

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Hearing: July 7, 2022

Mailed: July 13, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re Di-Namic Records
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Application Serial No. 87399929
—

Jill M. Pietrini of Sheppard Mullin Richter & Hampton LLP,
for Di-Namic Records.

Benji Paradewelai, Trademark Examining Attorney, Law Office 101,
Zachary R. Sparer, Managing Attorney.

—
Before Bergsman, Larkin, and Hudis,
Administrative Trademark Judges.

Opinion by Bergsman, Administrative Trademark Judge:

Di-Namic Records (“Applicant”) seeks registration on the Principal Register of the mark THIS IS FOR MY GIRLS (in standard characters) for services ultimately identified as “entertainment information; musical composition for others; production of musical sound recordings,” in International Class 41.¹

¹ Application Serial No. 87399929 was filed on April 5, 2017, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based upon Applicant’s bona fide intention to use the mark in commerce. Applicant amended its identification of services when it filed its Statement of Use.

The Examining Attorney refused to register Applicant's mark "because the specimens of record do not show an association between the mark and the services specified in the application." Sections 1 and 45 of the Trademark Act, 15 U.S.C. §§ 1051 and 1127.² In other words, according to the Examining Attorney, the specimens do not show that THIS IS FOR MY GIRLS is used to identify any of the services identified in Applicant's application, as amended.

I. Evidentiary Issue

Before proceeding to the merits of the refusal, we address an evidentiary matter. In its brief, Applicant provided a link to <<https://tunecore.com/guides/music-publishing-101>> and referred to it to define "synchronization licensing" as "the act of permitting use of a songwriter's composition and/or sound recording in a television show, a commercial, a movie, a video game (or other authorized audio/visual format)."³

The Examining Attorney objects to the underlying webpages because providing a hyperlink is not the proper way of making Internet materials of record.⁴

Citations to the record refer to the USPTO's Trademark Status and Document Retrieval (TSDR) system. All citations to documents contained in the TSDR database are to the downloadable .pdf versions of the documents in the USPTO TSDR.

Citations to briefs refer to the Board's TTABVUE online docket system. *See, e.g., New Era Cap Co., Inc. v. Pro Era, LLC*, 2020 USPQ2d 10596, *2 n.1 (TTAB 2020). Before the TTABVUE designation is the docket entry number; and after this designation are the page references, if applicable.

² As discussed in greater detail below, the specimens of use Applicant relies on to support registration were filed with its Statement of Use of October 8, 2020 at TSDR 7-14; and with its Request for Reconsideration of September 23, 2021 at TSDR 9-29.

³ Applicant's Brief (6 TTABVUE 9-10).

⁴ Examining Attorney's Brief (9 TTABVUE 9-10).

Applicant, in its reply brief, submitted the underlying webpage and requests that we consider it because “it is authority for the common definition or understanding of synchronization licensing.”⁵

Providing only a website address or hyperlink to Internet materials is insufficient to make such materials of record. *In re Olin Corp.*, 124 USPQ2d 1327, 1332 n.15 (TTAB 2017); *In re Powermat Inc.*, 105 USPQ2d 1789, 1791 (TTAB 2013); *In re HSB Solomon Assocs. LLC*, 102 USPQ2d 1269, 1274 (TTAB 2012). Because of the transitory nature of Internet postings, websites referenced only by address or hyperlinks may be modified or deleted at a later date without notification. *See Safer v. OMS Invs. Inc.*, 94 USPQ2d 1031, 1039 (TTAB 2010). Thus, information identified only by website address or hyperlink would not be subject to verification by the applicant or the Examining Attorney to corroborate or refute. *See In re HSB Solomon Assocs. LLC*, 102 USPQ2d at 1274.

While we ordinarily would sustain the Examining Attorney’s objection, in this case, we will consider Applicant’s tardy submission of the underlying webpage, which we view as the functional equivalent of a request that we take judicial notice of the meaning of the term “synchronization licensing,” because the webpage defines “synchronization licensing” and that term is used in the substitute specimens of use (i.e., synchronization license agreements).⁶ Thus, the meaning of the term set forth in the underlying webpage helps us to understand the evidence.

⁵ Applicant’s Reply Brief, p. 2 n.1 (10 TTABVUE 3 and 6-7).

