

ESTTA Tracking number: **ESTTA772871**

Filing date: **09/26/2016**

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	MasterCard International Incorporated
Granted to Date of previous extension	09/25/2016
Address	2000 Purchase Street Purchase, NY 10577-2405 UNITED STATES
Attorney information	Robert M. Wasnofski, Jr. Dorsey & Whitney LLP 51 West 52nd Street New York, NY 10019-6119 UNITED STATES ny.trademark@dorsey.com, wasnofski.robert@dorsey.com, osowski.kaydi@dorsey.com Phone:(212) 415-9200

Applicant Information

Application No	79128087	Publication date	03/29/2016
Opposition Filing Date	09/26/2016	Opposition Period Ends	09/25/2016
International Registration No.	1155109	International Registration Date	09/06/2012
Applicant	Deutsche Welle, Anstalt des Öffentlichen Rechts Kurt-Schumacher-Str. 3 Bonn, 53113 GERMANY		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Prerecorded data carriers, compact discs and DVDs featuring sound, images and data in the fields current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; blank CD-ROMs for sound or video recording; blank computer discs; blank digital audio tapes; blank magnetic and optical data carriers; downloadable image files containing artwork, text, audio, video, games and Internet Web links relating to sporting and cultural activities, current event reporting, daily news, music, sports, entertainment, history, health, politics, travel, comedy, culture and lifestyles; digital recording media, namely, downloadable audio and video recordings featuring sound, images and data in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; gramophone records featuring music; pre-paid telephone calling cards, magnetically encoded; encoded identity cards; computer software for database management; computer software for managing data banks of audio files and video files in the fields of current event reporting, daily news, music, media programming, business, sports, entertainment, history, health, politics, travel, comedy, culture, children's programming, animated chil-</p>

dren's programming and lifestyles; computer software, namely, software that enables users of computers and mobile devices to access, aggregate, organize and interact with content, information and images from print media and digital publications; apparatus for recording, transmitting or reproduction of sounds, images or data; data-processing equipment and computers; exposed cinematographic films; exposed photographic films; downloadable electronic publications in the nature of magazines and newsletters in the fields of current event reporting, daily news, music, business, sports, history, health, politics, travel, comedy, culture, children programming and lifestyle; downloadable ring tones for mobile telephones; downloadable music files; sound recording films, namely, audio and video cassette tapes featuring music; programs for computer games; all the aforesaid goods for publication purposes, in particular radio-related materials

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Paper, cardboard and goods made of these materials, not included in other classes, in particular paper napkins, paper handkerchiefs, flags, pen-nants, paper bags, coasters of paper, stationery paper; printed matter, namely, newspapers; printed matter, in particular periodicals, books, brochures, magazines, leaflets, prospectuses, programs, file folders and publicity folders in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; calendars; posters; notebooks; greeting cards; postcards; entry tickets; invitation cards; printed participant tickets; stationery notepads; bookbinding material; photographs; stationery, in particular writing and drawing equipment, pencils, fountain pens; writingcases, namely, stationery cases; printed instructional and teaching materials in the fields of current event reporting, daily news, music, business, sports, history, health, politics, travel, comedy, culture, children's programming and lifestyle; office requisites, in particular stamps in the nature of seals, ink pads for stamps, stamp ink, letter openers, paper weights, document files as stationery, perforators, document folders and wallets, paper clips, paper staples and electric or non-electric pencil sharpeners; stickers; desk mounted cabinets for stationery; paper labels; labels, namely, self-adhesive stickers; plastic materials for packaging, namely, sleeves and pouches for merchandise packaging; wrapping paper; cardboard boxes; cardboard containers; cardboard packaging; cardboard signboards; cardboard tubes; gift boxes made of cardboard; bags, envelopes, pouches of paper or plastics, for packaging

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Advertising, in particular radio and television advertising; business management; business administration; office functions; marketing, market research; market analysis; opinion polling; rental of advertising space; arranging contracts, for others, for the buying and selling of goods and the providing of services; arranging of commercial transactions, for others, including within the framework of e-commerce; business organization consultancy; systematization of data in computer databases, namely, collating and systematic ordering of data in computer databases; arranging advertising contracts, for others; advertising services, namely, devising advertising concepts; advertising research; distribution of samples for advertising purposes; dissemination of advertisements; production of lottery, television, radio and internet commercials; rental of publicity material, namely, advertising films; publication of publicity texts; computer-assisted business information and research services; advertising text publication services, namely, publication of printed matter, including in electronic form, for advertising purposes; computerized file management; organization of fairs and exhibitions for commercial or advertising purposes; electronic data storage

Class 038. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Telecommunications, namely, local and long distance transmission of voice, data, and graphics by means of telephone, cable and satellite transmissions; communication services, namely, electronic transmission of data and documents among users of computers; delivery of messages by electronic transmission; electronic transmission of messages and data; electronic and digital transmission of messages; telecommunication services, namely, e-mail and mobile communications services featuring transmission of news, information and pictures via computer; telecommunication services, namely, providing multiple-user access to a global computer information network via a global computer information network; on-line internet and broadcasting services featuring news and entertainment programs; providing an Internet website portal in the fields of entertainment, daily news, cultural and sporting events; broadcasting of film, television, cable television, radio, teleshopping, videotext, teletext and internet programs; news agency services for electronic transmission; providing access to a worldwide computer network; providing chat rooms on the internet for social networking; broadcasting services, namely, transmission of electronic advertising programs and media advertising communications via digital communications net-

works; communication through fiber optic networks; communication by computer terminals; computer-aided transmission of messages and images; satellite transmission; voice transmission services; electronic message sending; leasing of access time to global computer networks; procuring access to databases; transmission of television, radio, telecommunications and information signals via digital and analog, wireless and/or cable networks, including by means of computer

