

Trademark: GOOGLE
Registration No.: 4,168,118
Registrant: Google Inc.
Reg. Date: July 3, 2012
Correspondent E-mail Address: tmdocketing@google.com

SECTION 7 REQUEST FOR AMENDMENT TO MARK IN REGISTRATION

Registrant, Google Inc., requests to amend the mark in Registration No. 4,168,118 from





. The requested amendment does not result in a material alteration of the character of the mark, and therefore the request should be granted. 15 U.S.C. § 1057(e); 37 C.F.R §§ 2.72 and 2.173(d).

“An amendment of a registered mark is acceptable if [1] the modified mark contains the essence of the original mark (i.e., the mark as originally registered), and [2] the mark as amended creates essentially the same impression as the original mark.” TMEP § 1609.02(a) (citing *In re Umax Data Sys., Inc.*, 40 U.S.P.Q.2d 1539 (Comm’r Pats. 1996)). In other words, “the new and old forms of the mark must create essentially the same commercial impression.” *In re Nationwide Indus. Inc.*, 6 U.S.P.Q.2d 1882, 1885 (T.T.A.B 1988). In addition, “[m]arks entirely comprised of words can sometimes be varied as to their style of lettering, size, and other elements of form without resulting in a material alteration of the mark.” TMEP § 1609.02(a) (citing *Ex parte Squire Dingee Co.*, 81 U.S.P.Q. 258, *recon. denied*, 81 U.S.P.Q. 543 (Comm’r Pats. 1949) (an amendment from block lettering to script was not a material alteration)).

The request for amendment should be granted because the amended mark contains the

essence of the original mark and creates essentially the same commercial impression. There have been no additions or subtractions to the mark and the literal element in the marks, "GOOGLE," is the same. The only difference between the modified mark and the original mark is the typeface.

Precedent establishes that a mere modification to the typeface of the literal element of a mark does not result in a material alteration. For example, in *In re Umax Data Sys. Inc.*, 40 U.S.P.Q.2d 1539 (Comm'r Pats. 1996), the Commissioner permitted amendment of the stylized UMAX mark from  to , noting that the proposed amendment "minimally chang[ed] the stylization of the term....such that the commercial impression of the *modified* mark [was] essentially the same as that of the original mark." *Id.* at 1541 (emphasis in original).

Similarly, in *Ex parte The Hanna Paint Mfg. Co.*, 103 U.S.P.Q. 217 (Comm'r Pats. 1954), the Commissioner permitted an amendment that changed the typeface of a mark from "fancy capital letters" to "block letters in a straight line," finding that this change reflected mere "modernization." *Id.* at 217. As in *In re Umax Data Sys. Inc.* and *Ex parte The Hanna Paint Mfg. Co.*, the minor change to the typeface of GOOGLE in Registrant's amended mark does nothing to alter the commercial impression that it creates.

The registered mark comprises only the literal element GOOGLE in stylized form. The amended mark comprises the identical literal element, and makes only a slight alteration in typeface. As in *In re Umax Data Sys. Inc.* and *Ex parte The Hanna Paint Mfg. Co.*, the modified mark contains the essence of the original, and the change does not alter the commercial impression created by the mark. For these reasons, the requested amendment should be allowed.