

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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mw/vw

Mailed: July 28, 2016

Cancellation No. 92063384

Colgate-Palmolive Company

v.

Bora Creations S.L.

By the Trademark Trial and Appeal Board:

On June 21, 2016, Respondent filed a renewed stipulated motion to: (1) amend involved Registration Nos. 4838915, 4263007 and 4848464, along with the required fee and declaration, and (2) withdraw the cancellation with prejudice, contingent upon entry of the amendments. By the proposed stipulated amendments, Respondent seeks to delete International Class 26 from involved Registration No. 4848464 in its entirety and to amend the identification of goods in International Classes 3 and 21 in all three involved registrations as follows:

Registration No. 4838915

International Class 3

From: Preparations for cleaning, care and beautification of the skin, nails ~~and hair~~, namely, non-medicated skin, ~~hair~~ and nail preparations; ~~hair~~ colorants; ~~hair~~ dyes; ~~hair~~ styling products, namely, ~~hair~~ styling gel and spray; ~~hair~~ lotions; ~~hair~~ care products, namely, ~~shampoo~~ and ~~conditioner~~; soaps; perfumery; fragrances; perfumes; eau de toilette; eau de parfum; cosmetics; eye make-up removers; make-up removing preparations; nail polish remover; make-up; BB cream in the nature of

non-medicated blemish-reducing skin creams; cosmetic powder; rouge; tinted facial cream; tinted body cream; cosmetic concealer; non-medicated acne treatment preparation, namely, cosmetic blemish stick; highlighter for the beautification of the skin, namely, highlighter facial powder and highlighter body art pens; tattoo pencils, namely, cosmetic pencils; mascara; powder; eye shadow powder; eye shadow cream; eye shadow foundation; eyebrow powder; eyebrow cream; eyebrow pencils; liquid eye liner, powder eye liner, eye liner pencils, eye liner gel; kohl eye pencils; lip glosses; lip balm; lipstick; lip liner; nail polish; cosmetic preparations for nail drying, namely, express drying drops for nail polish; artificial nails; nail pencil for French manicure; nail whitening pencils; nail whiteners in the nature of nail polish; nail polish correction pencils; nail care pencils in the nature of a nail gel or a nail oil; nail gel; primer for preparation of gel manicure; nail cleanser, namely, nail enamel remover; nail polish base coat; nail polish top coat; nail hardener; oils for treatment of nails and cuticles; nail art stickers, namely, stickers for beautification, care and protection of finger nails; French manicure tip guides, namely, nail stencils; products for sculpting and making of false fingernails, namely, adhesives for attaching artificial fingernails and fingernail embellishments and decals; nail polish with metallic or other effects; nail decoration glitter; cosmetic powders; fingernail embellishments in the nature of gems and accessories for decorating nails; nail care preparations; products for sculpting and making of gel nails, namely, nail gel; hand creams; body glitter spray, nail glitter spray, face glitter spray; temporary tattoo transfers for use as cosmetics; false eyelashes.

To: Preparations for cleaning, care and beautification of the skin, **and** nails, namely, non-medicated skin and nail preparations; soaps; perfumery; fragrances; perfumes; eau de toilette; eau de parfum; cosmetics; eye make-up removers; make-up removing preparations; nail polish remover; make-up; BB cream in the nature of non-medicated blemish-reducing skin creams; cosmetic powder; rouge; tinted facial cream; tinted body cream; cosmetic concealer; non-medicated acne treatment preparation, namely, cosmetic blemish stick; highlighter for the beautification of the skin, namely, highlighter facial powder and highlighter body art pens; tattoo pencils, namely, cosmetic pencils; mascara; powder; eye shadow powder; eye shadow cream; eye shadow foundation; eyebrow powder; eyebrow cream; eyebrow pencils; liquid eye liner, powder eye liner, eye liner pencils, eye liner gel; kohl eye pencils; lip glosses; lip balm; lipstick; lip liner; nail polish; cosmetic preparations for nail drying, namely, express drying drops for nail polish; artificial nails; nail pencil for French manicure; nail whitening pencils; nail whiteners in the nature of nail polish; nail polish

