

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: February 24, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Paradise Mountain Organic Estate Coffee Ltd.

Serial No. 86407960

Roy Machaalany for Paradise Mountain Organic Estate Coffee Ltd.

Tracy Whittaker-Brown, Trademark Examining Attorney, Law Office 111 (Robert L. Lorenzo, Managing Attorney).

Before Adlin, Goodman and Pologeorgis, Administrative Trademark Judges.

Opinion by Adlin, Administrative Trademark Judge:

Paradise Mountain Organic Estate Coffee Ltd. (“Applicant”) seeks a Principal Register registration for the mark shown below



for coffee, tea and related products.¹ The Examining Attorney refused registration absent a disclaimer of the term THE WORLD'S MOST SUSTAINABLE, finding that the term is merely descriptive of Applicant's goods under Section 2(e)(1) of the Trademark Act. After the refusal became final, Applicant appealed and filed a motion for reconsideration which was denied. Applicant and the Examining Attorney filed briefs.²

Under Section 6(a) of the Act, "[t]he Director may require the applicant to disclaim an unregistrable component of a mark otherwise registrable," such as a component which is merely descriptive under Section 2(e)(1). Failure to comply with a disclaimer requirement is a basis for refusing registration. *See In re Slokevage*, 441

¹ Application Serial No. 86407960, filed September 27, 2014 based on an intent to use the mark in commerce under Section 1(b) of the Trademark Act. The application includes this description of the mark: "The mark consists of a design featuring Thai woman wearing a crown, large necklace, dress, and wrist cuffs. The Thai woman is kneeling on a pile of beans and holding a portion of a plant on the right. The design is enclosed in concentric ovals, between which the wording 'THE WORLD'S MOST SUSTAINABLE' appears." In its entirety, the identification of goods is: "Green Coffee and tea beverages, namely, artificial tea and coffee; coffee extracts, tea extracts; coffee, whole coffee in the nature of coffee beans, ground coffee, coffee beans, roasted coffee beans, whole coffee beans, ground coffee beans, coffee extracts, coffee essences; chilled coffee-based beverages; artificial coffee, extracts of artificial coffee; coffee pouches in the nature of prepackaged ground coffee in pouch-shaped filters, tinned coffee; green coffee; coffee liquid in the nature of coffee flavored syrup used in making coffee-based beverages, powder for making instant coffee; iced coffee, flavoured coffee, speciality coffee, gourmet coffee, shade-grown coffee, organic coffee; tea-based beverages; iced tea; black tea, fruit teas, chai tea, aromatic tea, fruit flavoured tea, green tea, herbal tea, tea essences, blended tea, tea bags; tea-based beverages with fruit flavourings; leaves for use as tea substitutes; cappuccino, latte, espresso, cappuccino and mochaccino syrups used in making food beverages; sugar, salt." The application includes Applicant's claim of ownership of Reg. No. 4589595 for the mark THE WORLD'S MOST SUSTAINABLE COFFEE & Design, with THE WORLD'S MOST SUSTAINABLE COFFEE disclaimed, also for coffee, tea and related products (the "'595 Registration.')."

² Applicant's Reply Brief is untimely and has therefore been given no consideration. Trademark Rule 2.142(b)(1). Had we considered Applicant's Reply Brief, our decision, which is based on the evidence of record and the applicable law, would have been the same.

Serial No. 86407960

F.3d 957, 78 USPQ2d 1395, 1399-1400 (Fed. Cir. 2006); *In re Stereotaxis, Inc.*, 429 F.3d 1039, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005).

A mark is deemed to be merely descriptive, within the meaning of Section 2(e)(1), if it immediately conveys knowledge of a quality, feature, function, characteristic or purpose of the goods for which it is used. *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007) (quoting *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009)); and *In re Abcor Development*, 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). A mark need not immediately convey an idea of each and every specific feature of the goods in order to be considered merely descriptive; rather, it is sufficient that the mark describes one significant attribute, function or property of the goods. *In re Chamber of Commerce of the United States of America*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); and *In re MBAssociates*, 180 USPQ 338 (TTAB 1973). Whether a mark is merely descriptive is determined not in the abstract, but in relation to the goods for which registration is sought, the context in which it is being used on or in connection with the goods, and the possible significance that the mark would have to the average purchaser of the goods because of the manner of its use. *In re Bright-Crest, Ltd.*, 204 USPQ 591, 593 (TTAB 1979). It is settled that “[t]he question is not whether someone presented with only the mark could guess what the goods or services are. Rather, the question is whether someone who knows what the goods or services are will understand the mark to convey information about them.” *In re Tower Tech Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002).

