

ESTTA Tracking number: **ESTTA564142**

Filing date: **10/09/2013**

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	EMI (IP) Limited
Granted to Date of previous extension	10/09/2013
Address	364-366 Kensington High Street London, W14 8NS UNITED KINGDOM

Attorney information	Brent S. LaBarge c/o Universal Music Group 2220 Colorado Avenue Santa Monica, CA 90404 UNITED STATES brent.labarge@umusic.com, melissa.battino@umusic.com, nicole.villacorta@umusic.com
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Applicant Information

Application No	78835315	Publication date	06/11/2013
Opposition Filing Date	10/09/2013	Opposition Period Ends	10/09/2013
Applicant	OCC Establishment Staedtle 36 FL-9490 Vaduz, LIECHTENSTEIN		

Goods/Services Affected by Opposition

Class 038. All goods and services in the class are opposed, namely: Television broadcasting
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2112881	Application Date	02/20/1996
Registration Date	11/11/1997	Foreign Priority Date	NONE
Word Mark	NOW		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 musical sound recordings [and musical video recordings]

U.S. Registration No.	4211879	Application Date	07/10/2001
Registration Date	09/25/2012	Foreign Priority Date	01/15/2001

Word Mark	NOW
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: Musical sound recordings; audiovisual recordings featuring music; enhanced musical sound recordings; enhanced audiovisual recordings featuring music; interactive musical sound recordings; interactive audiovisual recordings featuring music; DVDs and CD-ROMs featuring music and musical performances, namely, performances of musical artists; downloadable musical sound recordings; downloadable digital musical sound recordings provided from MP3 Internet websites</p> <p>Class 035. First use: Retail store services featuring musical sound recordings, audiovisual recordings featuring music, enhanced musical sound recordings, enhanced audiovisual recordings featuring music, interactive musical sound recordings, interactive audiovisual recordings featuring music, and DVDs and CD-ROMs featuring music and musical performances, downloadable musical sound recordings, downloadable digital musical sound recordings provided from MP3 Internet web sites; promoting the goods and services of others in the recording industry and in the music industry through the distribution of printed and audio promotional materials; management of performing artists</p> <p>Class 038. First use: Electronic transmission of digital music and information concerning music and musical performances; electronic transmission of news and current affairs information relating to music or musical performances</p> <p>Class 041. First use: Musical entertainment services, namely, live musical performances, concerts and shows; production of musical sound recordings, musical audiovisual recordings, live musical performances and live music concerts; music production services; music publishing services; recording studio services; providing on-line information in the field of sound recordings and audiovisual recordings featuring musical performances; rental of sound and audiovisual recordings featuring musical performances; providing a website featuring non-downloadable pre-recorded digital music; provision of online non-downloadable electronic publications in the nature of magazines and newsletters relating to sound recordings and audiovisual recordings featuring musical performances and musical entertainment</p> <p>Class 045. First use: Exploitation and licensing of intellectual property rights in musical and lyrical works for and on behalf of authors, composers or conductors of such works; providing online information relating to intellectual property rights in musical and lyrical works</p>
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U.S. Registration	2484158	Application Date	08/25/1998
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No.			
Registration Date	09/04/2001	Foreign Priority Date	NONE
Word Mark	NOW! MUSIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/10/15 First Use In Commerce: 1998/07/27 [audio cassettes featuring music; video cassettes featuring music; digital audio tape featuring music;] audio discs featuring music; compact discs featuring music; [video discs featuring music; interactive multimedia computer programs featuring music; motion picture films featuring music;] music sound recordings; [music video recordings;] record albums featuring music		

U.S. Registration No.	2462073	Application Date	02/20/1998
Registration Date	06/19/2001	Foreign Priority Date	NONE
Word Mark	NOW DANCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1983/00/00 First Use In Commerce: 1999/08/00 musical sound recordings		

