

TTAB

Docket No. 29WG-165308

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

<p><i>In re Matter of Application No. 85/375,935 for the mark: ONE LOVE</i></p> <p>Fifty-Six Hope Road Music Limited,</p> <p>Opposer,</p> <p>v.</p> <p>Samtani (Jamaica) Ltd.</p> <p>Applicant.</p>	<p>Opposition No. _____</p> <p>NOTICE OF OPPOSITION</p>
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Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

04/23/2012 SWILSON1 00000002 505691 85375935
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Dear Commissioner:

Opposer, Fifty-Six Hope Road Music Limited, a Bahamas International Business Company ("Opposer"), having its principal place of business at Aquamarine House, Cable Beach, Nassau, Bahamas, believes that it will be damaged by the registration of the mark ONE LOVE, as shown in U.S. Application Serial No. 85/375,935 (the "Application"), and hereby opposes its registration on the following grounds:

1. Opposer owns the trademark BOB MARLEY (Reg. No. 2,349,361) in Classes 3, 6, 9, 14, 16, 18, 21, 24, 25 and 26; the trademark BOB MARLEY AND THE WAILERS (Reg. No. 2,820,741) in Classes 9 and 25, and the trademark applications to register ONE LOVE in Classes 25, 41 and 43 (hereinafter collectively referred to as "the MARLEY/ONE LOVE Marks"), and all other rights associated with Bob Marley and One Love (the "Marley/One Love Goods").



04-19-2012

2. On July 20, 2011, Applicant Samtani (Jamaica) Ltd. ("Applicant"), having a place of business at P.O. Box 538, 25 Shoppes at Rose Hall, Montego Bay, Jamaica, filed the Application seeking registration, on an in-use basis, of ONE LOVE for jewelry, namely, bracelets and rings in Class 14.

3. The Application was published for opposition in the Official Gazette on December 20, 2011. Opposer was granted extensions of time to oppose the Application.

4. Opposer is owned and operated by the majority of the children and widow of the world-renowned reggae artist, Bob Marley, and is the owner of all intellectual property rights in the name and likeness of Bob Marley. The goods and services sold under the MARLEY/ONE LOVE Marks have been favorably received and are otherwise recognized by the consuming public and are associated with Opposer and the late musical legend, Bob Marley.

5. Bob Marley is well known for his musical and cultural contributions to the field of arts and entertainment.

6. In 1965, Bob Marley recorded the song "One Love," an anthem for peace and unity. The song was released in 1977 and went on to become one of Bob Marley's biggest hits and one of the most influential reggae songs of all time. The term ONE LOVE has become widely associated with Bob Marley by consumers throughout the U.S. and in Jamaica and has acquired secondary meaning and trademark rights.

7. Opposer has priority of use over Applicant for the ONE LOVE name and trademark.

8. Applicant's proposed mark is similar in sound, appearance and meaning and is confusingly similar to Opposer's ONE LOVE mark. Further, the goods to be offered by Applicant are similar and related to those offered under Opposer's ONE LOVE mark.

9. The ONE LOVE mark is inherently distinctive and has acquired secondary meaning and is associated with Opposer and Bob Marley, and, thus, falsely suggests a connection with Bob Marley and Opposer. The ONE LOVE mark is famous and distinctive within

the meaning of the Federal Trademark Dilution Act. Applicant filed the Application after the ONE LOVE mark had become famous, and Applicant seeks to commercially use the applied-for mark ONE LOVE.

10. As a result of all of the foregoing, the maturation of the Application into a registration would cause a likelihood of confusion, mistake, or deception and a likelihood of dilution.

11. Opposer would be damaged by the registration of the mark shown in the Application, in that such registration would give Applicant a *prima facie* exclusive right to the use of ONE LOVE, despite the likelihood of confusion, mistake, or deception and likelihood of dilution described above, and will allow Applicant to trade on Opposer's existing goodwill in the ONE LOVE mark.

12. A duplicate copy of this Notice of Opposition is submitted herewith. Please charge the requisite \$300 opposition filing fee(\$300 per class) and any additional amounts to **Deposit Account No. 50-5691.**

WHEREFORE, Opposer prays that this Opposition be sustained in favor of Opposer, that the Application be rejected, and that registration of the Application be refused.

Respectfully submitted,

Dated: April 16, 2012



Jill M. Pietrini
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067-6017
Telephone: (310) 228-3700
Facsimile: (310) 228-3701

*Attorneys for Opposer
Fifty-Six Hope Road Music Limited*

CERTIFICATE OF SERVICE

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

Mark Levy
Hinman, Howard & Kattell, LLP
80 Exchange St., Ste. 700
Binghamton, NY 13901-3490

on this 16th day of April, 2012.


LaTrina A. Martin

CERTIFICATE OF MAILING

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to: Commissioner for Trademarks, Attn: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on this 16th day of April, 2012.

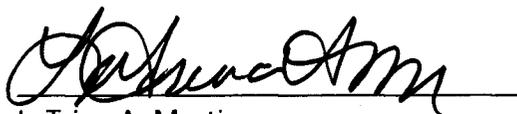

LaTrina A. Martin

Exhibit A

Tropicana
JEWELERS

Temptation Beyond Belief

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FREE

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Novelties

It is always a great idea to take a little momento of your trip back home with you. In case you did not get a chance to pick something up while you were visiting Jamaica, here's your opportunity. You can purchase the "One Love" Jamaican bracelet and the Reggae watch and have it shipped directly to you. Just click "Order Now" below.

Reggae Watch

Tropicana Jewelers is proud to introduce the perfect souvenir - the Reggae Watch. This simple, yet stylish, novelty with it's black, green and gold colors, will always remind you of Jamaica

Special: Now you can get your very own for the low price of \$49.99. (This includes shipping and handling)



"One Love" Jamaican Bracelet

This special bracelet that is exclusive to Tropicana Jewelers, represents the love and unity that is synonymous with Jamaican culture. The "One Love" bracelet comes in silver and 14kt gold and is the perfect expression of affection. Buy it for yourself or for someone special - spread the love.



Special: Now you can get your very own for the low price of \$125.00. (Plus \$15.00 shipping & handling)

Order Now

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Tropicana
JEWELERS



One Love

JAMAICAN BRACELET

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**3mm 14k sizes 7"-8.5"
Heart Hook Br**

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BRACELETS » SGU4007**

**"ONE LOVE" JAMAICAN BRACELET - 4MM STERLING SILVER & 14K SIZES
[SGU4007]**



[Click to enlarge](#)

\$125.00



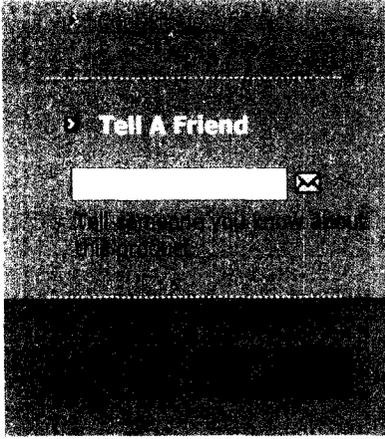
Available Options:

Size: **7**

Current Reviews: 1

This product was added to our catalog on Monday 02 November, 2009.

4mm Sterling Silver & 14k sizes 7"-8.5" "One Love" Jamaican Bracelet



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