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Educational services in the nature of on-line competitions in the fields of entertainment, education, culture, sports, and other non-business and non-commercial fields; entertainment, namely, television entertainment production, distribution of television programming for others, distribution of television programming to cable television systems, distribution of television programming for others by internet; radio entertainment production; distribution of radio programs for others; distribution of radio programming to cable radio systems; distribution of radio programming for others by internet; entertainment in the nature of on-going television programs in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; entertainment in the nature of ongoing radio programs in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; entertainment services, namely, organizing live music concerts, live theatre productions, live book and poetry readings, live cabaret shows, news shows, sport events, comedy, dance and ballet performances; organizing community sporting and cultural events; entertainment services, namely, production of motion picture films, television shows, radio shows, interactive Internet programs; publication of printed newspapers, periodicals and books; electronic publishing services, namely, publication of text works of others on-line featuring information in the fields of current event reporting, music, business, sports, entertainment, history, health, politics, travel, comedy, culture, children's programming, and lifestyles which can be transmitted electronically and is accessible via data networks; entertainment services, namely, production and conducting of shows in the nature of quiz shows, game shows, interview shows and theatrical shows; entertainment services, namely, arranging and conducting of competitions for sporting and musical events; lottery services; film production; sound recording studio services; photography; scriptwriting services for non-advertising purposes, namely, writing screenplays; services of a publishing house, namely, publishing of books, newspapers, magazines, and reviews; electronic publishing services for others, namely, on-line publication of electronic media, electronic text, graphics, and pictures all featuring news and entertainment programs and sound information; online publishing of electronic books, electronic magazines and electronic newspapers; film rental; editing of written texts, including website editing; news reporters services; photographic reporting; publication of texts; information on entertainment events; arranging and conducting educational conferences, congresses, colloquiums, seminars, courses, workshops and symposia in the fields of news reporting, broadcasting and production of radio and television programs, advertising, media programming, entertainment for cultural purposes, live musical performances, sporting events, comedy, dance; organizing cultural exhibitions for educational purposes and lectures of a cultural, entertainment and educational nature

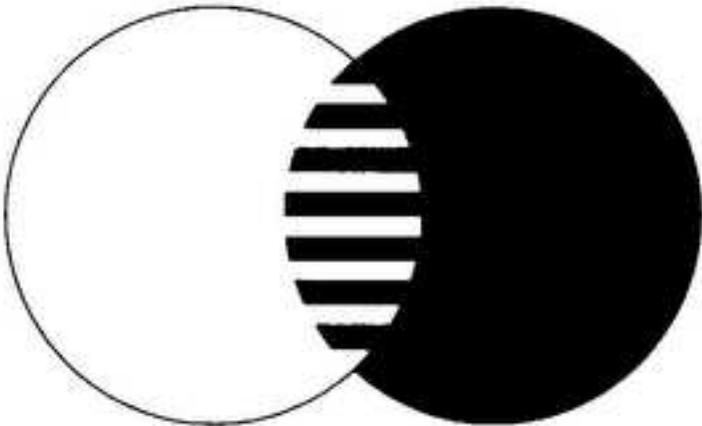
Class 042. First Use: 0 First Use In Commerce: 0

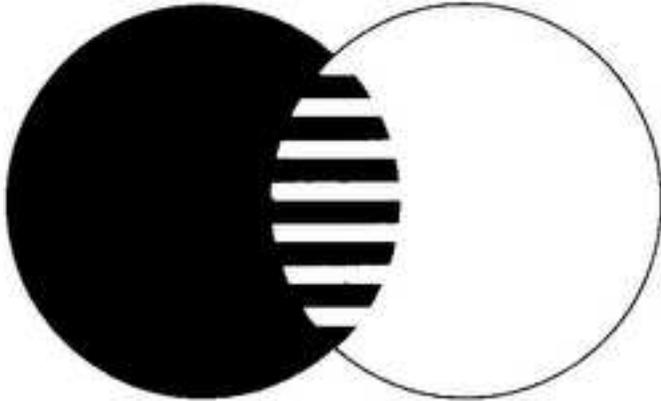
All goods and services in the class are opposed, namely: Computer programming; design and development of computer hardware and software; programming of software for electronic internet, television and radio program guides; research in databases and on the internet, for scientific and research purposes; graphic design services, designing and creating homepages and internet pages; design and development of electronic data security systems; design, installation, maintenance and development of computer software; technical support services, namely, technical administration of servers for others in the nature of diagnosing server problems; provision of search engines for the internet; hosting an on-line website for others in the field of electronic commerce and for providing information in the fields of current event reporting, daily news, music, media programming, business, sports, entertainment, history, health, politics, travel, comedy, culture, children's programming, animated children's programming and lifestyles; providing an interactive website featuring technology that allows users to create and view programmable electronic Internet, television and radio program guides

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2038134	Application Date	03/09/1995
Registration Date	02/18/1997	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 financial services, namely, providing debit card services</p>		
U.S. Registration No.	1723718	Application Date	10/25/1991
Registration Date	10/13/1992	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit, debit and charge cards, travelers cheques, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit, debit and charge card, traveller-scheque, cash disbursement, and transaction authorization and settlement services</p>

U.S. Registration No.	4274749	Application Date	05/02/2012
Registration Date	01/15/2013	Foreign Priority Date	NONE