U.S. Registration No.	3506405	Application Date	08/27/2004
Registration Date	09/23/2008	Foreign Priority Date	NONE
Word Mark	NOW THAT'S WHAT I CALL MUSIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1999/01/00 First Use In Commerce: 1999/01/00 Providing information in the field of entertainment by means of a global computer network		

U.S. Registration No.	2089508	Application Date	06/27/1994
Registration Date	08/19/1997	Foreign Priority Date	NONE
Word Mark	NOW THAT'S WHAT I CALL MUSIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 musical sound recordings		

U.S. Registration No.	3370350	Application Date	08/01/2005
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Registration Date	01/15/2008	Foreign Priority Date	NONE
Word Mark	NOW ¡ESTO ES MUSICA! LATINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/03/00 First Use In Commerce: 2006/03/00 series of musical sound recordings; downloadable musical sound recordings		

Attachments	Combined Notice of Opposition and Petition to Cancel -- MUSIC NOW (OCC Establishment).pdf(304830 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Brent S. LaBarge/
Name	Brent S. LaBarge
Date	10/09/2013

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

In the matter of Application Serial No. 78/835,315

EMI (IP) LIMITED)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
OCC ESTABLISHMENT,)	
)	
Applicant.)	
)	

-and-

In the matter of Registration No. 2,100,606

EMI (IP) LIMITED)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
OCC ESTABLISHMENT,)	
)	
Respondent.)	
)	

COMBINED NOTICE OF OPPOSITION AND PETITION TO CANCEL

EMI (IP) Limited, a corporation organized and existing under the laws of England and Wales with a business address at 364-366 Kensington High Street, London W14 8NS, United Kingdom, believes that it would be damaged by the issuance of a registration to OCC Establishment (“OCC”) for the MUSIC NOW word mark set forth in Application Serial No. 78/835,315 (the “Application”) and hereby opposes registration of the same. Furthermore, EMI (IP) Limited believes that it is being damaged and will continue to be damaged by OCC’s registration for the MUSIC NOW and Design mark (together with the MUSIC NOW word mark,

the “Contested Marks”) set forth in Registration No. 2,100,606 (the “Registration”), and hereby petitions to cancel the same.

As grounds therefor, EMI (IP) Limited alleges as follows:

FACTS RELEVANT TO ALL CLAIMS

1. For many years, EMI (IP) Limited and its predecessors-in-interest and licensees (collectively, as applicable, “EMI”) have continuously used, and EMI is currently using, the mark NOW and a family of NOW-inclusive marks (collectively, the “NOW Marks”)—including the marks NOW, NOW! MUSIC, and NOW DANCE—in interstate and foreign commerce.

2. EMI uses its NOW Marks in connection with all aspects of the entertainment industry.

3. The NOW Marks are inherently distinctive and strong and are therefore entitled to a broad scope of protection.

4. EMI has extensively, exclusively, and continuously used the NOW Marks and has invested a substantial amount of time, effort, and money in promoting the NOW Marks, both individually and together. These efforts, combined with the high quality of the goods and services offered under the NOW Marks, have resulted in an exclusive association of the NOW Marks with EMI and its goods and services. Consumers have come to rely on the NOW Marks to identify EMI’s goods and services and to distinguish them from the goods and services of its competitors. As such, the NOW Marks have developed extensive goodwill and consumer recognition and have become famous and well-known in the United States and throughout the world.

5. EMI has used and promoted the NOW Marks together in such a way that the public associates not only the individual NOW Marks, but the common NOW element of each member of the family of marks, with EMI.

6. In addition to its common law rights developed through decades of use, EMI owns the following federal trademark and service mark registrations for its NOW Marks:

MARK	REG. NO.	REG. DATE	INT'L CLASS
NOW	2,112,881	November 11, 1997	9
NOW	4,211,879	September 25, 2012	9; 35; 38; 41; 45
NOW! MUSIC	2,484,158	September 4, 2001	9
NOW DANCE	2,462,073	June 19, 2001	9
NOW THAT'S WHAT I CALL MUSIC	3,506,405	September 23, 2008	41
NOW THAT'S WHAT I CALL MUSIC	2,089,508	August 19, 1997	9
NOW ¡ESTO ES MUSICA! LATINO	3,370,350	January 15, 2008	9

True and correct copies of printouts from the U.S. Patent and Trademark Office's ("USPTO") online Trademark Electronic Search System database showing the current status and title of these registrations are attached collectively hereto as Exhibit 1.

