

ESTTA Tracking number: **ESTTA672467**

Filing date: **05/15/2015**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Federation of the Swiss Watch Industry FH
Granted to Date of previous extension	05/17/2015
Address	Rue d'Argent 6 Bienne, CH-2501 SWITZERLAND

Attorney information	Rachel Hofstatter Step toe & Johnson LLP 1330 Connecticut Avenue, NW Washington, DC 20036 UNITED STATES rhofstatter@step toe.com, wpecau@step toe.com, ipdocketing@step toe.com Phone: 202-429-3000
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Applicant Information

Application No	86370145	Publication date	11/18/2014
Opposition Filing Date	05/15/2015	Opposition Period Ends	05/17/2015
Applicant	Reflexion Research Limited 14F China HK Tower, 8 Hennessy Road Wanchai, HONG KONG		

Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Watches
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is primarily geographically deceptively misdescriptive	Trademark Act section 2(e)(3)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3038819	Application Date	08/16/2002
Registration Date	01/10/2006	Foreign Priority Date	NONE

Word Mark	SWISS MADE
Design Mark	SWISS MADE
Description of Mark	NONE
Goods/Services	Class A. First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES, CLOCKS AND THEIR COMPONENT PARTS AND FITTINGS THEREOF

U.S. Registration No.	3047277	Application Date	08/16/2002
Registration Date	01/24/2006	Foreign Priority Date	NONE

Word Mark	SWISS
Design Mark	SWISS
Description of Mark	NONE
Goods/Services	Class A. First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES, CLOCKS AND THEIR COMPONENT PARTS AND FITTINGS THEREOF

Attachments	76442497#TMSN.png(bytes) 76442496#TMSN.png(bytes) SWISS REIMAGINED Notice of Opposition.pdf(91607 bytes)
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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	/Rachel Hofstatter/
Name	Rachel Hofstatter
Date	05/15/2015

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

In the Matter of Application Serial No. 86/370,145
Published in the Official Gazette on November 18, 2014

FEDERATION OF THE SWISS WATCH INDUSTRY FH)		
Opposer,)	
v.)	
REFLEXION RESEARCH LIMITED,)	Opposition No. _____
Applicant.)	
)	

NOTICE OF OPPOSITION

Federation of the Swiss Watch Industry FH (the “Swiss Watch Federation”), an unincorporated association formed under the laws of Switzerland, Rue d' Argent 6, CH-2501, Bienne, Switzerland, believes it will be damaged by registration of the mark SWISS REIMAGINED, Application Serial No. 86/370,145, and, having previously obtained an extension of time up to and including May 17, 2015, to oppose the application, hereby opposes the same.

As grounds for the opposition, it is alleged that:

1. The Swiss Watch Federation is a non-profit association comprised of more than 500 members of the Swiss watch industry. The Swiss Watch Federation includes among its members such renowned and famous watch manufacturers as Rolex, Breitling, Omega, Cartier, Longines, Baume & Mercier, Gucci, Movado, Omega, and Piaget. The Swiss Watch Federation has authority under the Swiss Federal Law on the Protection of Trademarks and Indications of Source and its by-laws to enforce the rights in indications of Swiss geographic origin, such as the

flag of the Swiss Confederation, the Swiss Coat of Arms and the terms SWISS, SWISS MADE and SWITZERLAND in connection with watches and other horological instruments. The Swiss Watch Federation's responsibilities include certifying Swiss origin of watches and other horological instruments and protecting throughout the world the Swiss identity of watches and other horological instruments and combating infringements throughout the world of Swiss geographical designations.

2. Watches and other horological instruments made in Switzerland enjoy a substantial prestige and salability and are considered quality products throughout the world, including the United States.