⁶ September 23, 2021 Request for Reconsideration (TSDR 9-30)

II. Applicable Law

Section 1(a)(1) of the Trademark Act, 15 U.S.C. § 1051(a)(1), provides that an application must be accompanied by a specimen of the mark as used in commerce. According to Section 45 of the Trademark Act, 15 U.S.C. § 1127, a service mark is used in commerce “when it is used or displayed in the sale or advertising of services” 15 U.S.C. § 1127. Such use may be established by, for example, showing the mark used in the advertising of the services. Trademark Rule 2.56(b)(2); 37 C.F.R. § 2.56(b)(2).

The specimen must show the mark used in a manner that creates in the minds of potential consumers a “direct association” between the proposed mark and the services. *Id.*; *In re Universal Oil Prods. Co.*, 476 F.2d 653, 177 USPQ 456, 457 (CCPA 1973) (“The minimum requirement is some direct association between the offer of services and the mark sought to be registered therefor.”). *See also In re JobDiva, Inc.*, 843 F.3d 936, 121 USPQ2d 1122, 1126 (Fed. Cir. 2016) (“To determine whether a mark is used in connection with the services described in the registration, a key consideration is the perception of the user.”); *In re Adver. & Mktg. Dev., Inc.*, 821 F.2d 614, 2 USPQ2d 2010, 2014 (Fed. Cir. 1987) (“The ‘direct association’ test does not create an additional or more stringent requirement for registration; it is implicit in the statutory definition of ‘a mark used . . . to identify and distinguish the services of one person ... from the services of others and to indicate the source of the services.’”); *In re WAY Media, Inc.*, 118 USPQ2d 1697, 1698 (TTAB 2016)

(“A specimen that shows only the mark with no reference to, or association with, the services does not show service mark usage.”).

In order to establish the requisite “direct association” for specimens showing the mark used in advertising, the specimen must contain a reference to the services and the mark must be used on the specimen to identify the services and their source. *In re WAY Media, Inc.*, 118 USPQ2d at 1698; *In re Osmotica Holdings Corp.*, 95 USPQ2d 1666, 1668 (TTAB 2010); *In re Monograms Am. Inc.*, 51 USPQ2d 1317, 1318 (TTAB 1999). While the services need not be stated word for word, a “sufficient reference” to the services themselves or a general reference to the trade, industry, or field of use, is required. *In re Monograms Am. Inc.*, 51 USPQ2d at 1317.

