

LIKELIHOOD OF CONFUSION

The Examiner has refused registration of AMC ARTISAN FILMS asserting a likelihood of confusion with U.S. Serial No. 88190580 for AMC NETWORKS FILMS. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of this Section 2(d) refusal.

Attached, as Exhibit A, is a Consent to Use Agreement between Applicant and the owner of the above identified mark, AMC Network Entertainment LLC. The parties believe that there is no genuine likelihood of confusion between the Applicant's use of Applicant's mark and the owner's use of owner's mark because the parties' respective goods and services, consumers, and channels of trade are sufficiently different. Further, the parties are not aware of any instances of actual confusion by consumers as to the source of the goods and services provided by either party in connection with the marks. Accordingly, Applicant respectfully submits there is no likelihood of confusion between Applicant's mark and owner's mark and requests reconsideration and withdrawal of the Section 2(d) refusal.

EXHIBIT A

CONSENT TO USE AGREEMENT

THIS CONSENT TO USE AGREEMENT (the "Consent Agreement") is entered into this 24th day of September, 2019, by and between AMC Network Entertainment LLC, a New York limited liability company located at 11 Penn Plaza, New York, NY 10001 ("Network"), and American Multi-Cinema, Inc., a Missouri corporation located at One AMC Way, 11500 Ash St., Leawood, KS 66211 ("Cinema").

WHEREAS, Network owns United States trademark application for AMC NETWORKS FILMS (U.S. Ser. No. 88/190,580) in Class 41 for independent film distribution (the "Mark");

WHEREAS, Cinema has applied for a trademark registration for AMC ARTISAN FILMS (U.S. Ser. No. 88/248,008) in Class 41 for movie theatre services and movie theatre services for showing independent films (the "Application");

WHEREAS, the parties believe that there is no genuine likelihood of confusion between the Mark and the Application and that the parties' respective goods and services, consumers, and channels of trade are sufficiently different;

WHEREAS, the parties are not aware of any instances of actual confusion by consumers as to the source of the goods and services provided by either party in connection with the Mark or the Application or the relationship between the parties; and

WHEREAS, the parties have entered into a Global Trademark Co-Existence Agreement dated April 10, 2015 (the "Co-Existence Agreement") and under the terms of the Co-Existence Agreement, Network provides its consent for Cinema to register the Application.

NOW, THEREFORE, in consideration of the mutual covenants and considerations set forth herein, the parties agree as follows:

1. The parties, which each have substantial knowledge of the U.S. marketplace and have marketing experience with respect to same, acknowledge and agree that in view of, among other factors, restrictions on use under the Co-Existence Agreement as well as differences in the marks at issue themselves, the concurrent use of Cinema's AMC ARTISAN FILMS trademark in

connection with Cinema's applied-for services in compliance with the terms of the Co-Existence Agreement will not create a likelihood of consumer confusion with Network's AMC NETWORK FILMS trademark.


2. The parties agree that they shall cooperate in taking any reasonable action to avoid confusion and to correct any instances of likelihood of confusion which may come to their attention arising out of their respective uses of its marks.

3. This Consent Agreement extends to the parties' permitted successors in interest, assignees, licensees, franchisees, and subsidiaries.

4. Nothing in this Consent Agreement alters or amends any obligations or rights of the Parties set forth in the Co-Existence Agreement, and in the event of any conflict between the agreements, the terms of the Co-Existence Agreement shall control.


IN WITNESS WHEREOF, the parties hereinafter execute this Consent Agreement to be effective as of the date set forth above.

AMC NETWORK ENTERTAINMENT LLC

By: 
Name: Sean Sullivan
Title: EVP/CFO

Date: July 30, 2019

AMERICAN MULTI-CINEMA, INC.

By: 
Name: Kelly W. Schemenauer
Title: VP, Legal

Date: September 24, 2019