

ESTTA Tracking number: **ESTTA656189**

Filing date: **02/17/2015**

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	Comite Interprofessionnel du Vin de Champagne
Granted to Date of previous extension	02/25/2015
Address	5 rue Henri Martin Epernay, 51321 FRANCE

Name	Institut National et de l'Origine et de la Qualite
Granted to Date of previous extension	02/25/2015
Address	12 rue Henri Rol-Tanguy TSA 30003 Montreuil-Sous-Bois Cedex, 93555 FRANCE

Attorney information	Peter M. Brody Ropes & Gray LLP One Metro Center, 700 12th Street NW Suite 900 Washington, DC 20005-3948 UNITED STATES trademarks@ropesgray.com Phone:202-508-4612
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Applicant Information

Application No	86308654	Publication date	10/28/2014
Opposition Filing Date	02/17/2015	Opposition Period Ends	02/25/2015
Applicant	Ghalichi, Neelufar 1155 La Cienega #905 West Hollywood, CA 90069 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Champagne; Red wine; Rose wine; White wine; Wine; Wines; Wines and fortified wines; Wines and liqueurs; Wines and sparkling wines
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
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	The AOC designation of CHAMPAGNE for certain sparkling wines produced in the Champagne region of France, in accordance with methods and limitations set forth in French law.		
Goods/Services	Certain sparkling wines produced in the Champagne region of France, in accordance with methods and limitations set forth in French law.		

Attachments	20150217_115069_NOO_Pleading.pdf(259337 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	/p brody/
Name	Peter M. Brody
Date	02/17/2015

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

COMITÉ INTERPROFESSIONNEL DU VIN DE
CHAMPAGNE

and

INSTITUT NATIONAL DE L'ORIGINE
ET DE LA QUALITÉ,

Opposers,

v.

NEELUFAR GHALICHI,

Applicant.

Opposition No. _____

Application Serial No.: 86/308,654

Mark: GLAMPAGNE

Published in the Official Gazette
of October 28, 2014

NOTICE OF OPPOSITION

Opposers, Comité Interprofessionnel du Vin de Champagne (“CIVC”), an entity organized and existing under the laws of the Republic of France, 5 rue Henri Martin, Epernay, 51321 France, and the Institut National et de l’Origine et de la Qualité (formerly known as the Institut National des Appellations d’Origine and still and herein designated as the “INAO”), an entity organized and existing under the laws of the Republic of France, and located at 12 rue Henri Rol-Tanguy TSA 30003, Montreuil-Sous-Bois Cedex, 93555 France, hereby oppose the application (the “Application”) filed by applicant Neelufar Ghalichi (the “Applicant”) to register the mark “GLAMPAGNE” for “Champagne; Red wine; Rose wine; White wine; Wine; Wines; Wines and fortified wines; Wines and liqueurs; Wines and sparkling wines” in International Class 033 (U.S. Application Serial No. 86/308,654, published for opposition in the Official

Gazette of October 28, 2014). Opposers believe that they will be damaged by registration of the subject mark, and as grounds of opposition, aver as follows:

1. “CHAMPAGNE” is a well-known French *appellation d’origine contrôlée* (“AOC”), or controlled appellation of origin, for certain sparkling wines produced in the Champagne region of France, in accordance with methods and limitations set forth in French law.
2. The INAO is a public body, under the aegis of the Ministry of Agriculture, which was established by decree-law of the French Republic dated July 30, 1935. The INAO’s principal functions include defining and recognizing French *appellations d’origine*, or appellations of origin, and the products entitled to bear those appellations; and protecting French appellations of origin from misuse and misappropriation in France and abroad. “Appellation of origin” refers to a geographical designation (country, region, or locality) that designates a product originating therein, the quality and characteristics of which are due exclusively or primarily to the geographic environment, including natural and human factors. Certain products identified and classified according to this system, including wines and spirits, bear “*appellations d’origine contrôlée*” (“AOCs”), or controlled appellations of origin. Each AOC for wine is recognized by a decree which delimits the specific area to which the appellation pertains but also specifies the grape variety or varieties, and methods of planting, harvesting, and production to be used. Compliance with the appellation of origin and AOC system, as administered by the INAO, is endorsed and monitored by the French government pursuant to French law, in conjunction with the efforts of various *interprofessionnels*, including the CIVC, which are responsible for the protection of specific AOCs. The INAO receives funds listed in the budget of the Ministry of Agriculture, the amount of which generally reflects a portion of the proceeds of a special tax paid

by producers of French appellation of origin products, and which is based on the volume of such products produced and sold under this system.

