

ESTTA Tracking number: **ESTTA614053**

Filing date: **07/07/2014**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Unilever N.V.
Granted to Date of previous extension	07/06/2014
Address	Weena 455 Rotterdam, 3013 AL NETHERLANDS

Name	Conopco, Inc.
Granted to Date of previous extension	07/06/2014
Address	700 Sylvan Avenue Englewood Cliffs, NJ 07632 UNITED STATES

Name	Unilever PLC
Granted to Date of previous extension	07/06/2014
Address	Port Sunlight Wirral Merseyside England, CH62 4ZD NETHERLANDS

Attorney information	Lisa W. Rosaya Baker & McKenzie LLP 452 Fifth Avenue New York, NY 10018 UNITED STATES lisa.rosaya@bakermckenzie.com, nyctrademarks@bakermckenzie.com
----------------------	---

Applicant Information

Application No	86087020	Publication date	01/07/2014
Opposition Filing Date	07/07/2014	Opposition Period Ends	07/06/2014
Applicant	V-Contact, LLC 3126 John P Curci Drive, Bay4 Pembroke Pines, FL 33009 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cleaning preparations for household purposes; Detergents for household use

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DOMESTOS		
Goods/Services	household cleaning products		

Attachments	Notice of Opposition vs DOMESTOS App No 86087020-1279230-v1-NYCDMS.pdf(83057 bytes)
-------------	--

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	/lwr/
Name	Lisa W. Rosaya
Date	07/07/2014

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

Conopco, Inc.,)	Opposition No.: _____
Unilever N.V. and)	
Unilever PLC)	Serial No.: 86087020
)	
Opposers,)	Mark: DOMESTOS
)	
v.)	
)	
V-Contact, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Conopco, Inc., Unilever N.V. and Unilever PLC ("Opposers") believe they will be damaged and injured by the registration of the mark **DOMESTOS** for "[c]*leaning preparations for household purposes; [d]etergents for household use,*" in International Class 3 ("Applicant's Goods"), as shown in Application Serial No. 86087020 (hereinafter the "Application") filed on October 9, 2013 by V-Contact, LLC (hereinafter "Applicant"), and published for opposition on January 7, 2014 in the *Official Gazette for Trademarks*. Opposers hereby opposes registration of the Application.

Opposers allege, solely for the purpose of this proceeding, as grounds for opposition, the following:

1. Opposers and their predecessors and affiliates, either directly or through authorized third party retailers, have sold for a number of years and continue to sell a number of household cleaning products including but not limited to bleaching, toilet cleaning, limescale removal and drain unblocking products ("Opposers' Goods") under the **DOMESTOS** mark in U.S. commerce.

2. Applicant, by virtue of its Application, which is based upon an intent-to-use the applied-for mark in U.S. commerce, seeks registration of the mark DOMESTOS for "*[c]leaning preparations for household purposes; [d]etergents for household use,*" in International Class 3.

3. Opposers' use of its **DOMESTOS** mark predates the October 9, 2013 filing date of Applicant's intent-to-use Application. Thus, Opposers' rights in its **DOMESTOS** mark are senior to any purported rights of Applicant in the mark DOMESTOS.

4. As a result of Opposers' advertising and promotional efforts, as well as its prominent and continuous use of its **DOMESTOS** mark, Opposers' **DOMESTOS** mark has become widely recognized by Opposers' customers and the purchasing public as being associated with Opposers' high quality goods and has become synonymous with the goodwill and reputation of Opposers. Opposers', via a related entity, the Unilever Foundation, partnered with UNICEF on its mission to improve access to toilets and hygiene in communities around the world. Opposers' **DOMESTOS** branded products have been prominently featured as part of this partnership and mission. By virtue of the forgoing, Opposers' **DOMESTOS** mark has become and is famous and is therefore entitled to a high degree and wide zone of protection.

5. Opposers' **DOMESTOS** mark became famous well prior to October 9, 2013, the filing date of Applicant's Application.

6. Applicant's DOMESTOS mark which is the subject of the opposed Application is identical - and therefore confusingly similar - to Opposers' **DOMESTOS** mark.