3. Since long prior to August 18, 2014, the filing date of the intent-to-use application that is the subject of this Notice of Opposition, the designations SWISS and SWISS MADE have been famous and distinctive appellations of origin of watches and horological instruments made in Switzerland pursuant to the Swiss Watch Federation's certification standards which have been established by Swiss law. Since long prior to August 18, 2014, the filing date of the intent-to-use application that is the subject of this Notice of Opposition, consumers in the United States have come to know the SWISS and SWISS MADE certification marks as denoting watches that originate from Switzerland. As a result of their long use, renown and recognition in the United States, the SWISS and SWISS MADE marks are now, and since long before the filing date of Applicant's intent-to-use application herein opposed, famous certification marks. The Swiss Watch Federation has exclusive control over the use in commerce in the United States of the SWISS and SWISS MADE certification marks in connection with watches and horological instruments

4. The Swiss Watch Federation's certification standards for a SWISS or SWISS MADE watch have been established by Swiss law which defines the standards for a

watch of Swiss origin. Under the Swiss Federal Ordinance Governing the Use of the Appellation “Switzerland” or “Swiss” for Watches (the “Ordinance”), a watch may be considered as Swiss and may be indicated as such only if: (1) its movement is Swiss; (2) its movement is cased up in Switzerland; and (3) the manufacturer carries out the final inspection in Switzerland. A movement is considered Swiss if: (1) it has been assembled in Switzerland; (2) it has been inspected by the manufacturer in Switzerland; and (3) the components of Swiss manufacturer make up at least 50% of the value of the movement without considering the costs for assembly. Watches that do not meet these standards may not be labeled with any appellation which indicates Swiss origin. A copy of the Ordinance is attached as Exhibit A.

5. As part of its charter to protect symbols of Swiss origin for watches and other horological instruments, the Swiss Watch Federation has obtained U.S. Registration No. 3,047,277 for the certification mark SWISS and U.S. Registration No. 3,038,819 for the certification mark SWISS MADE for “horological and chronometric instruments, namely, watches, clocks and their component parts and fittings thereof.” These certification marks certify watches of Swiss origin. The Swiss Watch Federation’s certification mark registrations for the marks SWISS and SWISS MADE are and continue to be valid, subsisting, unrevoked, uncanceled and in full force and effect, and the Swiss Watch Federation is still the owner of each of the registrations and the certification marks shown therein.

6. By the application herein opposed, Applicant seeks to register SWISS REIMAGINED as a trademark for “watches” in International Class 014 (“Applicant’s Goods”) under Application Serial No. 86/370,145. Applicant also seeks to register “protective covers for mobile phones, pads and computers; mobile phone battery chargers; battery chargers; batteries; power banks; USB cables; power cables; data cables” in Class 009 (the “Class 009 Goods”).

Opposer only opposes registration of the SWISS REIMAGINED mark for Applicant's Goods and not for the Class 009 Goods.

7. The description of Applicant's Goods is not limited to watches that are of Swiss origin and that meet the standards the Swiss Watch Federation uses to certify watches as being of Swiss origin.

8. Upon information and belief, Applicant intends to manufacture and sell watches that will not meet the standards the Swiss Watch Federation uses to certify watches as being of Swiss origin and therefore are not of Swiss origin. Accordingly, in selecting the SWISS REIMAGINED mark, Applicant intends to falsely suggest its watches so marked are made in Switzerland.

9. Applicant intends to use the SWISS REIMAGINED mark in connection with watches, the identical kind of goods that the Swiss Watch Federation's members and other manufacturers of watches of Swiss origin sell in the United States. Applicant's Goods will be sold to the same kinds of customers and through the same channels of trade that the Swiss Watch Federation's members and other manufacturers of watches of Swiss origin sell their watches.

10. When used in connection with Applicant's Goods, consumers will falsely believe that the SWISS REIMAGINED mark signifies and identifies a watch that originates from Switzerland. And, by reason of the use of the SWISS REIMAGINED mark in connection with Applicant's watches, consumers are likely to believe that they are purchasing genuine Swiss watches originating from Switzerland, when, upon information and belief, they are not.

11. Because watches made in Switzerland are renowned for their quality and precision and are endowed with significant goodwill, the geographical indication of a watch of Swiss origin is a material consideration in a consumer's purchase decision.