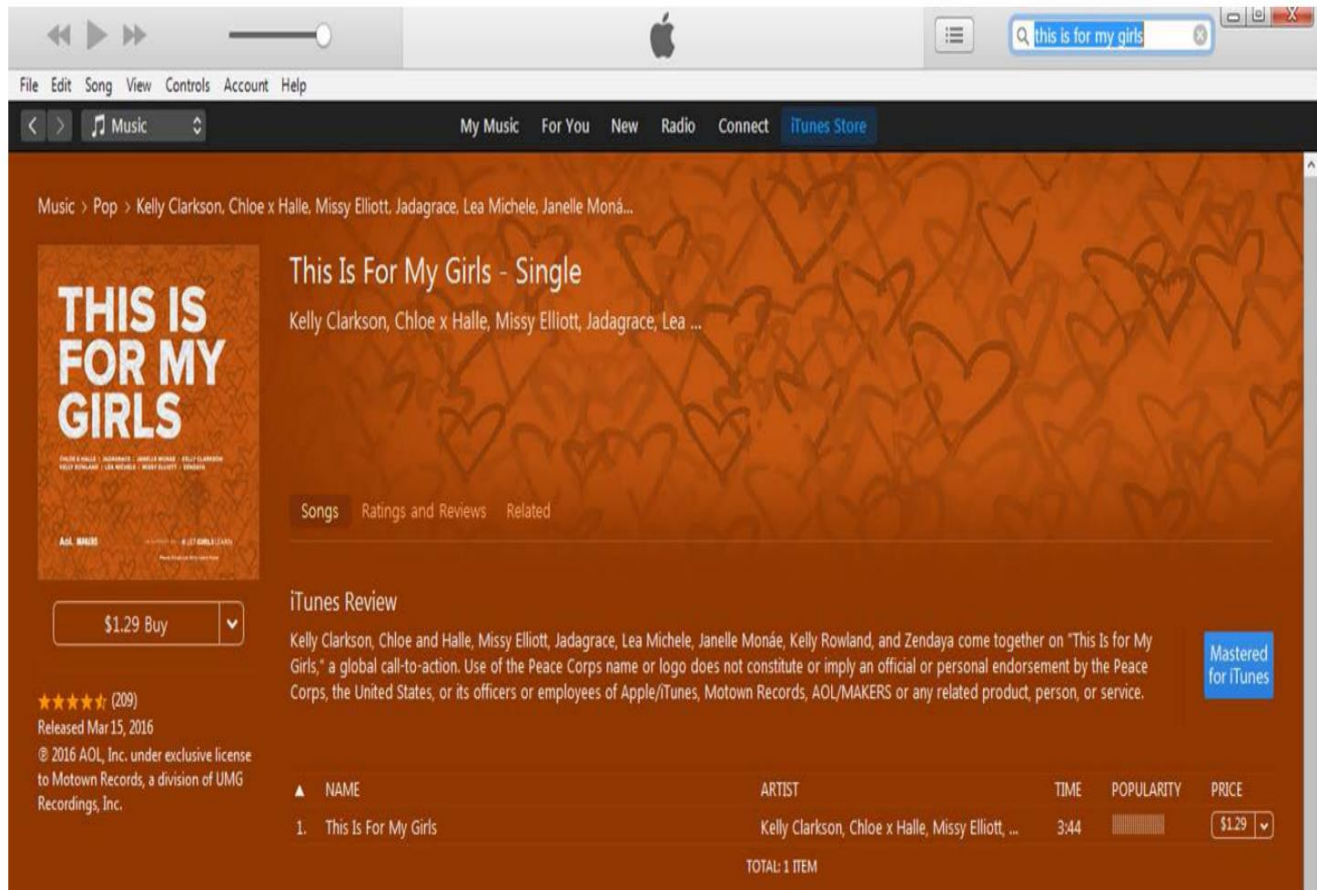
III. Specimens

Accompanying its October 8, 2020 Statement of Use, Applicant submitted five different specimens Applicant identified as “website pages and sheet music showing the marks as used in commerce for the services specified in the application.”⁷

The first specimen, reproduced below, in relevant part, is from the Apple iTunes store.⁸

⁷ TSDR 2.

