

U.S. TRADEMARK APPLICATION NO. 87760788 - O NATURALS

If color is not a feature of the mark, applicant must submit a statement (a) that color is not a feature of the mark and request that the color claim be deleted from the application, and (b) describing the literal and design elements in the mark that omits any reference to color. See 37 C.F.R. §2.37; TMEP §§808.01, 808.02. In this case, applicant may delete the color claim because it would not materially alter the mark. See 37 C.F.R. §2.72; TMEP §807.14.

- Please delete the color claim from the application, as color is not a feature of the mark. The mark consists of the word "NATURALS" in all capital letters with a stylized leaf representing the first "A", written horizontally across the center of a large letter "O".

To permit proper examination of the application, applicant must submit additional information about the goods and/or services. See 37 C.F.R. §2.61(b); TMEP §814. The requested information should include fact sheets, brochures, advertisements, and/or similar materials relating to the goods and/or services.

- Kindly review the applicant's website: <https://www.onaturals.com/> This site contains information about the products, their uses, and their ingredients, and thus clearly and accurately indicate the nature of the goods and/or services identified in the application.

In addition, applicant must submit a written statement indicating whether the goods and/or services identified in the application comply with the Controlled Substances Act (CSA), 21 U.S.C. §§801-971. See 37 C.F.R. §2.69; TMEP §907. Finally, applicant must provide written responses to the following questions: "Do applicant's identified goods include or contain marijuana, marijuana-based preparations, marijuana extracts or derivatives, or any other illegal controlled substance?" and "Upon information and belief, do applicant's goods comply with the Controlled Substances Act?"

- Kindly be advised that, upon information and belief, the goods identified in this application comply with the Controlled Substances Act (CSA), 21 U.S.C. §§801-971. See 37 C.F.R. §2.69; TMEP §907. According to §1308.35, products "made from any portion of a plant of the genus Cannabis excluded from the definition of marijuana under the Act [i.e., ... oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination]" (see 21 U.S.C. § 802(16)) and that are not "used, or intended for use, for human consumption" are exempt and not considered controlled substances under the CSA. Accordingly, the hemp oil used in the applicant's goods are not considered "marijuana extract or derivatives" and are excluded from the CSA definition of marijuana, as they contain oil from the seeds of the plant and are not used, or intended for use, for human consumption (the goods are lotions, creams, soaps, essential oils, gels, and etc.).