows that in connection with the recited advertising, promotional and information services, the term “PASS” means “a written permission to move about freely in a place or to leave or enter it”<sup>18</sup> or “a document that lets you go somewhere or do something.”<sup>19</sup> The combination of these terms describes a document providing permission to move about freely in the city of Dublin.

The record further shows that Applicant uses its mark in connection with services that include promoting the goods and services of others in the city of Dublin. “[N]ot only will you have free admission to great visitor attractions but the Dublin Pass also entitles you to 26 extra benefits, offers and discounts at various locations.”<sup>20</sup> “Dublin has so many great places to see, and with your Dublin Pass, you can enjoy free entry to 32 major attractions. See where to use it here.”<sup>21</sup> The evidence of record also shows that Applicant provides information regarding entertainment and recreation in the city of Dublin, including travel maps, guidebooks, and “general

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<sup>18</sup> Merriam-webster.com. December 31, 2013 Office action at 50.

<sup>19</sup> Vocabulary.com. September 2, 2015 Office action at 9.

<sup>20</sup> December 31, 2013 Office action at 29-36.

<sup>21</sup> *Id.*

visitor information” about free and discounted attractions under the DUBLIN PASS mark.<sup>22</sup>

The evidence excerpted above clearly indicates that Applicant uses its mark to advertise, promote, engage in public relations and provide information relating to a document, or pass, which allows visitors free or discounted access to various sites in Dublin. The evidence further establishes that DUBLIN PASS merely describes a document allowing the user to move about freely in Dublin. Applicant’s Class 35 services include “advertising services; television and radio advertising; public relations.” These broadly identified services include providing advertising and public relations regarding documents that allow users to freely move about the city of Dublin. Further, Applicant’s Class 35 services include “promoting the goods and services of others through the distribution of discount cards.” These services, as identified, specifically relate to promoting the goods and services of others available to users of documents permitting free movement around Dublin and thus also describe a feature or characteristic thereof. As such, DUBLIN PASS merely describes a feature or characteristic of the Class 35 services. Similarly, Applicant’s Class 41 services include “information services for entertainment, recreation and education.” These broadly identified services also include providing information regarding documents permitting free movement around the city of Dublin for entertainment, recreation and educational purposes. As a result, DUBLIN PASS merely describes a feature or characteristic of the Class 41 services.

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<sup>22</sup> *Id.*

We agree with Applicant that its recited services in this application are not the tickets or permits themselves, *i.e.*, goods, or tourism services provided under such permits or tickets.<sup>23</sup> Applicant's services recited herein provide promotional and informational services regarding its tickets or permits allowing free or discounted travel in the city of Dublin. Nonetheless, the services in the application involved herein are either worded broadly enough to include, or specifically indicate that they include, advertising, promotion, public relations and information regarding a document, or pass, that allows the user to freely move about the city of Dublin, gain free or discounted access to visitor attractions, and even traverse the long lines at many of these attractions.

As noted above, Applicant's arguments regarding the other meanings of the word PASS do not take into account the perception of the consumer as to meaning in the context of Applicant's identified services. *In re RiseSmart Inc.*, 104 USPQ2d at 1933; *In re Chopper Indus.*, 222 USPQ at 259. In our analysis of the proposed mark, DUBLIN PASS, we must consider "the context in which it is being used, and the possible significance that the term would have to the average purchaser of the goods [or services] because of the manner of its use or intended use." *Chamber of Commerce of the U.S.*, 102 USPQ2d at 1219. Applicant's broad identification encompasses advertising, public relations and information services in any field. Applicant's promotional services specifically relate to discount cards or passes. Applicant's website makes clear that a significant feature of its pass is that it is

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<sup>23</sup> These goods and services are identified under Applicant's parent application, now Registered on the Supplemental Register as discussed above.

used for providing access to visitor sites in Dublin. *See Chamber of Commerce of the U.S.*, 102 USPQ2d at 1219. *See also In re Bayer Aktiengesellschaft*, 82 USPQ2d at 1832 (Internet evidence may be considered for purposes of evaluating a trademark).

Where the combination of descriptive terms creates a unitary mark with a unique, incongruous or otherwise non-descriptive meaning in relation to the goods or services, the mark is registrable. *Colonial Stores, Inc.*, 157 USPQ at 384. Applicant's use of the term DUBLIN PASS does not evoke other meanings such that "the merely descriptive significance of the term[s] is lost in the mark as a whole." *RiseSmart Inc.*, 104 USPQ2d at 1934 (quoting *In re Kraft, Inc.*, 218 USPQ 571, 573 (TTAB 1983)). *See also In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002) and *In re Cryomedical Sciences Inc.*, 32 USPQ2d 1377, 1379 (TTAB 1994). In the context of Applicant's advertising, public relations, promotion and information services, the meaning of DUBLIN PASS clearly relates to documents allowing unfettered access to sites in the city of Dublin, there is no incongruity or double entendre.

**Decision:** The refusal to register Applicant's mark DUBLIN PASS is affirmed.