

REMARKS
(QUEEN OF CHRISTMAS, SN 90571927)

The Examiner has required Applicant to amend the identification of goods and services on the basis that it contains indefinite and overbroad wording. Applicant has now amended the identification to satisfy this requirement.

The Examining Attorney has also refused registration with respect to all of Class 25 (as now amended to read as “Clothing, namely, shirts, t-shirts, sweatshirts, hooded jackets, headwear, caps, sleepwear, pajamas, one-piece garments for children, lingerie, tank tops, hooded shirts and sweatshirts, bandanas; footwear; clothing masks in the nature of face masks and fashion masks, namely, knit face masks being headwear”) as well as “Christmas tree decorations including ornaments and trees” in Class 28 (as now amended to read as “Christmas tree decorations, namely, ornaments and decorations for trees”) BASED UPON U.S. Registration No. 5698236 of CHRISTMAS QUEEN in connection with plastic Christmas ornaments, Santa hats, non-lit, decorated artificial Christmas garlands, Christmas stockings, Christmas tree skirts, and Christmas tree ornaments.

Applicant submits that the marks are different, including the fact that the overall meaning and commercial impressions of these marks—when considered in the relevant commercial contexts of use of their covered goods and services—are so different that there is no likely confusion.

In this regard, attached are printouts of the specimens filed with the Allegation of Use on January 3, 2019 in connection with the cited registration. The CHRISTMAS QUEEN mark is displayed in a stylized fashion on various ornaments and Christmas-holiday items. It is understood by consumers to be a brand of Christmas decorations.

On the other hand, QUEEN OF CHRISTMAS is not (and will not be) understood to refer to a Christmas decoration brand, but instead will be understood as a reference to superstar musician Mariah Carey. Per the attached article dated December 20, 2021 from BILLBOARD, the following is stated: “Mariah Carey is the undisputed Queen of Christmas, with her 1994 holiday original ‘All I Want for Christmas Is You’ topping the Billboard Hot 100 multiple times over the last few years and ranking as the most popular song of all time on the Billboard Holiday 100.” In other words, QUEEN OF CHRISTMAS is equivalent to both the individual Mariah Carey as well as to the MARIAH CAREY trademark for numerous goods and services, including U.S. Registration No. 2024932 for the mark MARIAH CAREY for goods and services in Classes 16, 25, and 41 that appropriately issued on Christmas Eve, 1996 (see attached TSDR printout). Accordingly, when consumers see the QUEEN OF CHRISTMAS mark, they will understand it to be a reference to Mariah Carey and no other source.

In the case of the cited registration, the reference to CHRISTMAS QUEEN is clearly not to a person but rather to a line of Christmas decorations. In fact, it would be impossible for the cited mark to be a reference to Mariah Carey or her goods, since the Registrant entity of the cited mark is not owned by Mariah Carey and does not have the consent from Ms. Carey to use any mark that refers to her. To emphasize this, Applicant has added a claim that the name shown in the mark identifies Mariah Carey, whose consent to registration by Applicant is of record by virtue of her signature on the application form that was submitted.

With the above, it is submitted that the arguments warrant a withdrawal of the citation.