correction pencils; nail care pencils in the nature of a nail gel or a nail oil; nail gel; primer for preparation of gel manicure; nail cleanser, namely, nail enamel remover; nail polish base coat; nail polish top coat; nail hardener; oils for treatment of nails and cuticles; nail art stickers, namely, stickers for beautification, care and protection of finger nails; French manicure tip guides, namely, nail stencils; products for sculpting and making of false fingernails, namely, adhesives for attaching artificial fingernails and fingernail embellishments and decals; nail polish with metallic or other effects; nail decoration glitter; cosmetic powders; fingernail embellishments in the nature of gems and accessories for decorating nails; nail care preparations; products for sculpting and making of gel nails, namely, nail gel; hand creams; body glitter spray, nail glitter spray, face glitter spray; temporary tattoo transfers for use as cosmetics; false eyelashes.

International Class 21

From: ~~Combs; hair brushes;~~ body brushes; nail brushes; cosmetic sponges, namely, microdermabrasion sponges for cosmetic use; cosmetic brushes; applicators for cosmetics, namely, applicator stick for applying make-up; beverage glassware, vases, decorative glass not for building; porcelain goods, namely, dishes, mugs and figurines.

To: Body brushes; nail brushes; cosmetic sponges, namely, microdermabrasion sponges for cosmetic use; cosmetic brushes; applicators for cosmetics, namely, applicator stick for applying make-up; beverage glassware, vases, decorative glass not for building; porcelain goods, namely, dishes, mugs and figurines.

Registration No. 4848464

International Class 3

From: Preparations for cleaning, care and beautification of the skin, nails ~~and hair~~, namely, non-medicated skin, ~~hair~~ and nail preparations; ~~hair colorants; hair dyes; hair styling products, namely, hair styling gel and spray; hair lotions; hair care products, namely, shampoo and conditioner;~~ soaps; perfumery; fragrances; perfumes; eau de toilette; eau de perfume; cosmetics; eye make-up removers; make-up removing preparations; nail polish remover; make-up; BB cream in the nature of non-medicated blemish-reducing skin creams; cosmetic powder; rouge; tinted facial cream; tinted body cream; cosmetic concealer; non-medicated acne treatment preparation, namely, cosmetic blemish stick; highlighter for the beautification of the skin, namely, highlighter facial

powder and highlighter body art pens; tattoo pencils, namely, cosmetic pencils; mascara; powder for increasing eyelash volume; eye shadow powder; eye shadow cream; eye shadow foundation; eyebrow powder; eyebrow cream; eyebrow pencils; liquid eye liner, powdered eye liner, eye liner pencils, eye liner gel; kohl eye pencils; lip glosses; lip balm; lipstick; lip liner; nail polish; cosmetic preparations for nail drying, namely, express drying drops for nail polish; artificial nails; nail pencil for French manicure; nail whitening pencils; nail whiteners in the nature of nail polish; nail polish correction pencils; nail care pencils in the nature of a nail gel or a nail oil; nail gel; primer for preparation of gel manicure; nail cleanser, namely, nail enamel remover; nail polish base coat; nail polish top coat; nail hardener; oils for treatment of nails and cuticles; nail art stickers, namely, stickers for beautification, care and protection of finger nails; French manicure tip guides, namely, nail stencils; products for sculpting and making of false fingernails, namely, adhesives for attaching artificial fingernails and fingernail embellishments and decals; nail polish with metallic or other effects; nail decoration glitter; cosmetic powders; fingernail embellishments in the nature of gems and accessories for decorating nails; nail care preparations; products for sculpting and making of gel nails, namely, nail gel; hand creams; body glitter spray; nail glitter spray; face glitter spray; temporary tattoo transfers for use as cosmetics; false eyelashes.