7. The foregoing registrations are valid, subsisting, and in full force and effect. These registrations constitute evidence of the validity of the registered marks and of the registrations thereof, of EMI's ownership of the marks, and of EMI's exclusive right to use the marks in commerce in connection with the identified goods and services pursuant to Section 7(b) of the Lanham Act, 15 U.S.C. § 1057(b). EMI's Registration Nos. 2,112,881; 2,484,158; 2,462,073; 3,506,405; 2,089,508; and 3,370,350 are incontestable and thus serve as *conclusive* evidence of all of the foregoing facts pursuant to Section 33(b) of the Lanham Act, 15 U.S.C.

§ 1115(b). Such registrations place others on constructive notice of EMI's claim of ownership thereof pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072.

FACTS AND CLAIMS RELATING TO THE REGISTRATION

8. On October 4, 1994, OCC filed an application to register the MUSIC NOW and Design mark under Sections 1(b) and 44(d) of the Lanham Act, 15 U.S.C. §§ 1051(b) and 1126(d), for use in connection with "television broadcasting via satellite" in International Class 38 (the "Underlying Application"). On or about June 24, 1997, OCC amended the Underlying Application to delete the Section 1(b) filing basis, allowing the Underlying Application to proceed to registration on the basis of Section 44(e) of the Lanham Act, 15 U.S.C. § 1126(e).

9. On information and belief, OCC deleted the Section 1(b) filing basis from the Underlying Application to avoid proving that it was actually using the MUSIC NOW and Design mark in the United States.

10. On September 30, 1997, the Underlying Application matured into the Registration without OCC ever alleging use of the MUSIC NOW and Design mark in the United States or submitting specimens of such use.

11. On March 30, 2004, OCC submitted a declaration under Section 8 of the Lanham Act, 15 U.S.C. § 1058, alleging excusable nonuse in lieu of demonstrating that it was actually using the MUSIC NOW and Design mark in the United States. None of the circumstances set forth in OCC's submission or in its supplemental submission of November 8, 2004—either alone or in combination—constitute excusable nonuse.

12. On March 31, 2008, OCC again submitted a declaration under Section 8 of the Lanham Act, 15 U.S.C. § 1058, alleging excusable nonuse in lieu of demonstrating that it was actually using the MUSIC NOW and Design mark in the United States. None of the

circumstances set forth in OCC's submission—either alone or in combination—constitute excusable nonuse.

I. ABANDONMENT

13. On information and belief, OCC has never used the MUSIC NOW and Design mark in the United States in connection with the services identified in the Registration at any point in the nearly two decades that have elapsed since the filing date of the Underlying Application.

14. To the extent OCC ever commenced using the MUSIC NOW and Design mark in the United States after issuance of the Registration, on information and belief, there has been at least one period of three or more consecutive years during which OCC failed to use the MUSIC NOW and Design mark in connection with the services identified in the Registration.

Concurrent with such period(s) of nonuse, on information and belief OCC had no intention to resume use of the MUSIC NOW and Design mark in the United States.

15. On information and belief, OCC abandoned its rights to the MUSIC NOW and Design mark at least once after issuance of the Registration, and the Registration should be cancelled.

FACTS AND CLAIMS RELATING TO THE APPLICATION

16. On March 13, 2006, OCC filed the Application to register the MUSIC NOW word mark under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), for use in connection with “television broadcasting” in International Class 38.

