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

Proceeding	92055588
Party	Plaintiff Federation Internationale de Football Association (FIFA)
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Submission	Motion to Amend Pleading/Amended Pleading
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Date	07/23/2012
Attachments	20120723 THE WORLD PEACE CUP 4127208 AMENDED PETITION TO CANCEL CANC NO. 92055588.pdf (11 pages)(898671 bytes)

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

Federation Internationale de Football Association (FIFA).)	
)	
Petitioner,)	
)	Cancellation No. 92055588
v.)	
)	Reg. No. 4127208
Orlando A. Herrera, Constance Goldmeer, and The World Peace Program, LLC)	
)	
Registrants.)	
)	

AMENDED PETITION TO CANCEL

Federation Internationale de Football Association (FIFA) (hereinafter “Petitioner”) is or will be damaged by the continued registration of the mark THE WORLD PEACE CUP (hereinafter the “Registered Mark”), which is set forth in Reg. No. 4127208 and owned by Orlando A. Herrera, Constance Goldmeer, and The World Peace Program, LLC (hereinafter “Registrants”), and hereby requests the cancellation of the same.

As grounds for cancellation, Petitioner, by its attorneys, avers as follows:

1. On February 15, 2012, the United States Patent and Trademark Office issued Reg. No. 4127208 on the Supplemental Register.
2. In the application filed on December 10, 2011, Registrants claimed that the Registered Mark was in use as of the filing date of the application.
3. On information and belief, Registrants were not using the Registered Mark in

commerce on or before the December 10, 2011 filing date of the application which issued as Reg. No. 4127208.

4. On information and belief, Registrants have never used the Registered Mark in commerce in connection with any of the services set forth in Reg. No. 4127208.

5. Because Registrants have never used the Registered Mark in commerce in connection with any of the services in the application which issued as Reg. No. 4127208, the Registrants did not meet the requirements of Section 23(a) of the Trademark Act, 15 U.S.C. § 1091(a), and were not, therefore, entitled to obtain a registration on the Supplemental Register.

6. Because the Registered Mark was not in use in commerce prior to the filing date of the application which issued as Reg. No. 4127208 and has never been used in commerce, the Registrants did not meet the requirements of Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), and were not, therefore, entitled to obtain a registration on the Supplemental Register.

7. On information and belief, Registrants, through intentional nonuse with intent not to resume use, have abandoned the Registered Mark set forth in Reg. No. 4127208 with intent not to resume use.

8. Any goodwill that may have been associated with the Registered Mark set forth in 4127208 has been destroyed by Registrants' intentional abandonment of the Registered Mark in commerce.

9. Because Registrants have abandoned the Registered Mark, Petitioner requests the cancellation of the registration pursuant to Trademark Act Section 14(3), 15 U.S.C. § 1064(3).

10. Because the Registered Mark was clearly eligible for registration on the Principal Register, the Registrants were not entitled to obtain a registration for the Registered Mark on the Supplemental Register.

11. Petitioner is or will be damaged by the existence of Reg. No. 4127208. Specifically, Petitioner owns and uses in commerce the mark WORLD CUP, and formatives thereof, in connection with a wide variety of goods and services and the continued existence of Reg. No. 4127208 may limit Petitioner's ability to use and register its WORLD CUP mark and formatives thereof. Petitioner owns several federal registrations in the United States for the mark WORLD CUP, and formatives thereof including Reg. No. 2644871 for the mark WORLD CUP for goods and services in International Classes 6, 9, 14, 16, 18, 25, 28, 32, 36, 38 and 42; Reg. No. 2645052 for the mark FIFA WORLD CUP for goods and services in International Classes 6, 9, 12, 14, 16, 18, 20, 21, 24, 25, 28, 32, 35, 36, 38, 39, 41 and 42 including, *inter alia*, "promoting soccer competitions, soccer exhibitions and soccer events of others," "organizations of sporting and cultural events and activities for others," "arranging travel tours; tour boat services, namely, boat chartering and providing boat cruises"; Reg. No. 3949726 for goods in services in over 20 international classes including "entertainment in the nature of soccer, beach soccer, and futsal competitions, matches and tournaments," "organization of sports competitions" "organization of sporting competitions in the field of soccer, beach soccer and futsal," "organization of sporting events in the field of soccer" and "travel agency services, namely, organizing travel and tours, travel and tour ticket reservation services".

12. Petitioner is the international governing body of the sports of association football (also known as soccer), beach soccer and futsal. Since around 1930, Petitioner has used its WORLD CUP mark and formatives thereof including, without limitation, FIFA WORLD CUP, WOMEN'S WORLD CUP, WORLD CUP 2010, WORLD CUP 2014, in connection with promoting, organizing and conducting soccer tournaments and competitions. Petitioner also uses the mark WORLD CUP and formatives thereof to promote the sport of soccer around the world and in the United States. Petitioner also uses the mark WORLD CUP and formatives thereof in connection with its efforts to raise and distribute funds and goods to assist in the rehabilitation process after the initial phase of emergency relief of suffering caused by crises and natural disasters. Through extensive marketing and promotion and through substantial sales of goods bearing Petitioner's WORLD CUP mark and formatives thereof, Petitioner has established valuable consumer recognition and goodwill in its WORLD CUP mark and formatives thereof.

13. Since 1999, FIFA has partnered with UNICEF to use soccer to promote efforts to prevent children from being recruited as child soldiers, inform them about the dangers of HIV/AIDS through education and discussion, and promote educations for girls, among many other objectives. Over years, FIFA has used its WORLD CUP mark and formatives thereof to help ensure every child's right to a peaceful world, free from conflict and abuse. A print-out from UNICEF's website is attached as Exhibit A.

