

ESTTA Tracking number: **ESTTA1328160**
Filing date: **12/13/2023**

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	Yara International ASA		
Entity	allmennaksjeselskap (asa)	Incorporated or registered in	NORWAY
Address	DRAMMENSVEIEN 131, SKÅ_YEN OSLO, N0213 NORWAY		

Attorney information	MICHAEL A. BONDI SPENCER FANE LLP 100 SOUTH FIFTH STREET, SUITE 2500 MINNEAPOLIS, MN 55402 UNITED STATES Primary email: sfaction@spencerfane.com Secondary email(s): mbondi@spencerfane.com 6122687058		
Docket no.	5513040-80MN		

Applicant information

Application no.	79365013	Publication date	11/14/2023
Opposition filing date	12/13/2023	Opposition period ends	12/14/2023
International registration no.	1718265	International registration date	10/05/2022
Applicant	UNIBA TARIM SANAYI VE TICARET ANONIM SIRKETI AOSB 3.KISIM MAHALLESİ 30.CADDE NO:29 DÄ_IŞEMEALTI ANTALYA TÄ#RKÄ°YE		

Goods/services affected by opposition

Class 001. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Chemical preparations for scientific purposes, chemicals for industrial purposes, chemical preparations for use in photography, chemicals for use in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasitocides, fertilizers for agricultural use, planting soil, unprocessed artificial resins, unprocessed plastics, fire extinguishing compositions, glue for industrial purposes

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

Mark cited by opposer as basis for opposition

U.S. registration	3876476	Application date	12/30/2009
-------------------	---------	------------------	------------

no.			
Register	Principal		
Registration date	11/16/2010	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of a partial fingerprint in an overall rectangular shape.		
Goods/services	Class 001. First use: First Use: None First Use In Commerce: None Chemicals used in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasiticides; fertilizers		

Attachments	20232-12-13 Notice of Opposition - UNIBA.pdf(1494728 bytes)
-------------	--

Signature	/Michael A. Bondi/
Name	Michael A. Bondi
Date	12/13/2023

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

Yara International ASA,

Opposition No.

Opposer,

v.

Uniba Tarim Sanayi Ve Ticaret Anonim Sirketi,

Applicant.

Mark: **UNIBA and Design**

Serial Nos.: 79/365,013

Filing Date: October 5, 2022

Published for Opposition: November 14, 2023

NOTICE OF OPPOSITION

The grounds for the opposition are as follows:

1. In application Serial No. 79/365,013 (“Applicant’s Application”), Uniba Tarim Sanayi Ve Ticaret Anonim Sirketi (“Applicant”) seeks to register the mark UNIBA and Design (“Applicant’s Mark”) (set forth below).



Fingerprint Logo Opposition

2. The Applicant's Application was filed on October 5, 2022, and was published for opposition in the Official Gazette on November 14, 2023. The subject application was filed under Section (66)(a) of the Lanham Act.

3. The goods as filed in Applicant's Application were "Chemical preparations for scientific purposes, chemicals for industrial purposes, chemical preparations for use in photography, chemicals for use in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasiticides, fertilizers for agricultural use, planting soil, unprocessed artificial resins, unprocessed plastics, fire extinguishing compositions, glue for industrial purposes" in International Class 1 ("Applicant's Goods").

4. The goods in Applicant's Application were not amended during prosecution of Applicant's Application. As such, Applicant's Goods as published are the same as Applicant's Goods set forth in Paragraph 3.

5. Opposer Yara International ASA ("Yara") is a well-known and well-respected manufacturer of products sold into many sectors, including chemical products, environmental solutions and agricultural products.

6. Yara owns U.S. Reg. No. 3,876,476 ("Opposer's Fingerprint Logo Registration") for the fingerprint logo set forth below. This registration was issued by the U.S. Patent & Trademark Office on November 16, 2010.