17. EMI acquired rights in the NOW Marks long before OCC filed the Application, long before any commercial use by OCC of the MUSIC NOW word mark, and long before any priority date upon which OCC may rely.

18. The Application was published for opposition on June 11, 2013; EMI's time to oppose the Application has since been extended to October 9, 2013.

I. LIKELIHOOD OF CONFUSION

19. The MUSIC NOW word mark, as used in association with the services recited in the Application, is so similar to the NOW Marks as to be likely to create confusion, mistake, or deception as to the source, sponsorship, or affiliation of OCC's services in the minds of consumers and persons in the trade for the following reasons, among others:

20. The MUSIC NOW word mark reflected in the Application combines the dominant NOW element of EMI's NOW Marks with the disclaimed and generic word "Music." The MUSIC NOW word mark is thus virtually identical to the NOW Marks in sight, sound, and commercial meaning.

21. The services recited in the Application are identical and/or closely related to the goods and services offered by EMI in connection with the NOW Marks.

22. On information and belief, OCC's services offered in connection with the MUSIC NOW word mark, if any, and the goods and services offered under the NOW Marks are likely to be sold, marketed, and/or offered to the same classes of consumers.

23. On information and belief, the channels of trade for OCC's services offered in connection with the MUSIC NOW word mark, if any, and the channels of trade for EMI's goods and services offered under the NOW Marks are the same.

24. OCC's use and/or registration of the MUSIC NOW word mark for the services listed in the Application is thus likely to cause confusion or mistake, or to deceive the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

II. DILUTION

25. The NOW Marks are distinctive and have been used by EMI for decades (and still are being used by EMI) in connection with a wide variety of goods and services offered by EMI.

26. The NOW Marks are famous.

27. The NOW Marks became famous long before OCC filed the Application, long before any commercial use by OCC of the MUSIC NOW word mark, and long before any priority date upon which OCC may rely.

28. OCC's use and/or registration of the MUSIC NOW word mark for the services listed in the Application is thus likely to dilute the distinctiveness of the NOW Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

INJURY TO EMI

29. Permitting OCC to obtain or maintain registrations for the Contested Marks in connection with the services recited in the Application and Registration would be inconsistent with EMI's prior exclusive rights in the NOW Marks and would threaten to destroy EMI's investment and goodwill in such marks. EMI thus would be injured by the registration of the Application and the continued registration of the Registration.

30. Permitting OCC to obtain or maintain registrations for the Contested Marks in connection with the services recited in the Application and Registration further damages EMI, as such registrations confer upon OCC various statutory presumptions to which it is not entitled given EMI's longstanding prior use of the NOW Marks.

31. Permitting OCC to obtain or maintain registrations for the Contested Marks in connection with the services recited in the Application and Registration would weaken the strength and reputation of the NOW Marks, resulting in damage and injury to EMI.

EXHIBIT 1

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Word Mark NOW

Goods and Services IC 009. US 021 023 026 036 038. G & S: musical sound recordings [and musical video recordings].
FIRST USE: 19900000. FIRST USE IN COMMERCE: 19900000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75060042

Filing Date February 20, 1996

Current Basis 1A

Original Filing Basis 1B

Published for Opposition January 21, 1997

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2112881

Registration Date November 11, 1997

Owner (REGISTRANT) VIRGIN RECORDS LIMITED LIMITED LIABILITY COMPANY UNITED KINGDOM
KENSAL HOUSE 553/579 HARROW ROAD LONDON W10 4RH ENGLAND

(REGISTRANT) EMI Records Limited LIMITED LIABILITY COMPANY UNITED KINGDOM 1/3 Uxbridge
Road Hayes, Middlesex, UB4 0TG ENGLAND

(LAST LISTED OWNER) EMI (IP) LIMITED CORP. ENGLAND AND WALES 27 WRIGHTS LANE
LONDON W8 5SW UNITED KINGDOM

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Lawrence Eli Apolzon
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070818.
Renewal 1ST RENEWAL 20070818
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark NOW