When two or more merely descriptive terms are combined, the determination of whether the composite mark also has a merely descriptive significance turns on whether the combination of terms evokes a new and unique commercial impression. If each component retains its merely descriptive significance in relation to the goods, the combination results in a composite that is itself merely descriptive. *See e.g., In re Oppedahl & Larson LLP*, 373 F.3d 1171, 71 USPQ2d 1370 (Fed. Cir. 2004) (PATENTS.COM merely descriptive of computer software for managing a database of records that could include patents, and for tracking the status of the records by means of the Internet); *In re Petroglyph Games, Inc.*, 91 USPQ2d 1332 (TTAB 2009) (BATTLECAM merely descriptive for computer game software); *In re Carlson*, 91 USPQ2d 1198 (TTAB 2009) (URBANHOUSING merely descriptive of real estate brokerage, real estate consultation and real estate listing services); *In re Tower Tech*, 64 USPQ2d at 1314 (SMARTTOWER merely descriptive of commercial and industrial cooling towers); *In re Sun Microsystems Inc.*, 59 USPQ2d 1084 (TTAB 2001) (AGENTBEANS merely descriptive of computer programs for use in developing and deploying application programs); *In re Putman Publishing Co.*, 39 USPQ2d 2021 (TTAB 1996) (FOOD & BEVERAGE ONLINE merely descriptive of news and information services in the food processing industry).

Here, the Examining Attorney relies on third-party and media uses which establish the meaning of “sustainable” in the context of coffee and tea, including:³

³ Applicant’s objection to the Examining Attorney’s evidence is overruled. The materials include the URLs from which and the dates on which they were printed.

A printout of a Coffee & Conservation blog posting, accessible on the “coffeehabitat.com” website, entitled “Top 5 Indicators of Sustainable Coffee,” which states that increased demand for coffee “caused a shift from traditional, **sustainable coffee** growing methods (with coffee plants grown in the shade of diverse native trees) to intense monocultures that require large inputs of fertilizer and pesticides which bring about a loss in biodiversity and quickly deplete the land. If choosing **sustainable coffee** was easy for consumers, there would be no need for a blog like Coffee & Conservation.” The post concludes that “coffee drinkers have the potential to make a huge impact on the environment and economies of coffee growing nations.”

An SF Gate article entitled “What **Coffee Companies are Sustainable Leaders?**,” by Tammie Painter, accessible at “homeguides.sfgate.com” states: “purchasing your **coffee with sustainable practices** helps protect rain forest species, allows coffee growers to earn a fair wage and improves air and water quality ... However, deciphering which companies do the most for our planet while delivering a delicious cup of coffee can get confusing.” In the description of Equal Exchange Coffee, the article states that the co-op “educates farmers about long-term **sustainable growing practices to keep the land on which the coffee grows healthy and productive.**”

A TriplePundit article (“triplepundit.com”) entitled “**World’s Most Sustainable Coffee?**” by Scott Cooney states “And of course, there’s the sustainability aspect. **Coffee** has been one of the darlings of the **sustainability movement.**”

A Wikipedia (“wikipedia.org”) entry for “**Sustainable coffee**” indicates that “**Sustainable coffee** is coffee that is grown and marketed for its sustainability ... Coffee has a number of classifications used to determine the participation of growers (or the supply chain) in various combinations of social, environmental, and economic standards. Coffees fitting such categories and that are independently certified or verified by an accredited third party have been collectively termed ‘**sustainable coffees.**’” The entry further states that “The resulting

‘Sustainable Coffee Survey of the North American Specialty Coffee Industry’ indicated the availability of four primary certified sustainable coffees (in order of importance then): Organic, Fair Trade, Bird Friendly (Smithsonian Institution Migratory Bird Center) and Rainforest Alliance.”