14. The services offered and rendered by Petitioner in connection with its WORLD CUP mark and formatives thereof and which are covered in Petitioner's registrations for said

marks overlap with and/or are closely related to the services set forth in Reg. No. 4127208 which include “organizing sporting events, namely, soccer competition”.

15. Because the Registered Mark incorporates Petitioner’s WORLD CUP mark and because Reg. No. 4127208 covers the same or closely related services, Petitioner believes that the continued registration of the Registered Mark will likely limit its ability to use, register and/or enforce its WORLD CUP mark and formatives thereof for the goods and services Petitioner currently provides and will provide in the future, including, *inter alia*, organizing sporting events and organizing soccer competitions.

WHEREFORE, Petitioner respectfully requests that Reg. No. 4127208 be cancelled. The required filing fee is submitted herewith.

Respectfully submitted,

Federation Internationale de Football Association (FIFA)

By: 
James R. Menker

Petitioner’s Attorneys
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing “AMENDED PETITION TO CANCEL” has been served on Registrant, Orlando A. Herrera, at the address of record 2751 S. Ocean Drive, Suite 805-S, Hollywood, FLORIDA 33019, via first class mail, today **July 23, 2012.**

By: 

Laura K. Greer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing “AMENDED PETITION TO CANCEL” has been served on Registrant, Constance Goldmeer, at the address of record 2751 S. Ocean Drive, Suite 705-S, Hollywood, FLORIDA 33019, via first class mail, today **July 23, 2012**.

By: 

Laura K. Greer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing “AMENDED PETITION TO CANCEL” has been served on Registrant, The World Peace Program, LLC, at the address of record 2751 S. Ocean Drive, Suite 705-S, Hollywood, FLORIDA 33019, via first class mail, today **July 23, 2012**.

By: 

Laura K. Greer

EXHIBIT A

TO

Amended Petition to Cancel

2006 FIFA World Cup

UNICEF and FIFA



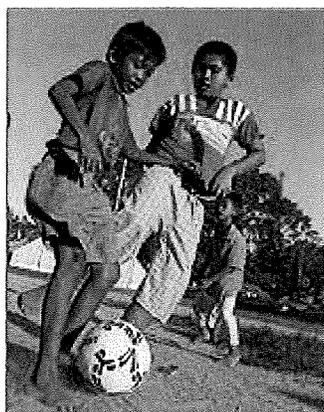
© UNICEF/HQ04-1017/Pirozzi

Football is a game of anticipation. On the field, players are always contemplating how their next move will open up an opportunity to reach the goal.

Since 1999, the partnership between UNICEF and FIFA has functioned very much the same way. Anticipating the tremendous benefits football can have on the development of children, the two organizations have teamed up over the last seven years, using the world's most popular sport to prevent children from being recruited as child soldiers, inform them about the dangers of HIV/AIDS through education and discussion, and promote educations for girls, among many other objectives.

This year, the two unite once again for the 2006 FIFA World Cup in the spirit of UNITE FOR CHILDREN UNITE FOR PEACE. The campaign will focus on global communications activities before, during and after the 2006 FIFA World Cup in Germany and will include various multi-media initiatives on the web and television.

The goal of the campaign is to demonstrate how footballers can serve as role models, and how the game of football is one of the most powerful ways through which the world can receive messages of non-violence, tolerance and peace.



© UNICEF/ HQ05-0596/Estey

A natural match

UNICEF and FIFA have proven a natural match since the two became teammates. Over years, they have been active in ensuring every child's right to a peaceful world, free from conflict and abuse.

Together, UNICEF and FIFA have aimed to use the leverage of football and the prestige of the World Cup to mobilize children and youth around the world to 'Say Yes for Children'¹, the motto for their first World Cup partnership in Japan and Korea in 2002.

In 2003, FIFA and UNICEF reached out to young girls around the world for the Women's World Cup under the theme, 'Go Girls'². The campaign promoted the right to education for all girls worldwide. FIFA generously donated \$150,000 to UNICEF during the campaign, enabling UNICEF to send thousands of 'Sports-in-a-Box' kits to 11 countries.

Coping with conflict

Programmes such as in Fútbol para la Vida, an AIDS education initiative in Honduras, and Fútbol para la Paz, a countrywide program in Colombia using football to bridge communities, are prime examples of how the partnership has played an integral role in providing a safe outlet for children in countries heavily affected by war, poverty and disease.

During the armed conflicts in Afghanistan, Sierra Leone, Georgia, Sudan and the Balkans, football helped children cope with the stress and insecurity of conflict. In 2004, FIFA donated another \$250,000 to UNICEF to support peace-building efforts in conflict countries. Through the power of football, UNICEF and FIFA helped build a protective environment for children – bringing communities together, rehabilitating former child

soldiers, providing safe places for children to vent frustrations and stress through play.

Visit the UNICEF pages for 2002 FIFA World Cup³

Related links

FIFA World Cup 2006⁸

Visit the UNICEF pages for World Cup 2002⁹

UNICEF's work on sports for development¹⁰

Support UNICEF¹¹

Links

1. <http://www.unicef.org/football/2002/index.html>
2. http://www.unicef.org/education/campaign_gogirls.html
3. <http://www.unicef.org/football/2002/index.html>
4. http://www.unicef.org/football/index_intro_33800.html?p=printme
5. http://www.unicef.org/football/index_intro_33800.html?p=printme
6. http://www.unicef.org/football/index_intro_33800.html?p=printme
7. http://www.unicef.org/football/index_intro_33800.html?p=printme
8. <http://fifaworldcup.yahoo.com/>
9. <http://www.unicef.org/football/2002/index.html>
10. <http://www.unicef.org/sports/index.html>
11. <http://www.supportunicef.org/>