Word Mark	MASTERCARD
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Design Mark	
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Description of Mark	The mark consists of the word mark "MASTERCARD" in white letters highlighted in black superimposed across two interlocking circles. Both circles are silver in color with horizontal lines in the portion of the circles that interlock.
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Goods/Services	Class 039. First use: First Use: 2011/10/11 First Use In Commerce: 2011/10/11 Personal services rendered by others to meet the needs of individuals, namely,
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	<p>travel and tour ticket reservation services and making reservations and bookings for transportation; concierge services to meet the individual needs of premier customer card holders and travelers, namely, travel and tour ticket reservation services, making reservations and bookings for transportation, and providing customer-specific information related thereto</p> <p>Class 041. First use: First Use: 2011/10/11 First Use In Commerce: 2011/10/11 Personal services rendered by others to meet the needs of individuals, namely, party and special event planning, arranging for ticket reservations for shows and other entertainment, sporting, or cultural events; concierge services to meet the individual needs of premier customer card holders and travelers, namely, party and special event planning, arranging for ticket reservations for shows and other entertainment, sporting, or cultural events, and providing customer-specific information related thereto</p> <p>Class 043. First use: First Use: 2011/10/11 First Use In Commerce: 2011/10/11 Personal services rendered by others to meet the needs of individuals, namely, making restaurant and hotel reservations; concierge services to meet the individual needs of premier customer card holders and travelers, namely, making restaurant and hotel reservations and providing customer-specific information related thereto</p> <p>Class 044. First use: First Use: 2011/10/11 First Use In Commerce: 2011/10/11 Personal services rendered by others to meet the needs of individuals, namely, making reservations and bookings for physical and beauty treatments at salons and health spas; concierge services to meet the individual needs of premier customer card holders and travelers, namely, making reservations and bookings for physical and beauty treatments at salons and health spas, and providing customer-specific information related thereto</p> <p>Class 045. First use: First Use: 2011/10/11 First Use In Commerce: 2011/10/11 Personal and social services rendered by others to meet the needs of individuals, namely, personal shopping services; hotel concierge services; concierge services to meet the individual needs of premier customer card holders and travelers, namely, personal shopping services and providing customer-specific information related thereto; security printing, namely, encoding identification information on products; monitoring of computer systems for security purposes; fraud detection services in the field of payment cards for on-line purchasing; investigation and surveillance services relating to identity theft as it relates to the safety of persons and entities</p>
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U.S. Registration No.	1257853	Application Date	04/02/1980
Registration Date	11/15/1983	Foreign Priority Date	NONE
Word Mark	MASTERCARD		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/02/11 First Use In Commerce: 1980/02/11 Financial Services-Namely, Providing Bank Card Services		

U.S. Registration No.	1814279	Application Date	02/01/1990
Registration Date	12/28/1993	Foreign Priority Date	NONE

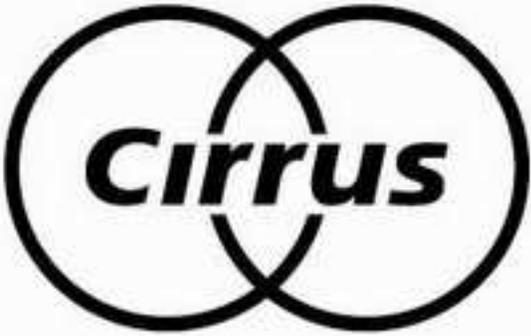
Word Mark	MASTERCARD		
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Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards, travellers cheques, and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, travelers cheque, travel financial assistance, cash disbursement, and transaction authorization</p>		

	and settlement services
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U.S. Registration No.	1285549	Application Date	09/29/1982
Registration Date	07/10/1984	Foreign Priority Date	NONE
Word Mark	MASTERCARD TRAVELERS CHEQUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09 Financial Services-Namely, Assisting Its Members in the Sale of Travelers Cheques, Integrated Funds Management Programs, and Money Order Services		

U.S. Registration No.	4142738	Application Date	10/05/2011
Registration Date	05/15/2012	Foreign Priority Date	NONE
Word Mark	CIRRUS		

Design Mark	
Description of Mark	The mark consists of the word mark "CIRRUS" superimposed across two interlocking circles.
Goods/Services	Class 036. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01 Financial services, namely, cash disbursement through use of automatic teller machines and automatic teller machine (ATM) banking services

U.S. Registration No.	4248729	Application Date	10/05/2011
Registration Date	11/27/2012	Foreign Priority Date	NONE
Word Mark	CIRRUS		
Design Mark			
Description of Mark	The mark consists of the word mark "CIRRUS" in white superimposed across two interlocking circles with horizontal lines in the portion of the circles that interlock. The left circle is dark blue and the right circle is a lighter shade of blue.		

Goods/Services	Class 036. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01 Financial services, namely, cash disbursement through use of automatic teller machines and automatic teller machine (ATM) banking services
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U.S. Registration No.	2168736	Application Date	01/29/1993
Registration Date	06/30/1998	Foreign Priority Date	NONE

Word Mark	MASTERCARD
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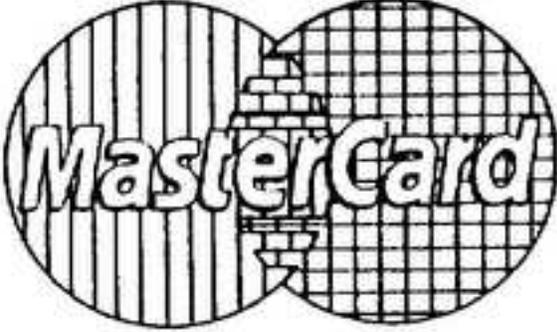