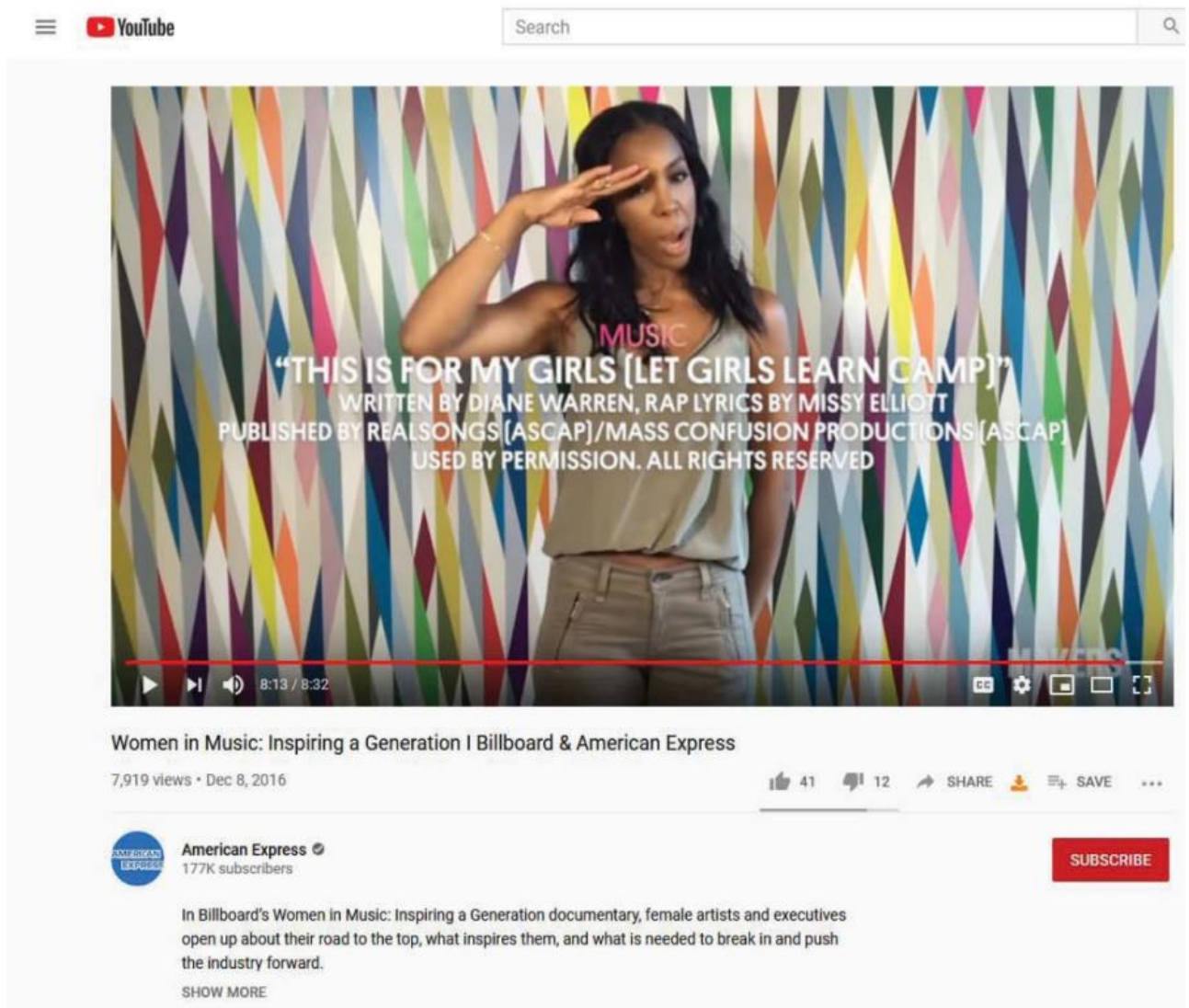
⁸ October 8, 2020 Statement of Use (TSDR 7). Applicant did not include the url. The text under “This Is For My Girls” on the left-hand side is a list of artists.



The mark as displayed in the center of the specimen as This Is For My Girls – Single. The word “Single” signifies that THIS IS FOR MY GIRLS is one song. THIS IS FOR MY GIRLS displayed on the left-hand side is set above a list of artists who presumably have recorded the song. The iTunes review lists a group of artists who “have come together on ‘This is For My Girls,’ as a global call to action.” A “call to action” implies that the group of artists have come together to record THIS IS FOR MY GIRLS to support empowering women. Thus, the iTunes webpage displays THIS IS FOR MY GIRLS as a song title and consumers will perceive it as such. There is nothing on this webpage that creates a nexus between THIS IS FOR MY GIRLS and any of the applied-for services.

The second specimen, reproduced below in relevant part, is from YouTube (YouTube.com).⁹

Women in Music: Inspiring a Generation | Billboard & American Express...



The YouTube video displays “This Is For My Girls [Let Girls Learn Camp]” written by Diane Warren and Missy Elliot as the music for the video. Viewers will again

⁹ October 8, 2020 Statement of Use (TSDR 8).

perceive “This Is For My Girls” as a song title. There is nothing to associate it with any of the applied for services.

The text under the AMERICAN EXPRESS trademark explains how “Billboard’s Women In Music” discuss their road to success in an attempt to help other women achieve success. Viewers will perceive THIS IS FOR MY GIRLS as the title of an anthem for empowering women.¹⁰ Nothing in this YouTube specimen refers to or creates a nexus with any of the applied-for services.

The third specimen, reproduced below in relevant part, is from the Suncloud website (suncloud.com).¹¹

¹⁰ See the 4GGL website discussed below that refers to THIS IS FOR MY GIRLS as an “anthem for girls everywhere.”

¹¹ October 8, 2020 Statement of Use (TSDR 9). The text under “This Is For My Girls” on the right-hand side is a list of artists.

"This Is For My Girls" Michelle Obama written by Diane Warren (Tracy...

