

ESTTA Tracking number: **ESTTA974234**

Filing date: **05/16/2019**

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	Comite Interprofessionnel du vin de Champagne
Granted to Date of previous extension	05/22/2019
Address	5 rue Henri Martin Epernay, 51321 FRANCE

Attorney information	Peter M. Brody Ropes & Gray LLP 2099 Pennsylvania Avenue NW Washington, DC 20006-6807 UNITED STATES ustrademarkmail@ropesgray.com 202-508-4600
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**Applicant Information**

Application No	88063759	Publication date	01/22/2019
Opposition Filing Date	05/16/2019	Opposition Period Ends	05/22/2019
Applicant	Harding, Simon 7 Babbacombe Drive Moana, SA, 5169 AUSTRALIA		

**Goods/Services Affected by Opposition**

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Champagne sparkling wine
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	The AOC designation of CHAMPAGNE for certain sparkling wines produced in the Champagne region of France, in accordance with methods and limitations set forth in French law
Goods/Services	The AOC designation of CHAMPAGNE for certain sparkling wines produced in the Champagne region of France, in accordance with methods and limitations set forth in French law

Attachments	Notice of Opposition.pdf(104819 bytes )
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Signature	/peter brody/
Name	Peter M. Brody
Date	05/16/2019

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

_____ )	Opposition No. _____
COMITÉ INTERPROFESSIONNEL DU VIN DE )	
CHAMPAGNE, )	Application Serial No.: 88/063,759
)	
) Opposers,	Mark: SNOW DIAMOND
)	) CHAMPAGNESNOW
) v.	) and Design
)	
SIMON HARDING, dba SIMON )	Published in the Official Gazette
)	of January 22, 2019
) Applicant.	
_____ )	

**NOTICE OF OPPOSITION**

Opposer, Comité Interprofessionnel du Vin de Champagne (“Opposer”), an entity organized and existing under the laws of the Republic of France, and located at 5 rue Henri Martin, Epernay, 51321 France, hereby opposes the application (the “Application”) filed by applicant Simon Harding dba Simon (the “Applicant”) to register the mark “SNOW DIAMOND CHAMPAGNESNOW” and Design for “Champagne sparkling wine” in International Class 033 (U.S. Application Serial No. 88/063,759, published for opposition in the Official Gazette of January 22, 2019). Opposer believes that it will be damaged by registration of the subject mark, and as grounds of opposition, avers as follows:

1. “CHAMPAGNE” is a well-known French *appellation d’origine contrôlée* (“AOC”), or controlled appellation of origin, for certain sparkling wines produced in the Champagne region of France, in accordance with methods and limitations set forth in French law. An “appellation of origin” is a geographical designation (country, region, or locality) that designates a product originating therein, the quality and characteristics of which are due exclusively or primarily to the geographic environment, including natural and human factors.

Certain products identified and classified according to this system, including wines and spirits, bear “*appellations d’origine contrôlée*” (“AOCs”), or controlled appellations of origin. Each AOC for wine is recognized by a decree which delimits the specific area to which the appellation pertains but also specifies the grape variety or varieties, and methods of planting, harvesting, and production to be used. Compliance with the appellation of origin and AOC system is endorsed and monitored by the French government pursuant to French law, in conjunction with the efforts of various *interprofessionnels*, including Opposer, which are responsible for the protection of specific AOCs.

2. Opposer is a quasi-regulatory organization organized and existing under the laws of the Republic of France and, as an *interprofessionnel*, is dedicated to the defense and the promotion of the AOC “CHAMPAGNE”. Opposer is made up of representatives of all Champagne houses and growers, as well as the government. Among other functions, Opposer, in conjunction with agencies of the French government, participates in the creation or broadening of laws and regulations that protect the Champagne appellation and in legal actions against all forms of abuse, detected in all major markets as part of a systematic surveillance operation.

3. By decree law of June 29, 1936, France has restricted the use of the AOC “CHAMPAGNE” to products produced in a specified area within the Champagne region of France, and in accordance with conditions specified in and pursuant to the AOC laws. Use of this AOC constitutes an assurance to customers that the products bearing that designation have been produced in accordance with these strict standards.

4. The use of the AOC “CHAMPAGNE” is in fact controlled by a certifier and limited to products meeting the certifier’s standards of regional origin.

5. The AOC “CHAMPAGNE” denotes, and is understood to denote, a specific regional origin. Products qualifying for this AOC have been validly and continuously sold in the United States for a period beginning long prior to the date of filing of the subject application and continuing to the present. The AOC “CHAMPAGNE” is symbolic of the good will and consumer recognition built up through the efforts and investments of Opposer and its members, among others, and through the promotion and sales of these quality products by those certified to use this AOC, including Opposer’s members.

6. The AOC “CHAMPAGNE” is, and for many years prior to the filing of the subject application, has been, a famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

7. Applicant’s mark so resembles the protected AOC “CHAMPAGNE” as to be likely, when used in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive as to the source, sponsorship, or affiliation of Applicant’s goods within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

8. Applicant’s mark, when used in connection with the goods identified in the Application, would cause dilution by blurring and by tarnishment of the famous “CHAMPAGNE” AOC and mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

For all of the foregoing reasons, Applicant’s alleged mark is not entitled to registration on the Principal Register under Section 2 of the Lanham Act of 1946, 15 U.S.C. § 1052 and Section 2.69 of the Trademark Rules of Practice, 37 C.F.R. § 2.69.

WHEREFORE, Opposer prays that application Serial No. 88/063,759 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Opposer hereby appoints Ropes & Gray LLP to act as its attorneys with full power to prosecute this opposition, to transact all relevant business with the Patent and Trademark Office, and to receive all official communications with respect to this opposition.

Respectfully submitted,

/Peter M. Brody/

Peter M. Brody, Esq.  
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Attorneys for Comité Interprofessionnel  
du Vin de Champagne

Dated: May 16, 2019

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

_____ )	Opposition No. _____
COMITÉ INTERPROFESSIONNEL DU VIN DE )	
CHAMPAGNE, )	Application Serial No.: 88/063,759
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Opposers, )	Mark: SNOW DIAMOND
)	CHAMPAGNESNOW
v. )	with Design
)	
SIMON HARDING, dba SIMON )	Published in the Official Gazette
)	of January 22, 2019
Applicant. )	
_____ )	

**Certificate of Service**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of May, 2019, a true and correct copy of this Notice of Opposition was served upon Applicant’s counsel by e-mail in accordance with 37 CFR 2.119, to:

Jonathan G. Morton  
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/Nicole Mollica/  
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ROPES & GRAY LLP