

ESTTA Tracking number: **ESTTA694190**

Filing date: **09/08/2015**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

| | | | |
|---------|--|-------------|--------|
| Name | Emm. Kokologiannis and Sons, Societe Anonyme of Trade, Hotels and Tourism S.A. | | |
| Entity | Corporation | Citizenship | Greece |
| Address | Agia Pelagia Heraklion, Crete, P.C. 71500 GREECE | | |

| | | | |
|----------------------|--|--|--|
| Attorney information | Peter S. Sloane Leason Ellis LLP One Barker Avenue, Fifth Floor White Plains, NY 10601 UNITED STATES sloane@leasonellis.com, polidoro@leasonellis.com, reuber@leasonellis.com, tmdocket@leasonellis.com Phone:914-288-0022 | | |
|----------------------|--|--|--|

Registration Subject to Cancellation

| | | | |
|-----------------|--|-------------------|------------|
| Registration No | 3846482 | Registration date | 09/07/2010 |
| Registrant | Proveedores y Soluciones DAC S.A. del Hotel 2do Milenio, 100mts. San Jose, COSTA RICA | | |

Goods/Services Subject to Cancellation

| |
|--|
| Class 039. First Use: 2010/06/21 First Use In Commerce: 2010/06/21 All goods and services in the class are cancelled, namely: Rental car, truck, van and sport utility vehicle reservation services |
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Grounds for Cancellation

| | |
|--------------------------------------|-------------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| The mark is merely descriptive | Trademark Act section 2(e)(1) |

| | |
|---------------------|----------|
| Related Proceedings | 92061413 |
|---------------------|----------|

Mark Cited by Petitioner as Basis for Cancellation

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3256667 | Application Date | 11/29/2005 |
| Registration Date | 06/26/2007 | Foreign Priority Date | 08/11/2005 |

| | |
|---------------------|---|
| Word Mark | ECONOMY CAR RENTALS RENTAL-HIRE-RENT A CAR- AUTOVERMIE-TUNG-MIETWAGEN |
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 039. First use: First Use: 0 First Use In Commerce: 0 Transport by car, organization of travel [and arranging travel tours], car rental services |

| | |
|-------------|---|
| Attachments | 79023559#TMSN.png(bytes) 01368202.PDF(210067 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 | /peter sloane/ |
| Name | Peter S. Sloane |
| Date | 09/08/2015 |

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

In the Matter of Registration No. 3,846,482
Registered September 7, 2010

-----X
EMM. KOKOLOGIANIS AND SONS, :
SOCIETE ANONYME OF TRADE, :
HOTELS AND TOURISM S.A., :
: :
Petitioner, :
: :
v. :
: :
PROVEEDORES Y SOLUCIONES :
DAC S.A., :
: :
Respondent. :
-----X

PETITION FOR CANCELLATION

Emm. Kokologiannis and Sons, Societe Anonyme of Trade, Hotels and Tourism S.A. (“Petitioner”), a corporation organized and existing under the laws of Greece, with its principal place of business at Agia Pelagia, P.C. 71500, Heraklion, Crete, Greece, believes it will be damaged by the continued existence of Registration No. 3,846,482 of a design mark including the wording “Economy,” issued September 7, 2010, for “rental car, truck, van and sport utility vehicle reservation services” in Class 39, and therefore petitions to cancel the registration. As grounds for cancellation, Petitioner, by its attorneys Leason Ellis LLP, alleges as follows:

1. Petitioner has used the mark ECONOMY CAR RENTALS in connection with the provision of car rental services and online search and booking services in the field of travel and transport in U.S. commerce since at least as early as 2004.

2. Petitioner owns U.S. Registration No. 3,256,667 of a logo mark including the wording ECONOMY CAR RENTALS for “transport by car, organization of travel, car rental

services” in Class 39 (“the ‘667 Registration”). The ‘667 Registration issued on June 26, 2007 and includes a priority claim dating back to August 11, 2005.

3. Upon information and belief, U.S. Registration Number 3,846,482 of a logo including the word “Economy” for “rental car, truck, van and sport utility vehicle reservation services” in Class 39 issued to Proveedores y Soluciones DAC S.A. (“Respondent”) on September 7, 2010 (“the ‘482 Registration”).

COUNT I
MERE DESCRIPTIVENESS

4. The word “Economy” is merely descriptive when used in connection with vehicle rental reservation services.

5. Upon information and belief, Registrant provides for rental reservation of economy cars. A printout from its website is attached as **Exhibit A**.

6. The word “Economy” is merely descriptive and without acquired distinctiveness in connection with the vehicle rental reservation services in the ‘482 Registration in violation of 15 U.S.C. §1052 and, as such, is unprotectable and unregistrable as a mark.