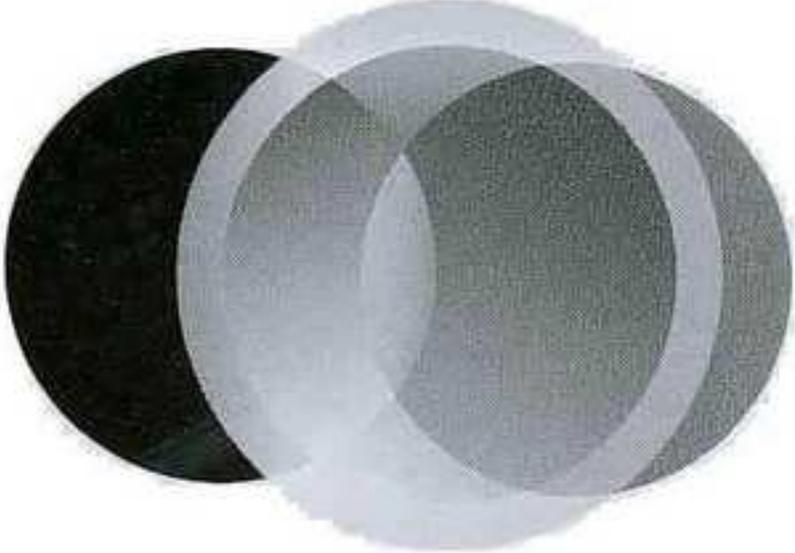
Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services</p> <p>Class 039. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation</p>
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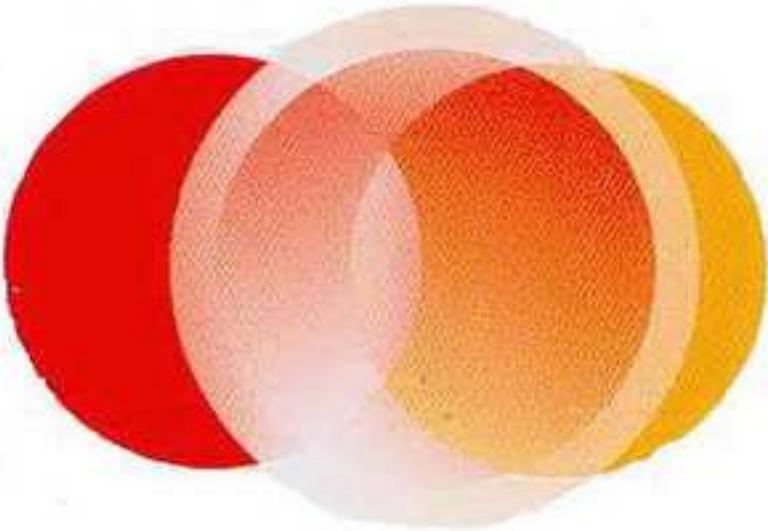
U.S. Registration No.	1890786	Application Date	01/21/1993
Registration Date	04/25/1995	Foreign Priority Date	NONE

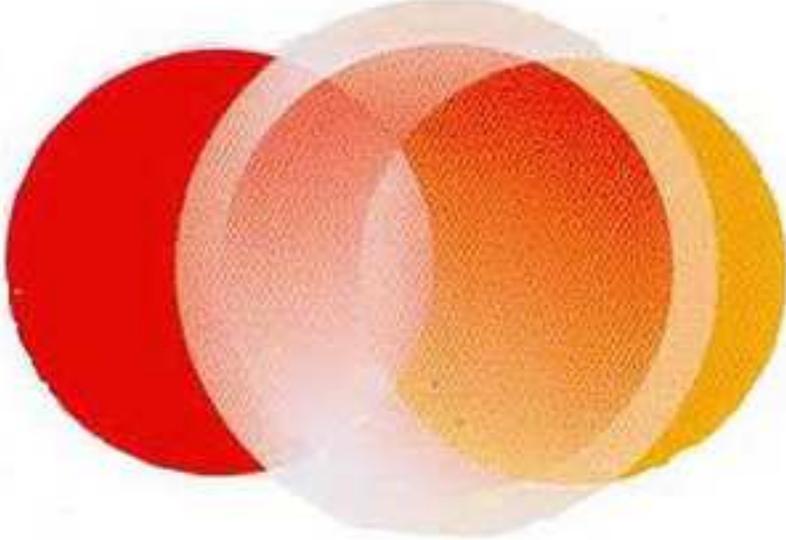
Word Mark	MASTERCARD
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Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 metal key chains</p> <p>Class 009. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 calculators</p> <p>Class 014. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 watches, clocks, metal tie pins</p> <p>Class 016. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 pens, pencils, pen stands, paper weights, letter openers, notebooks, metal bookmarks</p> <p>Class 018. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, totebags, wallets, business card cases, credit card cases</p> <p>Class 020. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 non-metal key rings, luggage tags</p> <p>Class 021. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 mugs</p> <p>Class 024. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 towels</p> <p>Class 025. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 shirts, jackets, sweaters, sweat shirts, visors, caps</p> <p>Class 028. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees</p>		
U.S. Registration No.	3365851	Application Date	08/10/2006
Registration Date	01/08/2008	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions

U.S. Registration No.	3356377	Application Date	08/10/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE

