

ESTTA Tracking number: **ESTTA579159**

Filing date: **12/28/2013**

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	4WORLDS MEDIA LTD
Granted to Date of previous extension	12/28/2013
Address	AVTECH HOUSEHITHERCROFT ROAD WALLINGFORD, OX10 9DA UNITED KINGDOM

Correspondence information	Stephen Beatty 4Worlds Media Ltd Avtech House Hithercroft Road Wallingford, OX10 9DA UNITED KINGDOM steve@plastichead.com , Tom@plastichead.com , management@hawkwind.com Phone:+44 (0) 1491 825029
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Applicant Information

Application No	85776225	Publication date	10/29/2013
Opposition Filing Date	12/28/2013	Opposition Period Ends	12/28/2013
Applicant	Turner, Nicholas Suite 510 Los Angeles, CA 900351157 GBX		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services, namely, live musical performances by an individual or musical group
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Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HAWKWIND		

Goods/Services	Goods and Services:Entertainment services, namely, live musical performances by an individual or musical group; prerecorded CDs and records featuring musical performances by an individual or musical group; downloadable files featuring musical performances by an individual or musical group
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Attachments	Statement of Opposition 4Worlds Media.pdf(28254 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	/Stephen Beatty/
Name	Stephen Beatty
Date	12/28/2013

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

4Worlds Media Ltd

Opposer,

v.

Nicholas Turner

Applicant.

Opposition No. _____

Serial No: 85776225

Mark: NIK TURNER'S HAWKWIND

NOTICE OF OPPOSITION

4Worlds Media Ltd will be damaged by registration of the mark in U.S. Application Serial No. 85776225 and requests that registration be denied.

1. Opposer (4Worlds Media Ltd) is the current record label in the United States and worldwide of the rock band HAWKWIND.

2. Opposer (4Worlds Media Ltd) has a direct license with HAWKWIND to produce, market and sell HAWKWIND products worldwide. These products include live recordings, CDs, vinyl, downloads, MP3s and promotional items such as T/shirts.

3. HAWKWIND products produced by Opposer are sold in every major internet marketplace, available for purchase by fans in the United States and everywhere else in the world.

4. HAWKWIND products produced by Opposer are available to buy in record shops and at HAWKWIND concerts worldwide.

5. The HAWKWIND mark which is exclusively associated with the band led by Dave Brock, is widely recognized by the general consuming public in the United States.

6. Notwithstanding Dave Brock's rights in and to the HAWKWIND mark, Applicant filed Application Serial No. 85776225 on November 9, 2012 for NIK TURNER'S HAWKWIND for "Entertainment services, namely, live musical performances by an individual or musical group" in International Class 41.

7. Applicant's application was published for opposition on October 29, 2013 in the Official Gazette (Trademarks) of the United States Patent and Trademark Office. Opposer was granted an extension of time to oppose Applicant's application until December 28, 2013. This Notice of Opposition is timely filed.

8. Mr. Turner has recently launched a series of performances in the United States under the NIK TURNER'S HAWKWIND mark. Upon information and belief, Mr. Turner produced and sold unlicensed HAWKWIND products at these shows including T/shirts bearing the HAWKWIND trademark owned by Mr. Brock and licensed to Opposer. Upon information and belief, Applicant has been passing off his NIK TURNER'S HAWKWIND band as the original Hawkwind band, causing actual confusion in the United States.

9. The HAWKWIND mark is a famous band name, and has been famous prior to the filing of Applicant's application for the mark covered by the herein-opposed application.

10. Applicant's use and registration of the applied-for mark, "NIK TURNER'S HAWKWIND," is likely to dilute the distinctiveness of the famous HAWKWIND mark.

11. If any other trademark incorporating the word HAWKWIND in any form is approved in relation to musical performances in the US it would cause confusion and detract from the HAWKWIND trademark.

12. WHEREFORE, Opposer believes that he would be damaged by registration of Applicant's mark, and requests that registration of Applicant's mark be denied.

Respectfully submitted,

STEPHEN BEATTY

Dated: 28th Dec 2013

By: /Stephen Beatty/
STEPHEN BEATTY
4WORLDS MEDIA LTD
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WALLINGFORD, OX10 9DA
UNITED KINGDOM

CERTIFICATE OF SERVICE

Opposer 4Worlds Media hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon applicant's counsel of record on this 28th day of December, 2013, by First Class Mail at the following address:

EVAN S. COHEN
1180 S. BEVERLY DR, STE 510
LOS ANGELES, CALIFORNIA 90035-1157

/Stephen Beatty/

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