

ESTTA Tracking number: **ESTTA1259267**

Filing date: **01/11/2023**

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

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner information**

Name	JANUARY SPIRITS LLC		
Entity	limited liability company	Citizenship	New York
Address	4114 9TH AVE. 3F NEW YORK, NY 11232 UNITED STATES		

Attorney information	HAMUTAL G. LIEBERMAN HELBRAUN & LEVEY LLP 40 FULTON ST., 28 FL. NEW YORK, NY 10038 UNITED STATES Primary email: hamutal.lieberman@helbraunlevey.com Secondary email(s): hamutal.lieberman@helbraunlevey.com (212) 219-1193		
Docket no.			

**Registration subject to cancellation**

Registration no.	5501603	Registration date	06/26/2018
Register	Principal		
Registrant	Pernod Ricard 5 COURS PAUL RICARD PARIS, 75008 FRANCE		

**Additional registrant information**

Additional registrant information provided by the petitioner	12 PLACE DES ETATS-UNIS PARIS, 75016 FRANCE No email provided No phone number provided
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**Goods/services subject to cancellation**

Class 033. First Use: None First Use In Commerce: None All goods and services in the class are subject to cancellation, namely: Distilled spirits
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**Grounds for cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	Trademark Cancellatoin Petition with Exhibit.pdf(1420831 bytes )
Signature	/Hamutal G. Lieberman/
Name	Hamutal G. Lieberman
Date	01/11/2023

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

JANUARY SPIRITS, LLC,  Petitioner,  v.  PERNOD RICARD,  Respondent.
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Cancellation No.

Mark: JANEIRO

Registration No: 5501603

Class: 33

PETITION FOR CANCELLATION

JANUARY SPIRITS LLC, an entity organized under the laws of the State of New York, having an address of 4114 9th Ave. 3F, New York, NY 11232 (“Petitioner”), is seeking cancellation of the trademark registered under Registration No. 5501603 in connection with Class 33 for distilled spirits (the “Registration”).

Petitioner seeks the cancellation of the Registration under 15 U.S.C. § 1064 (3) on the grounds that the Registration has been abandoned due to non-use by Respondent Pernod Ricard société anonyme (sa) (“Respondent”). In support, Petitioner alleges as follows:

1. Respondent is a foreign corporation, whose address is 12 Place des Etats-Unis, Paris, France 75016, and owns the trademark consisting of the standard characters JANEIRO.
2. Respondent filed its application for the Registration on October 30, 2017, and the trademark was registered on June 26, 2018, pursuant to a 44(E) filing basis based on the foreign registration issued for the European Union bearing registration no. 005121876 dated June 3, 2007.
3. Respondent’s deadline to file a Section 8 Declaration is December 26, 2024, including a specimen consisting of Respondent’s continued use of the mark in connection with the registered goods, distilled spirits.

4. Petitioner, January Spirits, LLC, filed a trademark application for the trademark consisting of the standard characters of JANUARY SPIRITS (the “Trademark”) on December 16, 2021 in connection with Class 33 for liqueurs, liquor, spirits and liqueurs, distilled spirits and potable spirits.

5. Petitioner’s Trademark application received a non-final office action on September 26, 2022 alleging a likelihood of confusion based on Trademark Act Section 2(d) with the Registration.

6. Petitioner responded to the office action on December 20, 2022 and received a final office action on December 28, 2022, once again alleging a likelihood of confusion based on Trademark Act Section 2(d) with the Registration.

7. Upon information and belief, Respondent has abandoned its Registration due to its failure to continuously use the trademark in connection with the registered goods.

8. Upon researching the sales and distribution channels of Respondent’s goods there is no evidence that the goods are sold and distributed in the United States and therefore Respondent cannot show concurrent use since the date of the Registration. Screenshots of search results from both retail and wholesale distributors (Provi, Wine Searcher and Rhum Attitude) showing that JANEIRO’s goods are not available for sale are attached as **Exhibit A** for the Board’s review.

9. Upon information and belief, Respondent has not licensed the trademark which is the subject of the Registration, and therefore there is no continuous use by Respondent which is required in order to maintain the Registration.

10. As a result, Respondent has abandoned its Registration based upon non-use and has failed to continuously use the trademark which is the subject of the Registration in commerce.



# **EXHIBIT A**

Beer & Hard Seltzer ▾

Wine ▾

Spirits ▾

Non-Alcoholic ▾

Distributor Catalogs ▾

Home > Search Results for "janeiro"

# janeiro

☰ Filters

Clear

Sort by: Best sellers ▾

Spirits ✕

Cachaca ✕

Brand Family ^

🔍 pernod ricard ✕

Nothing matches your search

Supplier ^

Provi

Product Type ^



**Tatuzinho Velho Barreiro Cachaca**

Aidil Wines & Liquors

\$11.71 (1L)



**Tatuzinho Velho Barreiro Gold Cachaca**

Aidil Wines & Liquors

\$13.92 (1L)



**Tatuzinho Velho Barreiro Diamond Cachaca**

Aidil Wines & Liquors

\$26.17 (750mL)





# Janeiro Cachaca

Brazil

Avg Price (ex-tax)

**\$ 19** / 750ml






Compact view


Lowest price/1000ml 

 Set alert

### Wevino Store



 Italy: Trieste

 Ships to EU, Japan, South Korea & Australia

[More shipping info](#)

700ml

Janeiro Cachaca 40% Vol. 0,7l

\$ **15.89**


\$ **22.69** / 1000ml  
inc. 22% sales tax

[Go to shop](#)

### MyPrivate Cellar



 Switzerland: Geneva

 Free shipping from CHF 200 2 days with VinoLog Swiss Post.

[More shipping info](#)

700ml

Janeiro Cachaca 70cl, Brazil

\$ **27.50**


\$ **39.28** / 1000ml  
inc. 7.7% sales tax

[Go to shop](#)

### Spirits24



 UK: London

 Delivery to UK, EU, Australia, Ireland, S. Korea, Japan.

[More shipping info](#)

700ml

Janeiro Cachaca 0,7l

\$ **32.40**

\$ **46.29** / 1000ml  
inc. 20% sales tax

[Go to shop](#)

# Janeiro Cachaça 40

Brazil

Janeiro

FORMAT Bottle, 5 cl sample

CAPACITY 70 cl

DEGREE 40

AGE unaged

PACKAGING Without

CATEGORY Cachaça (Brazil)



22,90 €

Bottle • in stock

- 1 +

ADD

4,54 €

5 cl sample • in stock

- 1 +

ADD

MY LIST

# Cart



Secure payment  
(3D Secure)



Free delivery from  
140€\*.



1 gift to choose  
from below!



Secure parcels



TrustScore 4.9 | 6730 avis

Product

Price

Quantity

Total



Janeiro Cachaça 40° - Bottle

22,90 €

- 1 +

22,90 €

Name \*

Email address \*

Country/region

France

Portugal

Romania

United Kingdom (UK)

Czech Republic

Postcode \*

Phone \*

 Telephone number