12. Applicant's SWISS REIMAGINED mark so nearly resembles the Swiss Watch Federation's SWISS and SWISS MADE certification marks as to be likely, when used in connection with Applicant's Goods, to cause confusion, to cause mistake, with consequent injury to the Swiss Watch Federation, the Swiss Watch Federation's members, those who are authorized by the Swiss Watch Federation to use the SWISS and SWISS MADE certification marks, and the public, in violation of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

13. When used in connection with Applicant's Goods, which upon information and belief do not originate from Switzerland, the SWISS REIMAGINED mark is a geographically deceptive mark in violation of Section 2(a) of the Trademark Act, § 15 U.S.C. 1052(a).

14. When used in connection with Applicant's Goods, which upon information and belief do not originate from Switzerland, the SWISS REIMAGINED mark is primarily a geographically deceptively misdescriptive mark in violation of Section 2(e)(3) of the Trademark Act, § 15 U.S.C. 1052(e)(3).

15. The Swiss Watch Federation will be damaged by the registration sought by Applicant because such registration will support and assist Applicant by giving color of exclusive statutory rights to Applicant in the SWISS REIMAGINED mark for watches not limited to those of Swiss origination in violation and derogation of the Swiss Watch Federation's rights to its SWISS and SWISS MADE certification marks and will support Applicant in the confusing, misleading, and deceiving use of its mark indicating Swiss origin for watches that upon information and belief do not originate from Switzerland, all to the detriment and damage of the Swiss Watch Federation, the Swiss Watch Federation's members, those who are authorized by the Swiss Watch Federation to use the SWISS and SWISS MADE certification

marks, and the public.

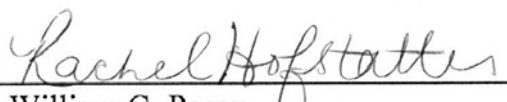
WHEREFORE, the Swiss Watch Federation believes that it will be damaged by the registration of Applicant's mark and prays that Application Serial No. 86/370,145 be denied pursuant to Sections 2(a), 2(d) and 2(e)(3) of the Trademark Act of 1946, 15 U.S.C. §1052(a), (d) and (e)(3).

Please recognize as attorneys for the Swiss Watch Federation in this proceeding William G. Pecau (a member of the bars of the states of New York and California, and the District of Columbia) and Rachel M. Hofstatter (a member of the bars of the State of Maryland and the District of Columbia), whose address is Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, D.C. 20036. Please address all communications to William G. Pecau, Esq. at the above address. If any additional fees are due in connection with this filing, please debit our Deposit Account No. 19-4293 and provide us with a receipt.

Dated: May 15, 2015

Respectfully submitted,

STEPTOE & JOHNSON LLP

By: 
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*Attorneys for Opposer, Federation of the
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant Reflexion Research Limited on this 15th day of May, 2015 by first class mail, postage prepaid addressed as follows:

Joshua M. Gerben
Gerben Law Firm, PLLC
1050 Connecticut Avenue, NW Floor 10
Washington, DC 20036-5334

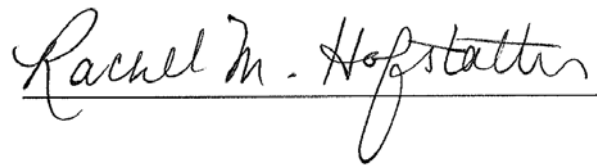


EXHIBIT A

Ordinance

governing the use of the appellation "Switzerland" or "Swiss" for watches

of December 23, 1971 - Status as of July 1st 1995

The Swiss Federal Council

considering Article 50 of the Federal Act of August 28, 1992 concerning the protection of trade-marks decrees :

Article 1 : Definition of the watch

An appliance for the measurement of time is considered to be a watch if its movement is not more than 50 millimeters in breadth, length or diameter or if its thickness, measured with the main plate and the bridges, does not exceed 12 millimeters.

For the breadth, length or diameter, only such dimensions as are technically necessary are taken into consideration.

Article 1a : Definition of the Swiss watch

A watch is considered to be Swiss if :

- a. its movement is Swiss;
- b. its movement is cased up in Switzerland and
- c. the manufacturer carries out the final inspection in Switzerland.