9/28/2020, 5:08 PM

SOUNDCLOUD Home Stream Library Search for artists, bands, tracks, podcasts Sign in Create account Upload

Tracy Young 4 years ago # House

"This Is For My Girls" Michelle Obama written by Diane Warren (Tracy Young First Lady remix)

THIS IS FOR MY GIRLS
CHLOE & HALLE | JADAGRACE | JANELLE MONÁE | KELLY CLARKSON
KELLY ROWLAND | LEA MICHELE | MISSY ELLIOTT | ZENDAYA
AOL MAKERS IN SUPPORT OF LET GIRLS LEARN

Write a comment

Like Repost Share Add to Next up More 7,009 105 17

Follow Tracy Young and others on SoundCloud.
Create a SoundCloud account Sign in

Tracy Young 8,573 177 Follow

Kelly Clarkson, Chloe and Halle, Missy Elliott, Jadagrace, Lea Michele, Janelle Monáe, Kelly Rowland, and Zendaya come together on "This Is for My Girls," a global call-to-action. All proceeds from each sale of this single will be donated to the Peace Corps Let Girls Learn Fund, which helps break down barriers and stigma that prevent girls from getting the education they rightfully deserve. Learn more about how proceeds will support girls at www.donate.peacecorps.gov and about the #62MillionGirls campaign at www.62milliongirls.org.

The COVID-19 virus has impacted the creative community around the world. Show support for your favorite creators. [Learn more](#)
\$ Support Tracy Young

Related tracks View all

chriscox Jade - "Better & Better" (Chris Cox... 3,883 84 11 3


Gonzol3 Madonna - Miles Away (Peter Rauh...

This specimen is similar to the first specimen, the iTunes webpage, discussed above. At the top left, the webpage displays THIS IS FOR MY GIRLS as a song title by stating that it is “written by Diane Warren.” The text “(Tracy Young First Lady remix)” indicates that it is the version of the song performed by Tracy Young and

Michelle Obama. The webpage displays THIS IS FOR MY GIRLS on the right side above a list of artists who presumably recorded the song originally. The webpage displays THIS IS FOR MY GIRLS as a song title. There is nothing on this webpage that creates a nexus between THIS IS FOR MY GIRLS and any of the applied-for services.


The fourth specimen, reproduced below in relevant part, is from the 4GGL 4Girls Global Leadership website (4GGL.org).¹²

¹² October 8, 2020 Statement of Use (TSDR 10). The text below “This Is For My Girls” in the brown boxes is a list of artists. It is the same display as set forth in the first and third specimens discussed above.




[SELF](#)[OTHERS](#)[ACTION](#)[ABOUT 4GOL](#)[NEWS](#)[GIVE NOW](#)

[Home](#) > [Action](#) > [This Is for My Girls](#)




[Watch later](#)[Share](#)

 [Action, Summer](#)

This Is for My Girls

First Lady [Michelle Obama](#) has enlisted a power squad for the song, "This Is For My Girls," inspired by the [Let Girls Learn](#) initiative and the 62 million girls around the world who do not have access to education.




"THIS IS FOR MY GIRLS"

A true girl power squad was assembled for the hit single inspired by the Let Girls Learn initiative and the #62MillionGirls around the world who do not have access to education. Executive produced by MAKERS, the song is an inspiring anthem for girls everywhere.

[DOWNLOAD NOW](#)

Written by Oscar nominated Diane Warren, and executive produced by MAKERS, the song is [an inspiring anthem for girls everywhere.](#)



[Watch later](#)[Share](#)

[The song debuts on Good Morning America!](#)

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THIS IS FOR MY GIRLS as displayed in the brown boxes is the same display as discussed above. The text of the webpage explains that Michelle Obama has recruited renowned women to record the song THIS IS FOR MY GIRLS to support the LET GIRLS LEARN INITIATIVE “and the 62 million girls around the world who do not have access to education.” The webpage explains that THIS IS FOR MY GIRLS was written by Diane Warren as “an anthem for girls everywhere.” Viewers will perceive THIS IS FOR MY GIRLS as a song title used as an anthem to inspire women to action to further education. There is nothing in this specimen that refers to or creates a nexus with any of the applied-for services.

Finally, the fifth specimen, reproduced below in relevant part, is the sheet music for the song.¹³

This Is for My Girls

by

DIANE WARREN

Lyrics by DIANE WARREN and MISSY ELLIOTT

¹³ October 8, 2020 Statement of Use (TSDR 13-14).