To: Preparations for cleaning, care and beautification of the skin, **and** nails, namely, non-medicated skin and nail preparations; soaps; perfumery; fragrances; perfumes; eau de toilette; eau de parfume; cosmetics; eye make-up removers; make-up removing preparations; nail polish remover; make-up; BB cream in the nature of non-medicated blemish-reducing skin creams; cosmetic powder; rouge; tinted facial cream; tinted body cream; cosmetic concealer; non-medicated acne treatment preparation, namely, cosmetic blemish stick; highlighter for the beautification of the skin, namely, highlighter facial powder and highlighter body art pens; tattoo pencils, namely, cosmetic pencils; mascara; powder for increasing eyelash volume; eye shadow powder; eye shadow cream; eye shadow foundation; eyebrow powder; eyebrow cream; eyebrow pencils; liquid eye liner, powdered eye liner, eye liner pencils, eye liner gel; kohl eye pencils; lip glosses; lip balm; lipstick; lip liner; nail polish; cosmetic preparations for nail drying, namely, express drying drops for nail polish; artificial nails; nail pencil for French manicure; nail whitening pencils; nail whiteners in the nature of nail polish; nail polish correction pencils; nail care pencils in the nature of a nail gel or a nail oil; nail gel; primer for preparation of gel manicure; nail cleanser, namely, nail enamel remover; nail polish base coat; nail polish top coat; nail hardener; oils for treatment of nails

and cuticles; nail art stickers, namely, stickers for beautification, care and protection of finger nails; French manicure tip guides, namely, nail stencils; products for sculpting and making of false fingernails, namely, adhesives for attaching artificial fingernails and fingernail embellishments and decals; nail polish with metallic or other effects; nail decoration glitter; cosmetic powders; fingernail embellishments in the nature of gems and accessories for decorating nails; nail care preparations; products for sculpting and making of gel nails, namely, nail gel; hand creams; body glitter spray; nail glitter spray; face glitter spray; temporary tattoo transfers for use as cosmetics; false eyelashes.

International Class 21

From: ~~Combs; hair brushes;~~ body brushes; nail brushes; cosmetic sponges, namely, microdermabrasion sponges for cosmetic use; cosmetic brushes; applicators for cosmetics, namely, applicator stick for applying make-up; beverage glassware, vases, decorative glass not for building; porcelain goods, namely, dishes, mugs and figurines.

To: Body brushes; nail brushes; cosmetic sponges, namely, microdermabrasion sponges for cosmetic use; cosmetic brushes; applicators for cosmetics, namely, applicator stick for applying make-up; beverage glassware, vases, decorative glass not for building; porcelain goods, namely, dishes, mugs and figurines.

Registration No. 4263007

International Class 3

From: ~~Cosmetics, hair care products, namely, shampoos, hair lotions, hair dyes and colorants, hair gels, hair sprays, hair mousse, hair relaxers, hair waving preparations, hair wax.~~

To: Cosmetics.

International Class 21

From: ~~Combs and nail brushes, hair brushes,~~ shaving brushes, body brushes, cosmetic brushes, brushes for applying cosmetics; powder puffs.

To: Nail brushes; shaving brushes, body brushes, cosmetic brushes, brushes for applying cosmetics; powder puffs.

Inasmuch as the amendments comply with the requirements of Trademark Rule 2.173, are limiting in nature, and Petitioner consents thereto, the amendments are approved. *See* Trademark Rule 2.133(a). The amendments will be forwarded to the Post Registration Branch of this Office for entry of the amendments in accordance with Section 7(e) of the Trademark Act.¹

Deletion of International Class 26 for Registration No. 4848464

As noted, Respondent seeks to delete International Class 26 in its entirety. In a cancellation proceeding against any registration having multiple classes, if the Respondent files a request to amend the registration to delete an entire class sought to be cancelled, the request for amendment is, in effect, a voluntary surrender of the registration with respect to that class, and is governed by Trademark Rule § 2.134(a). In view thereof, and because Petitioner's consent is of record, Registration No. 4848464 will be cancelled in due course with respect to **Class 26 only**, pursuant to Section 7(e) of the Trademark Act.

The contingency in Petitioner's withdrawal having now been met, the petition to cancel is dismissed **with prejudice**.

¹ A copy of the Board's order granting the amendments, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registrations.