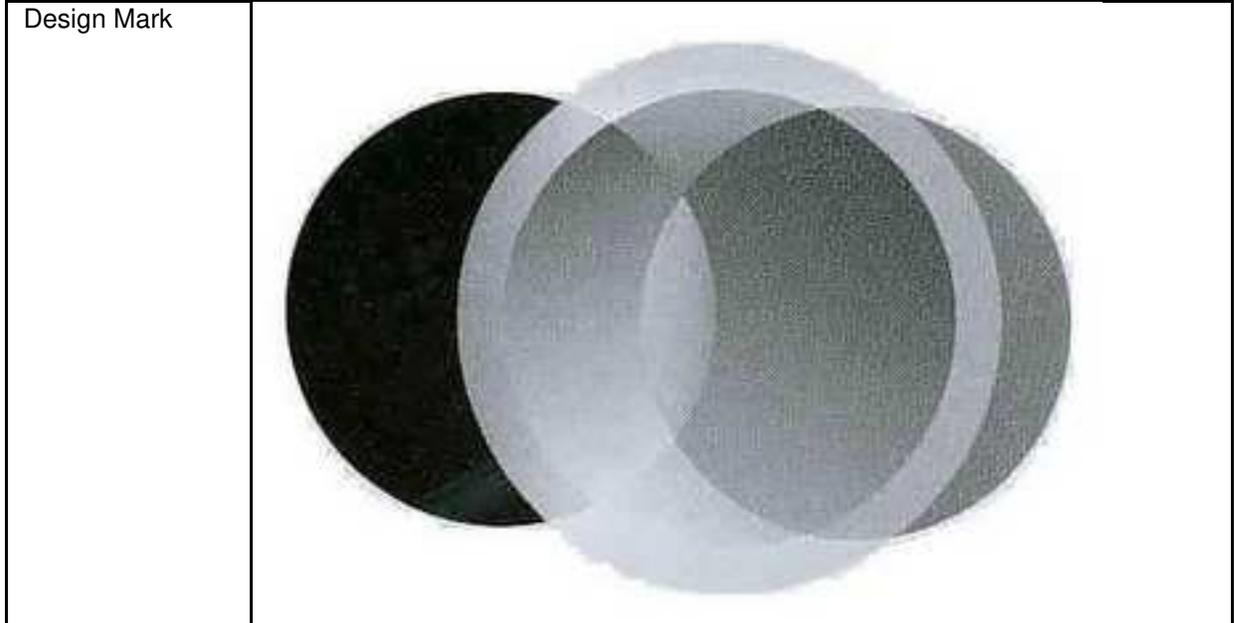
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3356409	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	<p>Class 036. First use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, [BANKING AND CREDIT SERVICES;] PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, [PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT;] BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; [ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES;] THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; [ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES;] VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; [STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT;] PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, [PREPAID TELEPHONE CALLING CARD SERVICES,] CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEB-</p>		

	IT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; [PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE] AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET
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U.S. Registration No.	3356410	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE

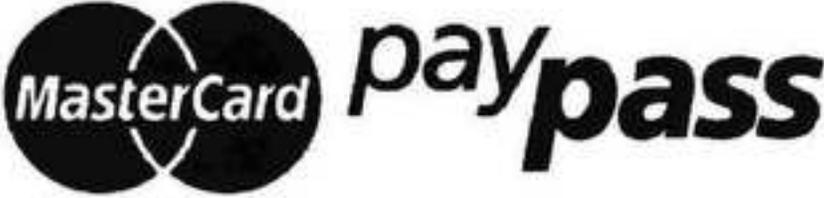
Word Mark	NONE
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, [BANKING AND CREDIT SERVICES;] PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, [PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT;] BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; [ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR
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FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES;] THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; [ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES;] VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; [STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT;] PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, [PREPAID TELEPHONE CALLING CARD SERVICES,] CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; [PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE] AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET

U.S. Registration No.	3736694	Application Date	06/10/2009
Registration Date	01/12/2010	Foreign Priority Date	NONE
Word Mark	MASTERCARD PAYPASS		
Design Mark			
Description of Mark	The mark consists of the word "MasterCard" superimposed across two interlocking circles with the word "paypass" to the right of the design all of which is depicted on a rectangular background.		
Goods/Services	Class 036. First use: First Use: 2002/12/02 First Use In Commerce: 2002/12/02 Financial services, namely, providing credit card and debit card services, and advice relating to all the aforesaid services		

U.S. Registration No.	3597490	Application Date	02/29/2008
Registration Date	03/31/2009	Foreign Priority Date	NONE
Word Mark	MASTERCARD PAYPASS		
Design Mark			
Description of Mark	The mark consists of a design composed of the word "MasterCard" superimposed across two interlocking circles with horizontal lines in the portion of the circles that interlock, with the word "Paypass" below the circles design.		
Goods/Services	Class 036. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 Financial services, namely, banking services and credit card services; providing credit card and debit card services; advice relating to all the aforesaid services		

U.S. Registration No.	2077221	Application Date	04/23/1996
Registration Date	07/08/1997	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 036. First use: First Use: 1993/04/00 First Use In Commerce: 1993/04/00 travelers cheque services, namely the administration of [issuance,] redemption and processing of travelers cheques		
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U.S. Registration No.	1270220	Application Date	01/26/1981
Registration Date	03/13/1984	Foreign Priority Date	NONE

Word Mark	MASTERCARD TRAVELERS CHEQUE		
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Description of Mark	NONE		
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Goods/Services	Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09 Travelers Check Services-Namely, Administration of Issuance, Redemption and Processing of Travelers Checks		
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U.S. Registration No.	3832316	Application Date	08/10/2007
Registration Date	08/10/2010	Foreign Priority Date	NONE

Word Mark	PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES		
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Description of Mark	The mark consists of the word "PRICELESS" in black letters above ".COM" in grayletters, the word "MASTERCARD" in whiteletters is superimposed across a two circle design, with the left circle in redand the right circle in yellow orange, and the words "YOUR DAILY GUIDE TO LIFE'S ADVENTURES" in black letters below thedesign.		
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Goods/Services	Class 035. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Promoting the goods and services of others by means of coupons, discounts, advertisements, incentives generated in connection with the use of credit and debit cards, electronic links to merchant and retailer web sites, and through promotional contests
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U.S. Registration No.	3832315	Application Date	08/10/2007
Registration Date	08/10/2010	Foreign Priority Date	NONE

Word Mark	PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES
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Design Mark	
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Description of Mark	The mark consists of the word "PRICELESS" in black letters above ".COM" in grayletters, the word "MASTERCARD" in whiteletters is superimposed across a two circle design, with the left circle in redand the right circle in yellow orange, and the words "YOUR DAILY GUIDE TO LIFE'S ADVENTURES" in black letters below thedesign.
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Goods/Services	Class 036. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Financial services, namely, payment card services; credit card and debit card services; electronic payments services, namely, transaction authorization and settlement services
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U.S. Registration No.	3194861	Application Date	09/19/2003
Registration Date	01/02/2007	Foreign Priority Date	NONE

Word Mark	DEBIT MASTERCARD
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2003/09/10 First Use In Commerce: 2003/09/10 Financial services, namely, banking anddebit card services