THIS IS FOR MY GIRLS

Moderately ♩ = 96

Words and Music by
DIANE WARREN
Rap Lyrics by
MISSY ELLIOTT

The musical score is for the song 'THIS IS FOR MY GIRLS' by Diane Warren, with rap lyrics by Missy Elliott. It is in 4/4 time, marked 'Moderately' with a tempo of 96 beats per minute. The key signature has two sharps (F# and C#). The score is written for piano, with a treble and bass staff. The first measure is marked with a forte 'f' dynamic. Above the first measure is a guitar chord diagram for B5, and above the second measure is a guitar chord diagram for C#5. The music features a mix of eighth and sixteenth notes, with some measures containing rests. A large, faint watermark is visible across the score.

The sheet music displays THIS IS FOR MY GIRLS as the title of a song and nothing more.

In its September 23, 2021 Request for Reconsideration, Applicant submitted copies of five different synchronization license agreements (“sync licenses”) that for our purposes are essentially the same.¹⁴ The relevant portions of one of the sync licenses are reproduced below:¹⁵

¹⁴ TSDR 9-29.

¹⁵ TSDR 9. The bottom of each page of the synchronization license agreement reads as follows: “THIS IS FOR MY GIRLS’ SYNCHRONIZATION LICENSE AGREEMENT.”

SYNCHRONIZATION LICENSE AGREEMENT

SYNCHRONIZATION LICENSE AGREEMENT entered into November 13, 2018, between **THE 1992 DIANE WARREN TRUST d/b/a REALSONGS** ("Publisher"), solely with respect to its [REDACTED] share of the Composition, 6363 Sunset Boulevard, Hollywood, California 90028, and **DIVERSIFIED PRODUCTIONS, LLC** ("Producer") 1801 Willow Avenue, Weehawken, New Jersey 07086.

1. The musical composition (the "Composition") covered by this license: **"THIS IS FOR MY GIRLS"** written by Diane Warren and Missy Elliott.
2. The program (the "Program") covered by this license: *Becoming: An Intimate Conversation With Michelle Obama/Why We Love Michelle Video*.
3. The type, duration and number of uses of the Composition to be recorded: one (1) background vocal use up to two minutes (2:00) in duration.

6. The following terms as used herein shall have the respective meanings set forth below:

"Non-Theatrical" – shall mean the Composition is used in synchronized timed relation to pictures, sound or otherwise in the Program to be shown in non-broadcast video presentations in Stadium exhibitions (limited to Michelle Obama Book Tour for *Becoming Memoir*) throughout the territory.

As displayed immediately above, the sync licenses submitted with Applicant's Request for Reconsideration refer to "This Is For My Girls" as a "musical composition" that is the subject matter of the licenses. The licenses expressly set forth that the licensor grants the licensee the right to perform the musical composition for a specific purpose. Licensees or potential licensees will perceive THIS IS FOR MY GIRLS as a song title that they wish to use for a specific project.

While Applicant concedes that THIS IS FOR MY GIRLS is a song title, Applicant contends that it is “much more.”¹⁶ According to Applicant, when it is used in the sync licenses, it is used as a mark for the service of “musical composition for others” because Applicant actively licenses the song for use by others.¹⁷ Applicant asserts there is a direct reference to the applied-for services because THIS IS FOR MY GIRLS “is actively licensed for use by other in creative works.”¹⁸

Each of the Synchronization Licenses expressly states that the musical composition being licensed for a particular program is “THIS IS FOR MY GIRLS” and the bottom page of each license expressly states, “THIS IS FOR MY GIRLS SYNCHRONIZATION LICENSE”. (Specimens of Use, September 23, 2021.) As such, there is a direct association between the mark and music composition services.¹⁹

We disagree. As discussed directly above, licensees or potential licensees will perceive THIS IS FOR MY GIRLS as a song they wish to license. The song already exists and the licensee or potential licensee is not engaging Applicant to create a new song to the licensee’s specifications.²⁰ Nothing in the sync license refers to THIS IS FOR MY GIRLS brand musical composition services for others. In this regard, there is nothing in this record that supports Applicant’s argument that licensing the use of a musical composition is “a logical prerequisite of the musical composition being

¹⁶ Applicant’s Brief (6 TTABVUE 9).