Fingerprint Logo Opposition

7. The goods in the Opposer's Fingerprint Logo Registration are "Chemicals used in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasiticides; fertilizers" in Class 1 ("Opposer Goods").

8. On November 16, 2010, Yara filed a Combined Declaration under Sections 71 and 15 with the U.S. Patent & Trademark Office for the Opposer's Fingerprint Logo Registration.

9. The U.S. Patent & Trademark Office accepted/acknowledged the Combined Declaration under Section 71 and 15 on January 4, 2016.

10. Based upon the acceptance/acknowledgement referenced in the preceding paragraph, Opposer's Fingerprint Logo Registration is incontestable.

11. On November 10, 2020, Yara filed a Section 71 Declaration with the U.S. Patent & Trademark Office for the Opposer's Fingerprint Logo Registration.

12. The U.S. Patent & Trademark Office accepted the Section 71 Declaration on January 28, 2021.

13. The specimen filed with the Section 71 Declaration on November 10, 2020, included the following image of the package on which the fingerprint logo is used.



Fingerprint Logo Opposition

14. The fingerprint logo not only occupies a significant portion of the product package, but the fingerprint logo is used in a color that draws attention to the fingerprint logo as identifying the source of Registrant's Goods.

15. Yara uses its registered fingerprint logo on the product packaging for a variety of products that are currently marketed in the US. Exhibit 1 includes images of more than 50 packages on which the fingerprint logo is used.

16. While there are some differences between the fingerprint logo in Opposer Fingerprint Registration and the fingerprint logo in Applicant's Mark, both of the designs are readily recognizable as fingerprints.

17. Fingerprints are arbitrary when used in conjunction with the International Class 1 goods in Opposer's Fingerprint Logo Registration.

18. Accordingly, Opposer's Fingerprint Logo Registration is entitled to a broad scope of protection.

19. Further, Applicant's Goods are identical to and/or very similar to Opposer's Goods. Applicant's Goods are likely to be sold through the same trade channels and appeal to the same class of purchaser as Opposer's goods, and therefore confusion is likely to occur.

20. Opposer has priority over Applicant because of its earlier filing of its Mark in connection with identical goods.

21. Applicant's Mark so resembles Opposer's Fingerprint Logo Registration as to be likely, when used in connection with Application's Goods, to cause confusion, to cause mistake or to deceive.

Fingerprint Logo Opposition

22. Purchasers and prospective purchasers are likely to be confused or mistaken as to the source of the goods or services, all to the detriment of Opposer. Registration of Applicant's mark therefore should be denied registration under 15 U.S.C. §§ 1052(d).

WHEREFORE, pursuant to Section 13 of the Lanham Act, 15 U.S.C. § 1063, Opposer respectfully requests that Application Serial No. 97/633,691 be rejected, and that the registration of the mark shown for the goods therein specified be refused and that the present opposition be sustained.

Respectfully submitted,

Date: December 13, 2023

/Michael Bondi/
Michael Bondi, Esq.
Paul Kruse, Esq.
Spencer Fane LLP
ATTORNEYS FOR OPPOSER
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
Phone: 612-268-7058
Email: mbondi@spencerfane.com

CERTIFICATE OF SERVICE

I hereby certify that I have this date served all parties to this action with a copy of the foregoing NOTICE OF OPPOSITION by email to Michael F. Swartz, Egbert, McDaniel & Swartz, PLLC, 1001 Texas Ave., Suite 1250, Houston, Texas 77002, mswartz@emsip.com, mail@emsip.com, the correspondent listed in the USPTO Trademark Status & Document Retrieval (TSDR) system.

Date: December 13, 2023

/Michael Bondi/
Michael Bondi, Esq.
Paul Kruse, Esq.
Spencer Fane LLP
ATTORNEYS FOR OPPOSER
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
Phone: 612-268-7058
Email: mbondi@spencerfane.com

Fingerprint Logo Opposition



Fingerprint Logo Opposition