The Corporate Partnerships section of the EarthWatch Institute website (“earthwatch.org”) has a listing for Starbucks Coffee Company which indicates that the EarthWatch-Starbucks “partnership has helped to **promote sustainable farming practices** in one of the world’s premier **coffee-growing regions**,” including through “the use of practices and tools that benefit both the farmers and the natural environment.”

An article on the Sustainable Brands website (“sustainablebrands.com”) entitled “Fair Trade USA Certifies 1 Billionth Pound of **Sustainable Coffee**” indicates that the “milestone was made possible by the sustainable sourcing practices of nearly 500 coffee companies.”

An article on the “elsevier.com” website entitled “‘**Sustainable**’ coffee: what does it mean for local supply chains in Indonesia” states “Increased awareness of the environmental impact of growing coffee, and on the poor conditions of many farmers, has led to an increased demand for ethically sourced coffee.”

The Starbucks website (“starbucks.com”), under the heading “Building a Future with Farmers: Committed to 100% Ethically Sourced,” states “The cornerstone of our approach is Coffee and Farmer Equity (C.A.F.E.) Practices, one of the **coffee industry’s** first set of **sustainability standards**.” Under the subheading “Environmental Leadership,” the site states: (1) “Measures evaluated by third-party verifiers help manage waste, protect water quality, conserve water energy, preserve biodiversity and reduce agrochemical use;” (2) “Important additions to the program include practices for supporting the long-term productivity of coffee farms through coffee renovation, or replanting;” (3) “We opt for an ‘open-source’ approach, sharing our tools, best practices and resources to help all

producers make improvements in the long-term **sustainability** of their farms;” and (4) “Not only is it an operational coffee farm, it’s an agronomy research and development center that will help us continue to develop **sustainable** farming practices”

The “eartheasy.com” website includes an article on shade grown coffee which states “Coffee plantations which are chemically dependent suffer from soil depletion and increased erosion. Rainforest is stripped to provide fresh growing ground. Shade coffee farms are, for the most part, organic and **sustainable**,” and “This **sustainable** method of farming uses little or no chemical fertilizers, pesticides or herbicides.”

The website “coffeereview.com” has listings for several coffee companies, and indicates that Café Virtuoso’s coffees are “produced and purchased in a **sustainable** manner,” and that Old Soul Co. supports “Specialty Coffee Farmers through **sustainable** sourcing.”

The “technoserve.org” website states that “TechnoServe is helping to build a **sustainable global coffee industry**”

The “cafedoparaiso.com” website states that the company’s goal “is to become the most transparent and **environmentally sustainable coffee company** in the world.”

The Art of Tea website (“artoftea.com”) includes a page entitled “**Sustainable Tea**,” which states “A process that is sustainable can be maintained indefinitely. By supporting sustainable business practices, it means that we do not take more from the world than we give back and that we consciously choose how we interact with the environment. Our reliance on renewable resources, as well as on symbiotic relationships with nature and the community ... using only sustainable energy sources ... We encourage each individual to accept personal responsibility for reducing the industrial, and individual impact on the ecosystem by reducing our carbon footprint and to take part in our mission towards a sustainable future”

The Tea section of the Sustainable Trade Initiative website (“idhsustainabletrade.com/tea”) states “Major tea brands and packers join forces for **sustainable tea** sourcing and trade ... An estimated eight million small-scale tea producers in Africa and Asia are working with outdated production methods. Not only do these methods harm the environment”

The article “How to Choose a More **Sustainable Tea**,” on the Care2 website states “I try to buy a tea that is grown using sustainable methods that consider the growers, the community, and the environment”

Lipton Tea’s website (“liptontea.com”), under the heading “**Sustainability and Lipton® Tea**,” states “What is sustainability? According to the United Nations Commission on Environment and Development, sustainable development ‘meets the needs of the present without compromising the ability of future generations to meet their own needs’ ... Your choice of Rainforest Alliance Certified™ Lipton® Tea supports farmers working to improve their livelihoods and those of their families while protecting the planet for the future.”