¹⁷ Applicant’s Brief (6 TTABVUE 9). Applicant’s counsel argued at the oral hearing that when the mark appears in the webpages discussed above, it is used in connection with the “entertainment information” services identified in the application.

¹⁸ Applicant’s Brief (6 TTABVUE 9).

¹⁹ Applicant’s Brief (6 TTABVUE 9-10).

²⁰ It is the licensee, not Applicant, who will use the song in another work under the sync licenses.

licensed.”²¹ In each instance discussed above, the relevant person encountering Applicant’s purported mark on the specimens will perceive THIS IS FOR MY GIRLS as the title of a song and nothing more.

Finally, Applicant contends that “there is a direct association between the mark [THIS IS FOR MY GIRLS] and the music composition services” because “[e]ach of the Synchronization Licenses expressly states that the musical composition being licensed for a particular program is ‘THIS IS FOR MY GIRLS’ and the bottom of the page of each license expressly states, ‘THIS IS FOR MY GIRLS SYNCHRONIZATION LICENCE’.”²² As reproduced above in the representative example of the synchronization license, “program” is the work in which THIS IS FOR MY GIRLS will be incorporated. Thus, as presented in the license, the licensee perceives the song THIS IS FOR MY GIRLS as the licensed song for use in the licensee’s program. There is simply no nexus between THIS IS FOR MY GIRLS and any of the applied for services.

Applicant cites two non-precedential cases for the proposition that “[m]usic publishing is synonymous with, or related to musical composition for others because it is the licensed song that is being solicited for use, and actually used, by others.”²³ *See Killer Music, Inc. and BMG Songs, Inc., dba Killer Tracks1 v. killersound, Inc.*, Opposition No. 91152646, pages 15-17 (unpublished); *In re Del Rey Music, Inc.*, Serial

²¹ Applicant’s Reply Brief, p. 2 (10 TTABVUE 3).

²² Applicant’s Brief (6 TTABVUE 9).

²³ Applicant’s Brief (6 TTABVUE 10).

No. 75634957, pages 4-6 (unpublished). “Non-precedential decisions are not binding on the Board,” *In re Medline Indus., Inc.*, 2020 USPQ2d 10237, at *3 n.23 (TTAB 2020) (citing *In re Procter & Gamble Co.*, 105 USPQ2d 1119, 1120-21 (TTAB 2012), but these decisions do not support Applicant in any event.

In *Killer Music*, an opposition based on likelihood of confusion, the Board found that “music composition for others” was related to the opposer’s “providing music for use in production of television shows, television advertisements, motion pictures, video recordings, in-house productions, and multi-media applications,” as well as “music publishing services.” The Board’s decision in *Killer Music* presumed use of the parties’ marks—KILLER MUSIC and KILLER SOUND and design—in connection with, and to identify, those services. In the appeal before us, we do not presume Applicant is using its mark to identify the applied for services as defined in Applicant’s Statement of Use. The issue here is whether any of Applicant’s specimens show use of the song title THIS IS FOR MY GIRLS as anything other than a song title; specifically, as a mark for any of the identified services. *Killer Music* did not address any such issue.²⁴

In *Del Rey Music*, the applicant was seeking to register the mark GRAVITY MUSIC for “musical sound recordings,” in International Class 9, and for “music composition and adaptation for others,” in International Class 41. The Examining

²⁴ The two opposers in *Killer Music* provided “musical and video recordings, providing music for television, films, videos and multi-media works, music publishing and musical information services, under the marks KILLER MUSIC and/or KILLER TRACKS.” 31 TTABVUE 2 (Opposition No. 91152646). The case had nothing to do with the titles of the songs in the opposers’ library of musical recordings.

Attorney cited as a Section 2(d) bar to registration the registered mark GRAVITY for “prerecorded phonograph records, audio cassettes, compact discs, [and] video cassettes, all featuring musical entertainment,” in International Class 9, and “entertainment in the nature of a musical performance,” in International Class 41.

The Board held in *Del Rey Music* that applicant’s “musical sound recordings” encompass and, therefore, are identical to registrant’s “prerecorded phonograph records, audio cassettes and compact discs, all of which feature musical entertainment.” With respect to the services, the Board held that musical entertainers who compose their own songs and adapt them for their particular performances may adapt those skills to compose and adapt music for others and, thus, found the services to be related.