3. Opposer, CIVC, is a quasi-regulatory organization dedicated to the defense and the promotion of the Champagne AOC. CIVC is made up of representatives of all Champagne houses and growers, as well as the government. Among other functions, CIVC, in conjunction with Opposer, INAO, participates in the creation or broadening of laws and regulations that protect the Champagne appellation and in legal actions against all forms of abuse, detected in all major markets as part of a systematic surveillance operation.

4. "CHAMPAGNE" is among the particular AOCs for wines recognized and protected by the INAO. By decree law of June 29, 1936, France has restricted the use of this AOC to products produced in a specified area within the Champagne region of France, and in accordance with conditions specified in and pursuant to the AOC laws. Use of this AOC constitutes an assurance to customers by the INAO, the French regulatory authority specifically charged with safeguarding the integrity of this important French designation, that the products bearing that designation have been produced in accordance with these strict standards.

5. The use of the AOC "CHAMPAGNE" is in fact controlled by a certifier and limited to products meeting the certifier's standards of regional origin.

6. The AOC "CHAMPAGNE" denotes, and is understood to denote, a specific regional origin. Products qualifying for this AOC have been validly and continuously sold in the United States for a period beginning long prior to the date of filing of the subject application and continuing to the present. The AOC "CHAMPAGNE" is symbolic of the good will and consumer recognition built up through the efforts and investments of the INAO and CIVC in the

appellation of origin system and its AOCs, including that specific AOC, and through the promotion and sales of these quality products by those certified by the INAO to use this AOC.

7. The AOC “CHAMPAGNE” is, and for many years prior to the filing of the subject application, has been, a famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

8. Applicant’s mark so resembles the protected AOC “CHAMPAGNE” as to be likely, when used in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive as to the source, sponsorship, or affiliation of Applicant’s goods within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

9. Applicant’s mark, when used on or in connection with the goods identified in the Application, would cause dilution of the famous “CHAMPAGNE” AOC and mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

10. Applicant’s mark, when used on or in connection with the goods identified in the Application, is deceptively misdescriptive of such goods in violation of Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1). Specifically, the mark falsely suggests that the goods contain genuine AOC CHAMPAGNE wine as an ingredient. On information and belief, the goods do not contain genuine AOC CHAMPAGNE wine as an ingredient.

For all of the foregoing reasons, Applicant’s alleged mark is not entitled to registration on the Principal Register under Section 2 of the Lanham Act of 1946, 15 U.S.C. § 1052 and Section 2.69 of the Trademark Rules of Practice, 37 C.F.R. § 2.69.

WHEREFORE, Opposers pray that application Serial No. 86/308,654 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposers.

Opposers hereby appoint Ropes & Gray LLP to act as their attorneys with full power to prosecute this opposition, to transact all relevant business with the Patent and Trademark Office, and to receive all official communications with respect to this opposition.

Respectfully submitted,

/Peter M. Brody/

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Attorneys for Comité Interprofessionnel
du Vin de Champagne and the Institut National de
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Dated: February 17, 2015

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

COMITÉ INTERPROFESSIONNEL DU VIN DE
CHAMPAGNE

and

INSTITUT NATIONAL DE L'ORIGINE
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NEELUFAR GHALICHI,

Applicant.

Opposition No. _____

Application Serial No.: 86/308,654

Mark: GLAMPAGNE

Published in the Official Gazette
of October 28, 2014

Certificate of Service

I hereby certify that on this 17th day of February, 2015, a true and correct copy of this Notice of Opposition was served upon Applicant by first class mail, postage prepaid, addressed as follows:

Neelufar Ghalichi
1155 N. La Cienega Blvd., Apt. 905
West Hollywood, CA 90069-2444



Ronald M. Duvernay
ROPES & GRAY LLP