Madura’s website (“maduratea.com”), under the heading “**Sustainable Tea Production**,” states “Madura is a leader in **sustainable tea** production. Since the first tea bushes were planted in 1978, Madura has used clean, green farming practices to produce premium quality tea while preserving and enhancing the natural environment.”

An article on the Environmental Leader website (“environmentalleader.com”) entitled “Unilever to Grow **Sustainable Tea**” states that Unilever “will begin a tea research and development program that uses plant breeding methods to ensure **sustainable tea** ... This includes growing more tea on less land and reducing agrochemicals. The project also aims to help arrest any decline in tea crop diversity that could limit the crop’s ability to withstand drought, disease and pests in the future.”

Denial of Motion for Reconsideration, July 29, 2015 (emphasis added).

The Examining Attorney also relies on the following evidence reflecting media and third-party uses of “world’s most” or variations thereof in the context of coffee and tea, including:

An article on the “nationalgeographic.com” website is entitled “Ethiopian Shade **Coffee is World’s Most** Bird Friendly.”

An article on the “todayifoundout.com” website is entitled “The **World’s Most** Expensive Cup of Coffee,” and states “And then, viola, you have the **world’s most** expensive coffee seeds.”

The Death Wish Coffee website (“deathwishcoffee.com”) states that it is the “Home of the **World’s Strongest Coffee.**”

The “financesonline.com” website includes an article entitled “Top 10 **Most Expensive Coffee** in the World: Luwak Coffee Is Not the No. 1.”

The Black Ivory Coffee Company Limited website (“blackivorycoffee.com”) indicates that the company’s coffee is “the **world’s rarest and most expensive coffee**” and “[t]he **world’s most memorable coffee drinking experience.**”

The Immortalitea® website (“immortalitea.com”) includes an article entitled “The **World’s Most Expensive Tea.**”

The Victorian Rituals website includes an article entitled “A Few of the **World’s Most Popular Teas,**” which states that Darjeeling tea is “one of the **world’s most highly prized teas.**”

The ABC News website (“abcnews.go.com”) includes an article “via Good Morning America” entitled “The **World’s Most Expensive Tea: Made from Panda Poo?**”

Id. (emphasis added).

The Examining Attorney introduced evidence that in addition to Applicant's Registration No. 4589595, in which Applicant voluntarily disclaimed THE WORLD'S MOST SUSTAINABLE COFFEE in its application as originally filed, a number of third-party registrations for coffee or tea also include disclaimers of the term "sustainable":

SUSTAINABLE HARVEST in standard characters for coffee, tea, cocoa and vanilla, SUSTAINABLE disclaimed, Reg. No. 3040610

NACHHALTIG SUSTAINABLE ORGANIC BIO & Design and ORGANIC BIO NACHHALTIG SUSTAINABLE WWW.FAIRBIOTEA.DE & Design, both for tea, with translation statements that NACHHALTIG means "sustainable," and with NACHHALTIG, SUSTAINABLE, NACHHALTIG SUSTAINABLE and ORGANIC disclaimed, Reg. Nos. 3841587 and 3980219

SOURCE TRUST SUSTAINABILITY IN ACTION & Design for coffee and cocoa, SUSTAINABILITY disclaimed, Reg. No. 4394430

RSPO CERTIFIED SUSTAINABLE PALM OIL & Design for coffee, tea and cocoa, CERTIFIED SUSTAINABLE PALM OIL disclaimed, Reg. No. 4615652

WOMEN'S HARVEST SUSTAINABLE PRODUCTS BY WOMEN & Design for coffee, SUSTAINABLE PRODUCTS BY WOMEN disclaimed, Reg. No. 4458493

HARVESTED BY WOMEN CERTIFIED SUSTAINABLE PRODUCTS BY WOMEN & Design for coffee, HARVESTED BY WOMEN, CERTIFIED AND SUSTAINABLE PRODUCTS BY WOMEN disclaimed, Reg. No. 4462845

Id.