Goods and Services IC 009. US 021 023 026 036 038. G & S: Musical sound recordings; audiovisual recordings featuring music; enhanced musical sound recordings; enhanced audiovisual recordings featuring music; interactive musical sound recordings; interactive audiovisual recordings featuring music; DVDs and CD-ROMs featuring music and musical performances, namely, performances of musical artists; downloadable musical sound recordings; downloadable digital musical sound recordings provided from MP3 Internet websites

IC 035. US 100 101 102. G & S: Retail store services featuring musical sound recordings, audiovisual recordings featuring music, enhanced musical sound recordings, enhanced audiovisual recordings featuring music, interactive musical sound recordings, interactive audiovisual recordings featuring music, and DVDs and CD-ROMs featuring music and musical performances, downloadable musical sound recordings, downloadable digital musical sound recordings provided from MP3 Internet web sites; promoting the goods and services of others in the recording industry and in the music industry through the distribution of printed and audio promotional materials; management of performing artists

IC 038. US 100 101 104. G & S: Electronic transmission of digital music and information concerning music and musical performances; electronic transmission of news and current affairs information relating to music or musical performances

IC 041. US 100 101 107. G & S: Musical entertainment services, namely, live musical performances, concerts and shows; production of musical sound recordings, musical audiovisual recordings, live musical performances and live music concerts; music production services; music publishing services; recording studio services; providing on-line information in the field of sound recordings and audiovisual recordings featuring musical performances; rental of sound and audiovisual recordings featuring musical performances; providing a website featuring non-downloadable pre-recorded digital music; provision of online non-downloadable electronic publications in the nature of magazines and newsletters relating to sound recordings and audiovisual recordings featuring musical performances and musical entertainment

IC 045. US 100 101. G & S: Exploitation and licensing of intellectual property rights in musical and lyrical works for and on behalf of authors, composers or conductors of such works; providing online information relating to intellectual property rights in musical and lyrical works

Mark

Drawing Code (1) TYPED DRAWING

Serial Number 76282814

Filing Date July 10, 2001

Current Basis 44E

Original Filing Basis 1B;44D

Published for Opposition July 10, 2012

Registration Number 4211879

Registration Date September 25, 2012

Owner (REGISTRANT) EMI (IP) LIMITED CORPORATION UNITED KINGDOM 27 WRIGHTS LANE LONDON W8 5SW UNITED KINGDOM

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Lawrence E. Apolzon

Priority Date January 15, 2001

Prior Registrations 2112881

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Record 1 out of 1[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark** NOW! MUSIC**Goods and Services** IC 009. US 021 023 026 036 038. G & S: [audio cassettes featuring music; video cassettes featuring music; digital audio tape featuring music;] audio discs featuring music; compact discs featuring music; [video discs featuring music; interactive multimedia computer programs featuring music; motion picture films featuring music;] music sound recordings; [music video recordings;] record albums featuring music. FIRST USE: 19951015. FIRST USE IN COMMERCE: 19980727**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 75542249**Filing Date** August 25, 1998**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** July 25, 2000**Registration Number** 2484158**Registration Date** September 4, 2001**Owner** (REGISTRANT) Virgin Records Limited LIMITED LIABILITY CORPORATION ENGLAND Kensal House 553/579 Harrow Road London W10 4RH ENGLAND

(REGISTRANT) EMI Records Limited LIMITED LIABILITY CORPORATION ENGLAND EMI House 43 Brook Green London W6 7EF ENGLAND

(LAST LISTED OWNER) EMI (IP) LIMITED CORP. ENGLAND AND WALES 27 WRIGHTS LANE LONDON W8 5SW UNITED KINGDOM

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Lawrence E. Apolzon
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MUSIC" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110801.
Renewal 1ST RENEWAL 20110801
Live/Dead Indicator LIVE