U.S. Registration No.	1738276	Application Date	02/19/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE

Word Mark	MASTERCARD
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Design Mark	
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Description of	The mark consists of the words "MASTERCARD" with a globe design.
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Mark	
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, cash disbursement, and transaction authorization and settlement services</p>

Attachments	<p>74644110#TMSN.png(bytes) 74215678#TMSN.png(bytes) 85614852#TMSN.png(bytes) 73256484#TMSN.png(bytes) 74024596#TMSN.png(bytes) 73392883#TMSN.png(bytes) 85440158#TMSN.png(bytes) 85440050#TMSN.png(bytes) 74353604#TMSN.png(bytes) 74350765#TMSN.png(bytes) 78949725#TMSN.png(bytes) 78949716#TMSN.png(bytes) 78954618#TMSN.png(bytes) 78954627#TMSN.png(bytes) 77756598#TMSN.png(bytes) 77410016#TMSN.png(bytes) 75095085#TMSN.png(bytes) 73294257#TMSN.png(bytes) 77252445#TMSN.png(bytes) 77252423#TMSN.png(bytes) 78302853#TMSN.png(bytes) 74140100#TMSN.png(bytes) MasterCard - Notice of Opposition - Deutsche Welle-v2.pdf(138103 bytes)</p>
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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	/rmw/
Name	Robert M. Wasnofski, Jr.
Date	09/26/2016

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

IN THE MATTER OF APPLICATION



Mark:
Applicant: Deutsche Welle, Anstalt des öffentlichen Rechts
Serial No.: 79/128,087
Filed: September 6, 2012
Published in
the Official Gazette: March 29, 2016

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MASTERCARD INTERNATIONAL :
INCORPORATED, :
 :
Opposer, : Opposition No. ____,__
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v. :
 :
DEUTSCHE WELLE, ANSTALT DES :
ÖFFENTLICHEN RECHTS, :
 :
Applicant. :
_____x

NOTICE OF OPPOSITION

MasterCard International Incorporated, a Delaware corporation located and doing business at 2000 Purchase Street, Purchase, New York 10577-2509 (hereinafter referred to as “Opposer”), believes that it will be damaged by the registration of application Serial No. 79/128,087, filed on September 6, 2012, by Deutsche Welle, Anstalt des öffentlichen Rechts (hereinafter referred to as “Applicant”) for the mark DW & Design (depicted above) (hereinafter “Alleged Mark”), and having been granted extensions of time to oppose, hereby opposes same.

The specific grounds for this opposition are as follows:

1. Opposer is an incorporated association of banks and other domestic and foreign financial institutions whose purpose is, inter alia, to facilitate various financial services

transactions, including the interchange of funds through payment cards, on a worldwide basis. Among the many services Opposer offers are banking services, credit card and payment card services, electronic funds and currency transfer services, electronic payment services, and transaction authorization and settlement services. Moreover, Opposer utilizes, designs and develops various software and hardware products to facilitate financial service transactions and the exchange of funds and financial information, including magnetically encoded cards.

2. Opposer has been in the payment card business since 1966 and has become well and favorably known to members of the public, as well as to members of the banking and financial services community, as a leader in the payment card field. Since 1966, Opposer has used a prominent design, namely, the famous “Interlocking Circles” device, to identify its various products and services. Opposer initially owned and administered the celebrated MASTER CHARGE payment card program, but since 1980 has owned and administered the MASTERCARD payment card program. There are over 1.5 billion MASTERCARD payment cards in circulation worldwide. Approximately one-fourth of which are currently in circulation in the United States. Opposer’s MASTERCARD payment cards are accepted at approximately 33 million locations, including ATMs, merchants and cash advance locations, and trillions of dollars’ worth of purchases or cash advances were transacted over each of the last several years using a payment card at the point of sale bearing the MASTERCARD and “Interlocking Circles” device marks. Each retail establishment, ATM and cash advance location which accepts Opposer’s payment cards is required to post the MASTERCARD and “Interlocking Circles” device marks at the point of sale. During each of the last 3 years alone, Opposer has expended in excess of \$800,000,000 advertising and promoting its products and services in connection with the MASTERCARD and “Interlocking Circles” device marks and variants thereof.

3. Each and every MASTER CHARGE and MASTERCARD payment card that has ever been issued and virtually all advertising therefore has borne Opposer's famous and highly distinctive "Interlocking Circles" device. Opposer also makes frequent use of interlocking circles devices that consist of variants of its famous "Interlocking Circles" device.

4. As a result of enormous advertising, promotion, card usage, point of sale signage and other extensive usage, MasterCard's "Interlocking Circles" device has become one of the most renowned brands in the United States and represents an asset of enormous goodwill of inestimable value to Opposer.

5. In addition to its common law rights in its "Interlocking Circles" device, Opposer is also the owner of numerous federal registrations and prior filed applications for marks that consist of or incorporate its famous "Interlocking Circles" device or variants thereof, including, but not limited to:

Mark	Registration No. / Serial No.
	RN: 2038134 SN: 74644110
	RN: 1723718 SN: 74215678
MASTERCARD and Design 	RN: 4274749 SN: 85614852
MASTERCARD and Design 	RN: 1257853 SN: 73256484

Mark	Registration No. / Serial No.
MASTERCARD and Design 	RN: 1814279 SN: 74024596
MASTERCARD TRAVELERS CHEQUE and Design 	RN: 1285549 SN: 73392883
CIRRUS and Design 	RN: 4142738 SN: 85440158
CIRRUS and Design 	RN: 4248729 SN: 85440050
MASTERCARD and Design 	RN: 2168736 SN: 74353604
MASTERCARD and Design 	RN: 1890786 SN: 74350765
	RN: 3365851 SN: 78949725
	RN: 3356377 SN: 78949716