This evidence establishes that THE WORLD'S MOST SUSTAINABLE is merely descriptive of a feature of Applicant's coffee and tea. Indeed, the record reveals that "sustainable" methods of growing coffee and tea can be maintained for a long period of time, perhaps forever, often by preserving the environment in which the coffee and tea is grown, and that Applicant's competitors promote, and the media describe, coffee grown "sustainably."⁴ *Id.* ("triplepundit.com" article entitled "World's Most Sustainable Coffee?;" "cafedoparaiso.com" website stating that company's goal "is to become the most transparent and environmentally sustainable coffee company in the world;" and Care2 website article entitled "How to Choose a More Sustainable Tea.")⁵

Furthermore, by describing Applicant's goods as THE WORLD'S MOST SUSTAINABLE coffee and tea, the proposed mark is merely laudatorily descriptive, conveying that Applicant's coffee and tea are produced or grown more sustainably than Applicant's competitors' coffee and tea. *See In re Boston Beer Co., L.P.*, 198 F.2d

⁴ Applicant concedes that one "variant" of "sustainability" is "environmental sustainability." Applicant's Appeal Brief at 19.

⁵ Applicant's argument that "it proves nothing to show that the adjective SUSTAINABLE may be used in connection with foods," Applicant's Appeal Brief at 16, is incorrect. As the Examining Attorney points out, the third-party use of SUSTAINABLE for coffee and tea establishes that the term has a descriptive meaning. *In re Leonhardt*, 109 USPQ2d 2091, 2095 (TTAB 2008) ("We agree with the Trademark Examining Attorney that these online candy catalogs and recipes support the conclusion that the term 'Pops' is a shortened form for the word 'lollipops,' and hence is highly descriptive, if not generic, when used in connection with lollipop candies."). Furthermore, the fact that the record "does not offer a single functional definition" of sustainable, Applicant's Appeal Brief at 17, is essentially irrelevant. "It is well settled that so long as any one of the meanings of a term is descriptive, the term may be considered to be merely descriptive." *In re Chopper Industries*, 222 USPQ 258, 259 (TTAB 1984); *see also*, *In re IP Carrier Consulting Group*, 84 USPQ2d 1028, 1034 (TTAB 2007); *In re Bright-Crest, Ltd.*, 204 USPQ 591, 593 (TTAB 1979). Here, while Applicant has introduced several articles questioning whether "sustainable" can have a single definition, the record as a whole establishes that it is commonly used in the coffee and tea industry to refer to environmentally sound production practices which can be continued indefinitely. Moreover, some of the materials on which Applicant relies are corroborative of this definition.

1370, 53 USPQ2d 1056, 1058 (Fed. Cir. 1999) (finding THE BEST BEER IN AMERICA for beer to be “a common, laudatory advertising phrase which is merely descriptive of Boston Beer’s goods. Indeed, it is so highly laudatory and descriptive of the qualities of its product that the slogan does not and could not function as a trademark to distinguish Boston Beer’s goods and serve as an indication of origin.”);⁶ *Taylor Bros., Inc. v. The Pinkerton Tobacco Co.*, 231 USPQ 412 (TTAB 1986) (observing that AMERICA’S BEST CHEW for chewing tobacco is merely descriptive); *In re Carvel Corp.*, 223 USPQ 65, 69 (TTAB 1984) (finding AMERICA’S FRESHEST ICE CREAM generic for ice cream and stating “we find no extra element, unusual word combination or different twist (not even in minimal degree) that would supply the modest potential for distinctiveness and distinguishability needed to qualify the mark for Supplemental Register registration”); *In re Royal Viking Line A/S*, 216 USPQ 795, 796 (TTAB 1982) (finding WORLD CLASS merely descriptive of cruise ship services, in part because “Applicant uses these words in a laudatory manner much like one would use ‘first class’ or ‘world’s finest’ or ‘world’s best’”); *In re Wileswood, Inc.*, 201 USPQ 400, 402 (TTAB 1978) (finding AMERICA’S BEST POPCORN and AMERICA’S FAVORITE POPCORN merely descriptive of popcorn, stating that “the two expressions in question amount to nothing more than trade

⁶ In *Boston Beer*, the Federal Circuit’s decision was based in part on the proposed mark being “a common phrase used descriptively by others.” *Id.* Similarly, here, the evidence reveals that third-parties use terms such as “world’s most sustainable coffee,” “environmentally sustainable coffee company,” “world’s most bird friendly,” “world’s most expensive cup of coffee,” “world’s strongest coffee,” “most expensive coffee,” “world’s rarest and most expensive coffee,” “world’s most memorable coffee drinking experience,” “world’s most expensive tea,” “world’s most popular teas,” etc.

puffery or self-laudatory expressions of applicant's product and would be so understood").