Article 2 : Definition of the Swiss watch movement

A movement is considered to be Swiss if :

- a. it has been assembled in Switzerland;
- b. it has been inspected by the manufacturer in Switzerland and
- c. the components of Swiss manufacture make up for at least 50 percent of the value, without considering the cost for assembly.

For the calculation of the value of the component parts of Swiss manufacture according to paragraph 1) c above, the following rules are applicable :

- a. The cost of the dial and hands is taken into consideration only when they are fitted in Switzerland;
- b. The cost of assembly may be taken into consideration when a certification procedure provided for by an international treaty guarantees that, owing to close industrial cooperation, the foreign and the Swiss component parts are of equivalent quality.

Article 3 : Conditions of use of the name "Swiss"

The name "Switzerland", indications such as "Swiss", "Swiss product", "manufactured in Switzerland", "Swiss quality" or other appellations which contain the name "Swiss" or "Switzerland" or which may be confused therewith may be used solely for Swiss watches or watch movements.

If the watch is not Swiss, the indications appearing in the 1st paragraph may nevertheless be applied to Swiss movements, provided they are not visible to the watch purchaser.

The indication "Swiss movement" may be applied to watches which contain a Swiss movement. The word "movement" must appear written out in full in the same type-face, dimension and colour as the appellation "Swiss".

The 1st and 3rd paragraphs are also applicable, when these appellations are used in translation (in particular "Swiss", "Swiss made", "Swiss movement") with the true indication of origin of the watch or with the addition of words such as "style", "type", "form" or other word combinations.

Are further considered as use, beside applying these indications on watches or their packing :

- a. the sale, offering for sale or putting into circulation of watches bearing such an indication;
- b. the application thereof to signs, advertisements, prospectuses, invoices, letters or commercial papers.

Article 4 : Marking indications of origin

a) on watch cases

A watch case is considered to be Swiss if it has undergone in Switzerland at least one essential manufacturing operation (to wit stamping, turning or polishing), if it has been assembled and tested in Switzerland and if at least 50 per cent of the cost of manufacture (excluding the value of the material) is accounted for by operations carried out in Switzerland.

The appellations mentioned in Article 3, 1st and 4th paragraphs may be applied only to watch cases which are intended for watches in the sense of Article 1 a.

The indication "Swiss case" or its translation may be applied to Swiss watch cases, which are not intended for Swiss watches in the sense of article 1a. When such an indication is applied to the exterior of the case, the indication of origin of the watch or of the movement must be conspicuously indicated on the watch.

Article 5 : Marking indications of origin

b) on watch dials

The appellations mentioned in Article 3, 1st and 4th paragraphs may be applied only to dials which are intended for watches in the sense of article 1 a.

The indication "Swiss dial" or its translation may be applied to the back of Swiss dials, which are not intended for Swiss watches in the sense of article 1 a.

Article 6 : Marking indications of origin

c) on other components of watches

The appellations mentioned in Article 3, 1st and 4th paragraphs may be applied only to components which are intended for watches in the sense of article 1 a.

Exported Swiss ebauches (movement blanks) as well as movements produced with such ebauches may however bear the indication "Swiss parts".

Article 7 : Samples and collection thereof

Notwithstanding Article 3, 2nd para. and Articles 4 to 6, watch cases, dials, movements and other components may bear Swiss indications of origin when they are :

- a. exported separately in the form of samples or collections thereof;
- b. manufactured in Switzerland and
- c. not intended for sale.

Article 8 : Penal provisions

Infringements of the prescriptions of this Ordinance come within the penal provisions of the Act concerning the protection of trade-marks.

Article 9 : Coming into force

The present ordinance shall come into force on January 1, 1972.

Final provision of the modification of May 27, 1992

Enterprises which, at the date of coming into force of the present amendment, have already lawfully and durably made use of one of the protected appellations within the meaning of Article 3, 1 st and 4th paragraphs, shall be entitled to continue such use during a period of five years following the coming into force of the present amendment, even if the casing-up and final checking by the manufacturer take place abroad.