COUNT II
LIKELIHOOD OF CONFUSION

7. The ‘482 Registration claims a date of first use in commerce of June 21, 2010.

8. Petitioner has invested a substantial amount of time, effort and resources in promoting the mark ECONOMY CAR RENTALS, which has become distinctive of Petitioner’s services and has come to represent enormous goodwill for Petitioner. Petitioner’s mark ECONOMY CAR RENTALS developed acquired distinctiveness prior to the June 21, 2010 date of first use claimed in the ‘482 Registration.

9. The word “Economy” in the mark that Registrant has registered is wholly

encompassed within Petitioner's earlier mark ECONOMY CAR RENTALS. Furthermore, Registrant's services are the same as and/or closely related to the services for which Petitioner has previously used and registered its mark. Based upon the similarities of the marks and the overlap between the services, the public is likely to associate the services offered by Registrant under its mark with Petitioner or with Petitioner's services, or to believe that Registrant's services are sponsored, endorsed or licensed by Petitioner, or that there is some relationship between Registrant and Petitioner.

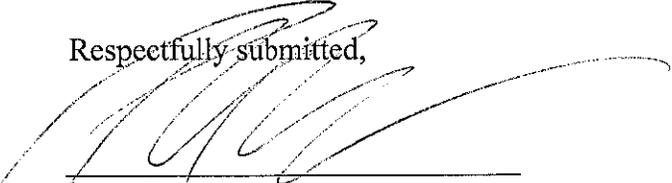
10. For the above reasons, any continued registration of the mark including the word "Economy" by Registrant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the services offered under the mark emanate from or are otherwise sponsored by or endorsed by Petitioner, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

11. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark including the word "Economy" to Registrant.

WHEREFORE, Petitioner respectfully asks the Board to sustain this cancellation action and cancel Registration No. 3,846,382 in its entirety.

Date: August 8, 2015
White Plains, New York

Respectfully submitted,



Peter S. Sloane
Cameron S. Reuber
Victoria T. Polidoro

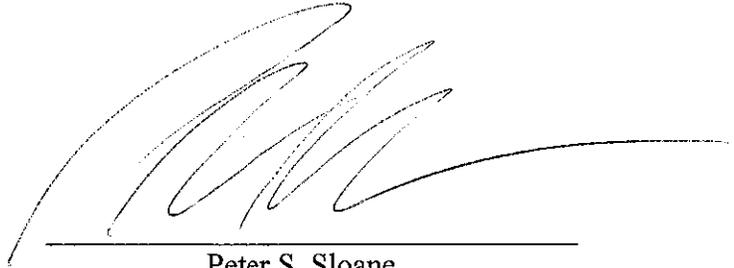
LEASON ELLIS LLP
One Barker Avenue, Fifth Floor
White Plains, New York 10601
Tel.: (914) 821-9073

Attorneys for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **PETITION FOR CANCELLATION** was served upon counsel of record for Registrant, this 8th day of August, 2015, by First-Class mail, postage prepaid, addressed as follows:

Nicole N. Meyer, Esq.
Dickinson Wright PLLC
1875 Eye St NW, Suite 1200
Washington, DC 20006-5420



Peter S. Sloane

Exhibit A



g+1 +4191 Recomendar esto en Google

USA

- Reservations
- Vehicles
- Locations
- Policies
- Blog
- Contact Us
- Travel Agents
- About Us

1 Location date & best location selection 2 Car select a car 3 Waivers and upgrade options 4 Confirmation Book your Confirmation

Step 2 - Choose a car

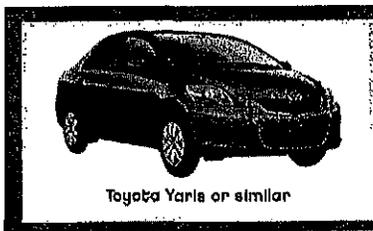
Please choose a car by clicking on the select button



Economy 24
Door
TOYOTA YARIS
Close

Automatic Transmission
USD \$20.66
DAILY
Total USD \$ 61.98

Select



Toyota Yaris or similar

Check your car details

- A/C
- 4 Passengers
- 2-4 Doors
- AM/FM CD Player
- Automatic Transmission

Rental Summary

Pickup location:
FT LAUDERDALE, UNITED STATES
(FLL - 777 SE 20TH ST SUITE 130)

Pickup date: 08/12/16 Pickup time: 11:00 AM

Drop off location:
FT LAUDERDALE, UNITED STATES
(FLL - 777 SE 20TH ST SUITE 130)

Drop off date: 08/18/16 Drop off time: 11:00 AM

Change Reservation