In this case, the relationship between music publishing and musical composition for others is not at issue. As stated above, the issue is whether Applicant uses THIS IS FOR THE GIRLS to identify anything other than a song title. *Del Rey Music* did not address any such issue.

Finally, in *In re Janis Ian*, Serial No. 75155657 (TTAB 1999), which Applicant also cites, Janis Ian filed an application to register the mark RUDE GIRL and design for “music publishing services.” The application stated that the mark is used “on advertising brochures, promotional materials, and in other ways customary to the trade.” As specimens, applicant submitted copies of a music biography on which RUDE GIRL and design appears. The USPTO refused to register the application

because the specimens failed to show the mark the mark used to identify music publishing services.

During the prosecution of her application, Ian explained that music publishers "advertise" their services by distributing written materials, such as a music biography, which lets potential customers know what songs are available for use. Therefore, the music biography acted as an advertisement for her music publishing services. Based on applicant's explanation, the Board held as follows:

[I]n this case, it appears that the distribution of a music biography which includes the songs that are available for use by other persons is a customary method by which music publishers advertise their services. There is nothing in this record to the contrary. Potential purchasers of applicant's music publishing services would, therefore, understand that applicant's music biography is an advertisement for those services.

Accordingly, the Board reversed the refusal to register applicant's mark. Ian did not seek to register the title of one of her songs, however, but rather her RUDE GIRL and design mark. The case thus did not address the issue before us here.

The original specimens in this case are not written materials akin to advertisements promoting "entertainment information; musical composition for others; production of musical sound recordings." The specimens identify a single musical composition that consumers will perceive as an "anthem" or "call to action" for empowering women. With respect to the sync licenses, those documents are contracts setting forth the terms under which the licensee may use the musical composition THIS IS FOR MY GIRLS. The licensee perceives THIS IS FOR MY GIRLS as the title of the work it is licensing, not a service mark identifying the source

of THIS IS FOR MY GIRLS brand entertain information, musical composition for others, or production of musical sound recordings. At risk of repeating ourselves, the licensee is licensing the use of a song, not engaging Applicant to render any services.

To be clear, there is no evidence in the record supporting a finding that a consumer viewing THIS IS FOR MY GIRLS on any of Applicant's specimens will perceive the existence of a THIS IS FOR MY GIRLS brand for entertainment information, a THIS IS FOR MY GIRLS brand for musical composition for others, or a THIS IS FOR MY GIRLS brand for production of musical sound recordings. To the extent that any specimen advertises, or shows Applicant's rendition of, any service, the song title "This is for My Girls" appears as the subject of the services, not as an indicator of their source.

Applicant argues to the contrary that although the specimens refer to THIS IS FOR MY GIRLS as a song, it is a song that "was written and composed specifically for *other stars* to perform."²⁵ In other words,

THIS IS FOR MY GIRLS is not being used solely as the title of the musical composition being licensed, but also to signify that Applicant (through its related company and music publisher Real Songs) offers musical composition services as a logical prerequisite of the musical composition being licensed.²⁶

We have two problems with Applicant's position. First, under Applicant's argument any song title is, or is potentially, a service mark merely because it might be licensed for use by others. Second, as we stated above, there is nothing in the

²⁵ Applicant's Brief (6 TTABVUE 10).

²⁶ Applicant's Reply Brief p. 2 (10 TTABVUE 3).

record showing use of THIS IS FOR MY GIRLS as a service mark that consumers will perceive as identifying any of Applicant's services. Although, at the oral hearing, Applicant did not contend that every song is a potential service mark identifying the applied-for services because someone might want to license it, based on the specimens Applicant submitted, that is exactly the impression with which we are left. Without more compelling evidence, we cannot accept the premise of Applicant's contention on registrability of a song title being used as a service mark for the defined services recited in Applicant's Statement of Use.

We find that THIS IS FOR MY GIRLS is used on the specimens of record solely as a song title and the specimens of record do not associate it with any of the services for which Applicant seeks registration.

Decision: We affirm the refusal to register Applicant's mark THIS IS FOR MY GIRLS under Sections 1 and 45 of the Trademark Act, because the specimens of use do not show an association between the mark and the services specified in the application.