Mark	Registration No. / Serial No.
	RN: 3356409 SN: 78954618
	RN: 3356410 SN: 78954627
MASTERCARD PAYPASS and Design 	RN: 3736694 SN: 77756598
MASTERCARD PAYPASS and Design 	RN: 3597490 SN: 77410016
MASTERCARD and Design 	RN: 2077221 SN: 75095085
MASTERCARD TRAVELERS CHEQUE and Design 	RN: 1270220 SN: 73294257
PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES and Design 	RN: 3832316 SN: 77252445
PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES and Design 	RN: 3832315 SN: 77252423
DEBIT MASTERCARD and Design 	RN: 3194861 SN: 78302853

Mark	Registration No. / Serial No.
MASTERCARD and Design 	RN: 1738276 SN: 74140100

Many of the registrations referenced herein are incontestable pursuant to 15 U.S.C. § 1065.

6. Opposer has used and/or registered its “Interlocking Circles” device and variants thereof in connection with various products and services, including its payment card program and related banking and financial products and services, such as computer hardware and software for the transmission of data and magnetically encoded cards, as well as with advertising, marketing, educational and entertainment services, since long prior to the filing and/or priority date of the opposed application and, upon information and belief, since long prior to any use of the Alleged Mark in interstate commerce by Applicant.

7. Opposer’s “Interlocking Circles” device is distinctive and became famous long prior to the filing and/or priority date of the opposed application and, upon information and belief, long prior to any use of the Alleged Mark in interstate commerce by Applicant.

8. As a result of the long, extensive and widespread use, advertising and registration of the “Interlocking Circles” device and variants thereof in association with Opposer’s various services and products, consumers have become accustomed to associate marks that consist of or include a prominent interlocking or overlapping circles device with Opposer.

9. By Application Serial No. 79/128,087, Applicant seeks to register the Alleged Mark in regards to the following goods and services:

International Class 9: prerecorded data carriers, compact discs and DVDs featuring sound, images and data in the fields current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; blank CD-ROMs for sound or video recording;

blank computer discs; blank digital audio tapes; blank magnetic and optical data carriers; downloadable image files containing artwork, text, audio, video, games and Internet Web links relating to sporting and cultural activities, current event reporting, daily news, music, sports, entertainment, history, health, politics, travel, comedy, culture and lifestyles; digital recording media, namely, downloadable audio and video recordings featuring sound, images and data in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; gramophone records featuring music; pre-paid telephone calling cards, magnetically encoded; encoded identity cards; computer software for database management; computer software for managing data banks of audio files and video files in the fields of current event reporting, daily news, music, media programming, business, sports, entertainment, history, health, politics, travel, comedy, culture, children's programming, animated children's programming and lifestyles; computer software, namely, software that enables users of computers and mobile devices to access, aggregate, organize and interact with content, information and images from print media and digital publications; apparatus for recording, transmitting or reproduction of sounds, images or data; data-processing equipment and computers; exposed cinematographic films; exposed photographic films; downloadable electronic publications in the nature of magazines and newsletters in the fields of current event reporting, daily news, music, business, sports, history, health, politics, travel, comedy, culture, children's programming and lifestyle; downloadable ring tones for mobile telephones; downloadable music files; sound recording films, namely, audio and video cassette tapes featuring music; programs for computer games; all the aforesaid goods for publication purposes, in particular radio-related materials;

International Class 16: *paper, cardboard and goods made of these materials, not included in other classes, in particular paper napkins, paper handkerchiefs, flags, pennants, paper bags, coasters of paper, stationery paper; printed matter, namely, newspapers; printed matter, in particular periodicals, books, brochures, magazines, leaflets, prospectuses, programs, file folders and publicity folders in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; calendars; posters; notebooks; greeting cards; postcards; entry tickets; invitation cards; printed participant tickets; stationery notepads; bookbinding material; photographs; stationery, in particular writing and drawing equipment, pencils, fountain pens; writing cases, namely, stationery cases; printed instructional and teaching materials in the fields of current event reporting, daily news, music, business, sports, history, health, politics, travel, comedy, culture, children's programming and lifestyle; office requisites, in particular stamps in the nature of seals, ink pads for stamps, stamp ink, letter openers, paper weights, document files as stationery, perforators, document folders and wallets, paper clips, paper staples and electric or non-electric pencil sharpeners; stickers; desk mounted cabinets for stationery; paper labels; labels, namely, self-adhesive stickers; plastic materials for packaging, namely, sleeves and pouches for merchandise packaging; wrapping paper; cardboard boxes; cardboard containers; cardboard*

packaging; cardboard signboards; cardboard tubes; gift boxes made of cardboard; bags, envelopes, pouches of paper or plastics, for packaging;

International Class 35: *advertising, in particular radio and television advertising; business management; business administration; office functions; marketing, market research; market analysis; opinion polling; rental of advertising space; arranging contracts, for others, for the buying and selling of goods and the providing of services; arranging of commercial transactions, for others, including within the framework of e-commerce; business organization consultancy; systematization of data in computer databases, namely, collating and systematic ordering of data in computer databases; arranging advertising contracts, for others; advertising services, namely, devising advertising concepts; advertising research; distribution of samples for advertising purposes; dissemination of advertisements; production of lottery, television, radio and internet commercials; rental of publicity material, namely, advertising films; publication of publicity texts; computer-assisted business information and research services; advertising text publication services, namely, publication of printed matter, including in electronic form, for advertising purposes; computerized file management; organization of fairs and exhibitions for commercial or advertising purposes; electronic data storage;*