Of course, Applicant's voluntary disclaimer of THE WORLD'S MOST SUSTAINABLE COFFEE for virtually identical goods in the related '595 Registration further establishes that THE WORLD'S MOST SUSTAINABLE is merely descriptive of Applicant's goods. *Bass Pro Trademarks LLC v. Sportsman's Warehouse Inc.* 89 USPQ2d 1844, 1851 (TTAB 2008). Similarly, the evidence that SUSTAINABLE and foreign language equivalents thereof is commonly disclaimed for coffee or tea supports a finding that Applicant's mark is merely descriptive.⁷

When the composite term THE WORLD'S MOST SUSTAINABLE is considered as a whole, its meaning is no different. In the context of coffee and tea, THE WORLD'S MOST SUSTAINABLE conveys that the goods are not only sustainably grown or produced, but that they are more sustainably grown or produced than any other coffee or tea in the world. Applicant's argument that the proposed mark "creates

⁷ The Examining Attorney's objection to Applicant's mere listing of third-party registrations, and search results, is sustained. *In re Jump Designs, LLC*, 80 USPQ2d 1370, 1372 (TTAB 2006). Applicant's submission of certificates for the cited third-party registrations with its Appeal Brief was untimely and the certificates have therefore been given no consideration. Trademark Rule 2.142(d). Furthermore, Applicant's reliance on *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564 (Fed. Cir. 2001) is misplaced at best. There, the Federal Circuit affirmed a requirement that THE ULTIMATE BIKE RACK be disclaimed, finding that substantial evidence supported the Board's finding that "consumers will immediately regard THE ULTIMATE BIKE RACK as a laudatory descriptive phrase that touts the superiority of Nett Designs' bike racks." *Id.* at 1566. The Court went on to find that third-party registrations including the term ULTIMATE did not rebut the Board's finding, and stated "[e]ven if some prior registrations had some characteristics similar to Nett Designs' application, the PTO's allowance of such prior registrations does not bind the Board or this court." *Id.* In any event, it appears from the information provided in Applicant's brief that none of the cited registrations are for coffee or tea.

a singular arbitrary coined phrase,” Applicant’s Appeal Brief at 15, is conclusory, in that for the most part Applicant does not suggest that the alleged “singular arbitrary coined phrase” has any specific non-descriptive meaning. The closest Applicant comes to suggesting a non-descriptive meaning for its allegedly “unitary” term is its argument that the term “has no specific meaning other than to playfully hint to the Applicant’s consumers that its goods will provide a special, unique, and distinct experience.” Applicant’s Appeal Brief at 18. This contention is entirely unexplained, and more importantly unsupported by any evidence. And it is directly contradicted by the evidence of record which establishes that each component of the term retains its merely descriptive significance in relation to Applicant’s goods. In fact, the “triplepundit.com” article is entitled “World’s Most Sustainable Coffee?,” there is a Wikipedia entry for “Sustainable Coffee,” several other articles and company websites use “sustainable coffee” or “sustainable tea,” and coffee and tea are commonly referred to as the “world’s most [adjective]” brand or type.

Conclusion

While Applicant is correct that we must resolve doubt in its favor, here there is no doubt. The evidence of record makes clear that THE WORLD’S MOST SUSTAINABLE is merely descriptive of coffee and tea. Accordingly, the disclaimer requirement on the basis of descriptiveness is affirmed.

Decision: The refusal to register in the absence of a disclaimer of THE WORLD’S MOST SUSTAINABLE is affirmed. This decision will be set aside if, within thirty

Serial No. 86407960

days of the mailing date of this order, Applicant submits to the Board a proper disclaimer of THE WORLD'S MOST SUSTAINABLE. Trademark Rule 2.142(g). The disclaimer should be worded as follows: "No claim is made to the exclusive right to use THE WORLD'S MOST SUSTAINABLE apart from the mark as shown."