

UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. APPLICATION SERIAL NO. 88306629

MARK: Make America United Again

APPLICANT: We Da People, LLC

Applicant We Da People, LLC responds to the Office Action letter filed in this case on May 7, 2019 as follows:

1. Informational Social/Political Message

The Examiner has refused registration for this mark, “Make America United Again”, because it is a slogan or term that does not function as a trademark to indicate the source of the applicant’s goods and to identify and distinguish them from others. She says it is informational, social, political kind of message that merely conveys support of, admiration for or affiliation with the ideals conveyed by the message.

Applicant respectfully requests that the mark be amended to the Supplemental Register pursuant to 15 USC §§1091-1096. The Examiner states this refusal cannot be overcome by amending the application to seek registration on the Supplemental Register. Marks such as the one applied for have been registered.

Registration 5887413 (serial no. 88437177) for “Make America 2008 Again” involves a situation just like this one. In a note to the file the examiner states the mark is used on hats and can be perceived as a political slogan and as such is ornamental and cannot be registered on the principal register. It seems obvious that this mark is related to the election of President Obama and the feelings and values associated with his election.

However, the examiner did offer to amend it to the supplemental register and did so. The registration certificate is in the file for this mark, which is of the same nature as the one at issue here.

Registration 5793210 (serial no. 88205542) for “Make America Stop Hate” involves the mark being placed on athletic apparel, shirts, hats, etc. This also could be said to be an informational, social and political kind of message. That is no different than the type of mark applied for here.

Given these registrations there is precedent for a mark like the Applicant’s to be amended to the Supplemental Register as in Registration 5887413 and 5793210. To not do so would be fundamentally unfair to Applicant since its mark is no different from the two discussed in these cases. A copy of the relevant applications, notes, amendment and registration certificates are included in the evidence section.

15 USC §1901 (a) partially provides, “All marks capable of distinguishing applicant's goods or services and not registrable on the principal register provided in this chapter, except those declared to be unregistrable under subsections (a), (b), (c), (d), and (e)(3) of section 1052 of this title, which are in lawful use in commerce by the owner thereof, on or in connection with any goods or services may be registered on the supplemental register upon the payment of the prescribed fee and compliance with the provisions of subsections (a) and (e) of section 1051 of this title so far as they are applicable”. Nothing in section 1502 applies to this mark.

The requested mark distinguishes Applicant’s goods in the same manner “Make America 2008 Again” or “Make America Stop Hate” do, both which passed muster. The

Supplemental Register is for trademarks that are not yet eligible for the Principal Register, but may, over time, become a source indicator. Because of the foregoing Applicant requests that its mark be amended to the Supplemental Register.

2. Ornamental Refusal

Applicant respectfully requests that the mark be amended to the Supplemental Register pursuant to 15 USC §§1091-1096. There is precedent for the registration of this type of mark in this fashion. Applicant adopts and incorporates Section 1 as argument here as well.

3. Disclaimer Not Required- Unitary Slogan

The Disclaimer of “America” is deleted.

4. Voluntary Proposed Amendment of the Identification Not Accepted

No action required. Amendment was rejected so original identification stands.

Respectfully submitted this 6th day of November 2019

/Forrest K. Clinard/

Forrest K. Clinard
Georgia Bar No. 170361
Attorney for Applicant

1 Glenlake Parkway
Suite 650
Atlanta, Georgia 30328
(770) 592-3110
(770) 592-6595 (Fax)
fkclinard@clinardlawfirm.com