7. Applicant's Goods which are to be sold under the DOMESTOS mark are identical to Opposers' Goods which are sold under the DOMESTOS mark.

8. Upon information and belief, Opposers' Goods and Applicant's Goods are likely to be offered, promoted and sold to the same class of purchasers.

9. Upon information and belief, Opposers' Goods and Applicant's Goods are likely to be offered, promoted or sold in the same channels of trade.

10. Due to the identical nature of the respective parties' marks and goods at issue, Applicant's alleged DOMESTOS mark falsely suggests a connection with Opposers, *e.g.*, that Opposers sponsor, approve or endorse Applicant's Goods, that Applicant is authorized, licensed or controlled by Opposers, or that Applicant is a division or subsidiary of, or in some way related to Opposers, which is not the case. Accordingly, Applicant's alleged mark "[c]onsists of ... matter which may disparage or falsely suggest a connection with [Opposers] ... or bring them into contempt, or disrepute." 15 U.S.C. § 1052 (a).

11. Due to the identical nature of the respective parties' marks and goods at issue, Opposers believe and allege that Applicant's alleged mark, when applied to the Applicant's Goods, is likely to cause confusion or mistake or to deceive, and will deceive and mislead the purchasing public into believing that Opposers are the source of Applicant's Goods. Accordingly, Applicant's alleged mark "so resembles a mark ... previously used in the United States by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake, or to deceive." 15 U.S.C. § 1052(d).

12. As the marks at issue are identical, it is clear that the similarity between Applicant's alleged mark and Opposers' famous **DOMESTOS** mark will create an association with Opposers' famous **DOMESTOS** mark "that impairs the distinctiveness of ... [Opposers'] famous mark" 15 U.S.C. § 1125 (c)(2)(B). Accordingly, Applicant's alleged mark will lead to dilution by blurring with respect to Opposers' mark.

13. As the marks at issue are identical, it is clear that the similarity between Applicant's alleged mark and Opposers' famous **DOMESTOS** mark will "harm the reputation of ... [Opposers'] famous mark. 15 U.S.C. § 1125 (c)(2)(C). Accordingly, Applicant's alleged mark will lead to dilution by tarnishment with respect to Opposers' mark.

14. If Applicant is permitted to register its alleged mark captioned above in connection with Applicant's Goods, a likelihood of consumer confusion and dilution of Opposers' **DOMESTOS** mark resulting in damage and injury to Opposers would be caused and would result by reason of the identical nature of Applicant's alleged mark and Opposers' **DOMESTOS** mark. Furthermore, any misrepresentation, objection or fault found with Applicant's Goods promoted or sold under its alleged mark would necessarily reflect on and seriously injure the reputation that Opposers have established through use of the **DOMESTOS** mark.

15. If Applicant is granted registration of its alleged **DOMESTOS** mark, it would thereby obtain at least a *prima facie* exclusive right to use its alleged mark. This would be a source of further damage and injury to Opposers.

16. For the reasons set forth in the foregoing paragraphs, Applicant is not entitled to register its alleged **DOMESTOS** mark and the Application should be refused registration in accordance with Sections 2(a), 2(d) and 43(c) of the Lanham Act.

WHEREFORE, Opposers pray that Application Serial No. 86087020 be rejected, that registration of Applicant's alleged mark shown therein be refused and that this Opposition be sustained in favor of Opposers.

Respectfully submitted,

By: /lwr/

Lisa W. Rosaya
BAKER & MCKENZIE LLP
452 Fifth Avenue
New York, NY 10018
Tel: (212) 626-4557
Fax: (212) 310-1659

Date: July 7, 2014

Attorneys for Opposers

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served via First Class mail on Attorney for Applicant, David L. Sigalow, Esq., Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., 255 S. Orange Ave., Ste. 1401, Orlando, Florida 32801-3460 on this 7th day of July, 2014.

/sa/

Sonia Allahdad