

ESTTA Tracking number: **ESTTA62440**

Filing date: **01/18/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Allied Domecq International Holdings BV
Granted to Date of previous extension	01/18/2006
Address	Florijnstraat 1P.O.Box 673 Etten-Leur, 4870 AR NETHERLANDS
Attorney information	William M. Merone Kenyon & Kenyon LLP 1500 K Street, N.W. Washington, DC 20005 UNITED STATES tmdocketdc@kenyon.com Phone:202-220-4270

**Applicant Information**

Application No	78479590	Publication date	09/20/2005
Opposition Filing Date	01/18/2006	Opposition Period Ends	01/18/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	Vodka Slavianskaya Limited Lion House Red Lion Street London, WC1R 4GB UNITED KINGDOM		

**Goods/Services Affected by Opposition**

Class 033. All goods and services in the class are opposed, namely: Wines, distilled spirits, liqueurs and prepared alcoholic cocktails
--

Attachments	Notice of Opposition.pdf ( 5 pages )
-------------	--------------------------------------

Signature	/William M. Merone/
Name	William M. Merone
Date	01/18/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application:

Serial No. : 78/479590  
Applicant : Vodka Slavianskaya Limited  
Filed : Sept. 7, 2004  
Mark : SLAVIANSKAYA SPIRIT OF RUSSIA

Published in the Official Gazette of September 20, 2005

ALLIED DOMEcq INTERNATIONAL  
HOLDINGS BV.,

*Opposer,*

v.

VODKA SLAVIANSKAYA LIMITED,

*Applicant.*

Opposition No. \_\_\_\_\_

Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513  
BOX TTAB - FEE

**NOTICE OF OPPOSITION**

Opposer, Allied Domecq International Holdings B.V. (“Allied Domecq”), a corporation existing under the laws of the Netherlands and having an address of P.O. Box 673, Florijnstraat 1, 4870 AR Etten-Leur NETHERLANDS, believing it will be damaged by registration of “SLAVIANSKAYA SPIRIT OF RUSSIA” as a trademark in International Class 33 for “wines, distilled spirits, liqueurs and prepared alcoholic cocktails” as shown in Serial No. 78/479590, hereby opposes same.

As grounds for opposition, Allied Domecq alleges as follows:

1. Applicant, Vodka Slavianskaya Limited, seeks a standard character registration of “SLAVIANSKAYA SPIRIT OF RUSSIA” as a trademark in International Class 33 for “wines, distilled spirits, liqueurs and prepared alcoholic cocktails.” Applicant filed Application Serial No. 78/479590 on September 7, 2004, and claims the benefit of a foreign registration under Section 44(e) of the Trademark Act.

2. Allied Domecq is the owner of several trademarks and registrations for “vodka,” including the following two incontestable marks:

- (1) **STOLICHNAYA RUSSIAN VODKA & Design**  
U.S. Reg. No. 1,852,552 for “vodka” (Int’l. Cl. 33)  
Date of Registration: September 6, 1994  
Use in Commerce: June 30, 1983  
*Disclaiming:* “RUSSIAN VODKA”



- (2) **STOLICHNAYA**  
U.S. Reg. No. 1,291,454 for “vodka” (Int’l. Cl. 33)  
Date of Registration: August 21, 1984  
Use in Commerce: April 14, 1967

3. Allied Domecq, through its licensees and its predecessors-in-interest, has used the STOLICHNAYA RUSSIAN VODKA & Design mark in interstate commerce in connection with the sale of “vodka” since at least as early as 1983. Such use is well before the September 7, 2004 filing date of Serial No. 78/479590.

4. Allied Domecq, through its licensees and its predecessors-in-interest, has also used the STOLICHNAYA mark in interstate commerce in connection with the sale of “vodka” since at least as early as 1967. Such use is also well before the September 7, 2004 filing date of Serial No. 78/479590.

5. Applicant's proposed use of SLAVIANSKAYA SPIRIT OF RUSSIA to identify “wines, distilled spirits, liqueurs and prepared alcoholic cocktails” is likely to cause consumers mistakenly to believe that goods sold by Applicant under the mark are somehow related to STOLICHNAYA vodka, or that such goods originate from, or are sponsored or approved by, Allied Domecq (or vice versa). Such confusion and mistake on the part of consumers is likely to cause injury to Allied Domecq.

6. If Applicant is awarded a registration for “SLAVIANSKAYA SPIRIT OF RUSSIA” as a trademark in International Class 33 for “wines, distilled spirits, liqueurs and prepared alcoholic cocktails” as requested in Serial No. 78/479590, it would be entitled to the presumptions flowing from such registration, all to the injury of Allied Domecq.

7. Accordingly, registration for the mark applied for under Serial No. 78/479590 should be refused under the provisions of Section 2(d) of the Trademark Act.

8. As a result of its long, extensive, and continuous use, as well other factors listed in Section 43(c) of the Trademark Act, the distinctive STOLICHNAYA mark, prior

to the September 7, 2004 filing date of Serial No. 78/479590, has become famous within the meaning of Section 43(c) of the Trademark Act as identifying a source for “vodka.”

9. Applicant's proposed use of SLAVIANSKAYA SPIRIT OF RUSSIA to identify “wines, distilled spirits, liqueurs and prepared alcoholic cocktails” would dilute the distinctive quality of the famous STOLICHNAYA mark and, thus, would cause dilution as set forth in Section 43(c) of the Trademark Act, and injure Allied Domecq.

10. Accordingly, registration for the mark applied for under Serial No. 78/479590 should be refused under the provisions of Sections 2 and 43(c) of the Trademark Act.

WHEREFORE, Opposer, Allied Domecq International Holdings B.V., prays that Application Serial No. 78/479590 be rejected, that no registration be issued to Applicant, and that this opposition be sustained in favor of Allied Domecq.

Please address all future communications regarding this opposition to:

Edward T. Colbert  
William M. Merone  
KENYON & KENYON LLP  
1500 K Street, N.W.  
Washington, D.C. 20005  
Tel.: (202) 220 - 4200  
Fax: (202) 220 - 4201

Please charge the filing fee of \$300.00, and any other fees associated with this proceeding to Deposit Account 11-0600 (Our Ref. 12535-999)

Respectfully submitted,

KENYON & KENYON LLP

Date: January 18, 2006

By:

/William M. Merone/

Edward T. Colbert

William M. Merone

KENYON & KENYON LLP

1500 K Street, N.W.; Suite 700

Washington, D.C. 20005

Tel.: (202) 220-4200

Fax: (202) 220-4201

*Counsel for Opposer,*

*Allied Domecq International Holdings B.V.*