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Word Mark	NOW DANCE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: musical sound recordings. FIRST USE: 19830000. FIRST USE IN COMMERCE: 19990800
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75437998
Filing Date	February 20, 1998
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	March 16, 1999
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	2462073
Registration Date	June 19, 2001
Owner	(REGISTRANT) Virgin Records Limited LIMITED LIABILITY CORPORATION UNITED KINGDOM Kensal House 553/579 Harrow Road London ENGLAND W10 4RH (REGISTRANT) EMI Records Limited LIMITED LIABILITY CORPORATION UNITED KINGDOM EMI House, 43 Brook Green London ENGLAND W6 7EF (LAST LISTED OWNER) EMI (IP) LIMITED CORP. ENGLAND AND WALES UNITED KINGDOM 27 WRIGHTS LANE LONDON W8 5SW UNITED KINGDOM
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	LAWRENCE E. APOLZON

Record

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100826.
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NOW THAT'S WHAT I CALL MUSIC

Word Mark	NOW THAT'S WHAT I CALL MUSIC
Goods and Services	IC 041. US 100 101 107. G & S: Providing information in the field of entertainment by means of a global computer network. FIRST USE: 19990100. FIRST USE IN COMMERCE: 19990100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
Serial Number	78474693
Filing Date	August 27, 2004
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 5, 2005
Registration Number	3506405
Registration Date	September 23, 2008
Owner	(REGISTRANT) EMI (IP) Limited CORPORATION UNITED KINGDOM 27 Wrights Lane London ENGLAND W8 5SW

Attorney of Record Lawrence E. Apolzon
Prior Registrations 2089508;2848543
Type of Mark SERVICE MARK
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Word Mark NOW THAT'S WHAT I CALL MUSIC

Goods and Services IC 009. US 021 023 026 036 038. G & S: musical sound recordings. FIRST USE: 19900000. FIRST USE IN COMMERCE: 19900000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74542391

Filing Date June 27, 1994

Current Basis 1A

Original Filing Basis 1B

Published for Opposition November 12, 1996

Registration Number **2089508**

Registration Date August 19, 1997

Owner (REGISTRANT) VIRGIN RECORDS LIMITED LIMITED LIABILITY CORPORATION UNITED KINGDOM KENSAL HOUSE, 553/579 HARROW ROAD LONDON V10 4RH ENGLAND

(REGISTRANT) EMI RECORDS LIMITED LIMITED LIABILITY CORPORATION UNITED KINGDOM 1/3 UXBRIDGE ROAD, HAYES MIDDLESEX UB4 OTG ENGLAND

(LAST LISTED OWNER) EMI (IP) LIMITED CORP. ENGLAND AND WALES 27 WRIGHTS LANE LONDON W8 5SW UNITED KINGDOM

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record RONALD E SHAPIRO

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070914.
Renewal 1ST RENEWAL 20070914
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Word Mark	NOW ¡ESTO ES MUSICA! LATINO
Translations	The English translation of the mark is "THIS IS MUSIC LATINO."
Goods and Services	IC 009. US 021 023 026 036 038. G & S: series of musical sound recordings; downloadable musical sound recordings. FIRST USE: 20060300. FIRST USE IN COMMERCE: 20060300
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.02 - Plain single line rectangles; Rectangles (single line)
Trademark Search Facility Classification Code	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
Serial Number	78682844
Filing Date	August 1, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 29, 2006
Registration Number	3370350
Registration Date	January 15, 2008
Owner	(REGISTRANT) EMI (IP) Limited CORPORATION UNITED KINGDOM 27 Wrights Lane London ENGLAND W8 5SW

Attorney of Record	Lawrence E. Apolzon
Prior Registrations	2112881;2462073;2484158;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LATINO" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The drawing contains gray tones to indicate shading.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CERTIFICATE OF SERVICE

I hereby certify that true and complete copies of the foregoing combined Notice of Opposition and Petition to Cancel have been served by mailing said copies on October 9, 2013, via First Class Mail, postage prepaid, to:

- (i) Counsel for Applicant OCC Establishment:

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