International Class 38: *telecommunications, namely, local and long distance transmission of voice, data, and graphics by means of telephone, cable and satellite transmissions; communication services, namely, electronic transmission of data and documents among users of computers; delivery of messages by electronic transmission; electronic transmission of messages and data; electronic and digital transmission of messages; telecommunication services, namely, e-mail and mobile communications services featuring transmission of news, information and pictures via computer; telecommunication services, namely, providing multiple-user access to a global computer information network via a global computer information network; on-line internet and broadcasting services featuring news and entertainment programs; providing an Internet website portal in the fields of entertainment, daily news, cultural and sporting events; broadcasting of film, television, cable television, radio, teleshopping, videotext, teletext and internet programs; news agency services for electronic transmission; providing access to a worldwide computer network; providing chat rooms on the internet for social networking; broadcasting services, namely, transmission of electronic advertising programs and media advertising communications via digital communications networks; communication through fiber optic networks; communication by computer terminals; computer-aided transmission of messages and images; satellite transmission; voice transmission services; electronic message sending; leasing of access time to global computer networks; procuring access to databases; transmission of television, radio, telecommunications and information signals via digital and analog, wireless and/or cable networks, including by means of computer;*

International Class 41: *educational services in the nature of on-line competitions in the fields of entertainment, education, culture, sports, and other non-business and non-commercial fields; entertainment, namely, television entertainment production, distribution of television programming for others, distribution of television programming to cable television systems, distribution of television programming for others by internet; radio entertainment production; distribution of radio programs for others; distribution of radio programming to cable radio systems; distribution of radio programming for others by internet; entertainment in the nature of on-going television programs in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; entertainment in the nature of ongoing radio programs in the fields of current event reporting, music, business, sports, history, health, politics, travel, comedy, culture, children's programming, and lifestyles; entertainment services, namely, organizing live music concerts, live theatre productions, live book and poetry readings, live cabaret shows, news shows, sport events, comedy, dance and ballet performances; organizing community sporting and cultural events; entertainment services, namely, production of motion picture films, television shows, radio shows, interactive Internet programs; publication of printed newspapers, periodicals and books; electronic publishing services, namely, publication of text works of others on-line featuring information in the fields of current event reporting, music, business, sports, entertainment, history, health, politics, travel, comedy, culture, children's programming, and lifestyles which can be transmitted electronically and is accessible via data networks; entertainment services, namely, production and conducting of shows in the nature of quiz shows, game shows, interview shows and theatrical shows; entertainment services, namely, arranging and conducting of competitions for sporting and musical events; lottery services; film production; sound recording studio services; photography; scriptwriting services for non-advertising purposes, namely, writing screenplays; services of a publishing house, namely, publishing of books, newspapers, magazines, and reviews; electronic publishing services for others, namely, on-line publication of electronic media, electronic text, graphics, and pictures all featuring news and entertainment programs and sound information; online publishing of electronic books, electronic magazines and electronic newspapers; film rental; editing of written texts, including website editing; news reporters services; photographic reporting; publication of texts; information on entertainment events; arranging and conducting educational conferences, congresses, colloquiums, seminars, courses, workshops and symposia in the fields of news reporting, broadcasting and production of radio and television programs, advertising, media programming, entertainment for cultural purposes, live musical performances, sporting events, comedy, dance; organizing cultural exhibitions for educational purposes and lectures of a cultural, entertainment and educational nature; and*

International Class 42: *computer programming; design and development of computer hardware and software; programming of software for electronic internet, television and radio program guides; research in databases and on the internet, for scientific and research purposes; graphic design services, designing*

and creating homepages and internet pages; design and development of electronic data security systems; design, installation, maintenance and development of computer software; technical support services, namely, technical administration of servers for others in the nature of diagnosing server problems; provision of search engines for the internet; hosting an on-line website for others in the field of electronic commerce and for providing information in the fields of current event reporting, daily news, music, media programming, business, sports, entertainment, history, health, politics, travel, comedy, culture, children's programming, animated children's programming and lifestyles; providing an interactive website featuring technology that allows users to create and view programmable electronic Internet, television and radio program guides.

10. The Alleged Mark so resembles Opposer's aforementioned previously used and registered "Interlocking Circles" device to be likely, when used in connection with Applicant's products and services, to cause confusion, to cause mistake, or to deceive, with consequent injury to Opposer and the public.

11. Specifically, and without limitation, the marketing and sale of Applicant's aforementioned products and services under the Alleged Mark is likely to cause consumers to believe that Applicant's products and services are those of Opposer, that Applicant's products and services are connected with the products and services of Opposer, and/or that Applicant is somehow related to or sponsored by Opposer. Accordingly, Applicant's Alleged Mark is not entitled to registration pursuant to 15 U.S.C. § 1052(d).

12. Further, registration of the Alleged Mark is likely to cause dilution by blurring or dilution by tarnishment of Opposer's famous and distinctive "Interlocking Circles" device in violation of 15 U.S.C. §§ 1125(c) and 1052(f).

13. Opposer will be damaged by the registration sought by Applicant within the meaning of 15 U.S.C. § 1063 because such registration would support and assist Applicant in the confusing, misleading and dilutive use of Applicant's Alleged Mark, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

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

IN THE MATTER OF APPLICATION



Mark:
Applicant: Deutsche Welle, Anstalt des öffentlichen Rechts
Serial No.: 79/128,087
Filed: September 6, 2012
Published in
the Official Gazette: March 29, 2016

_____ X
MASTERCARD INTERNATIONAL :
INCORPORATED, :
 :
Opposer, : Opposition No. ____, ___
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v. :
 :
DEUTSCHE WELLE, ANSTALT DES :
ÖFFENTLICHEN RECHTS, :
 :
Applicant. :
_____ X

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Opposition is being served upon the Applicant by mailing a true copy thereof by first class mail, postage prepaid, addressed to:

Nancy DiConza
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

And copy, by airmail, addressed to:

Dr. Markus Robak
JONAS Rechtsanwaltsgesellschaft mbH
Hohenstaufenring 62
50674 Cologne, Germany
on September 26, 2016

/jg/
Joelle Guarino