

# TTAB

02184/7001299-000

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

-----X  
FEDERATION OF THE  
SWISS WATCH INDUSTRY

Opposer,

v.

SWISS WATCH INTERNATIONAL

Applicant.  
-----X

### EXPRESS MAIL CERTIFICATE

Date 9-8-04 Label No. EV 028644 04545  
I hereby certify that, on the date indicated above, this paper or  
fee was deposited with the U.S. Postal Service & that it was  
addressed for delivery to the Assistant Commissioner for  
Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3314  
by "Express Mail Post Office to Addressee" service.

Judy Yeddo Judy Yeddo  
Name (Print) Signature

### NOTICE OF OPPOSITION

In the matter of the trademark application of Swiss Watch International ("Applicant") for registration of BELINZONA in Class 14 for "fashion jewelry and watches" ("Applicant's Goods"), Application Serial No. 78/226,756 filed March 18, 2003.

Federation of the Swiss Watch Industry ("Opposer"), an unincorporated association formed under the laws of Switzerland, Rue d' Argent 6, CH-2501, Biennes, Switzerland, believes it will be damaged by registration of BELINZONA as sought under Application Serial No. 78/226,756 (the "Application") and hereby opposes the same.

09/13/2004 KSONCHAW 00000000 78226756

01 FC:6402

300.00 00



09-08-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

The grounds for opposition are:

1. For many years, Opposer has been the Swiss watch industry's leading trade association. Opposer is a non-profit association with over 500 members representing more than 90% of all Swiss watch manufacturers. Opposer counts such renown watch manufacturers as Cartier, Breitling, Baume & Mercier, Gucci, Longines, Movado, Omega, Piaget and Rolex among its members.

2. Opposer's responsibilities to its members include representing and defending its members' interests through legal proceedings as well as protecting and supporting its members' overall common interests and policy goals regarding the watch industry generally.

3. In order to be classified as a true "Swiss" or "Swiss made" watch by Opposer, a given watch must satisfy an exacting set of standards. As a result, those watches emanating from Switzerland enjoy an unsurpassed reputation for combining quality, craftsmanship, and aesthetic beauty. Therefore, the intrinsic value of a watch's Swiss origin is immeasurable.

4. For over 70 years, Opposer has been using the Certification Marks SWISS and SWISS MADE to denote those timepieces which it determines meet the high standards it demands of a timepiece wishing to claim entitlement to assertions of Swiss lineage. Only a watch which is truly of Swiss Origin will be certified as SWISS or SWISS MADE by Opposer. A watch is truly SWISS or SWISS MADE if its movement is Swiss, its movement is cased up in Switzerland and the manufacturer carries out the final inspection in Switzerland.

5. Opposer is the owner of Application Nos. 76/442,496 and 76/442,497 for the Certification Marks SWISS and SWISS MADE for use in connection with "horological and

chronometric instruments, namely, watches, clocks and their component parts and fittings thereof.”

6. Upon information and belief, Applicant is a watch manufacturer organized and existing under the laws of the State of Florida. Upon information and belief, Applicant manufactures and sells fashion jewelry and watches which do not originate in Switzerland and do not meet the high standards used by Opposer to certify such goods as being of Swiss origin.

7. Upon information and belief, Applicant uses BELINZONA in connection with the sale of goods identical to those sold by Opposer’s members, to the identical customers, through the same channels of trade. BELINZONA is a city in Switzerland.

8. When used in connection with the goods of the Applicant, BELINZONA will be immediately understood by the relevant public as a geographic indicator signifying a watch that originates from Switzerland. Believing they are purchasing a true Swiss watch, when in fact they are not, consumers are likely to be influenced in their purchasing decisions by Applicant’s use of BELINZONA. Therefore, BELINZONA is primarily a geographically deceptively misdescriptive mark.

9. Upon information and belief, when used in connection with Applicant's Goods, BELINZONA is a deceptive mark and therefore may not be registered pursuant to Section 2(a) of the Trademark Act, § 15 U.S.C. 1052(a).

10. Upon information and belief, when used in connection with Applicant's Goods, BELINZONA is primarily a geographically deceptively misdescriptive mark and therefore may not be registered pursuant to Section 2(e)(3) of the Trademark Act, § 15 U.S.C. 1052(e)(3).

11. Upon information and belief, a grant of registration to the Applicant would bestow upon Applicant the right to use a mark which confuses consumers into mistakenly believing that Applicant's Goods are of the same country of origin, and therefore of a comparable level of quality, as those of Opposer's members, thereby creating damage to Opposer and its members.

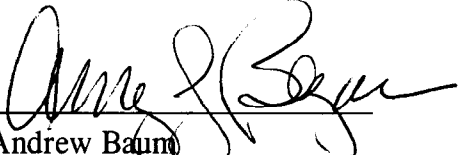
12. This Notice of Opposition is being filed in triplicate. Enclosed is check no. 6029 for the \$300 filing fee. Please charge any other fees which may be necessary, to the deposit account of Darby & Darby, P.C. account number 04-0100.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that the Application be refused registration.

Dated: September 8, 2004  
New York, New York

Respectfully submitted,  
DARBY & DARBY P.C.

By:

  
Andrew Baum  
Amy J. Benjamin  
Justin M. Kayal  
805 Third Avenue  
New York, New York 10022  
(212) 527-7700

Attorneys for Opposer  
FEDERATION OF THE  
SWISS WATCH  
INDUSTRY