

In view of the refusal of the Examining Attorney to grant the registration of the applied-for mark, Applicant respectfully prays that the Examining Attorney withdraws the refusal and approve the Mark for publication in the Official Gazette.

MARK IS NOT MERELY DESCRIPTIVE

In its refusal to grant the registration, the Examining Attorney pointed out that under Section 2(e)(1) of the Trademark Act, the applied-for mark merely describes the subject matter of applicant's services, as such not subject of a valid registration.

Applicant prays for the Examining Attorney to reconsider its refusal and respectfully points out that the applied-for mark is not descriptive rather partakes the nature of a suggestive mark.

To be deemed merely descriptive, a mark must directly provide the consumer with reasonably accurate knowledge of the characteristics of the product or service in connection with which it is used. If the information about the product or service is indirect or vague, then the mark is considered suggestive, not descriptive. See J. McCarthy, *McCarthy on Trademarks and Unfair Competition* §11.19, at 11-26 (4th ed. 1998).

Moreover, as in the case of the applied-for mark, a suggestive mark does not immediately convey to one encountering it the nature of Applicant's goods. Simply put hints at or suggests the nature of a product or service or one of its attributes without actually describing the product or service, as such imagination, thought, or perception is required to reach a conclusion on the nature of the goods or services. In re *Quik-Print Shops, Inc.* 616 F.2d 523, 525, 205 U.S.P.Q. 505, 507 (C.C.P.A. 1980).

In this case, the applied-for mark HONGKONG.COM is merely suggestive of the goods and services it may offer. It may create an impression, ferments speculations and fosters imaginative thoughts in the mind of the consumers that the Television, cable television and radio broadcasting services it offered may involve topics or discussions having HONGKONG as the subject matter but providing no specific details as to the contents of the Television, cable television and radio broadcast.

In view of the foregoing reason, the Applicant respectfully requests the Examining Attorney to reconsider its previous determination refusing the registration of the Applicant's Mark HONGKONG.COM.