

This Opinion is not a  
Precedent of the TTAB

Mailed: January 13, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

---

Trademark Trial and Appeal Board

---

*In re University of Washington*

---

Serial No. 86668588

---

Chad M. Smith of Ironmark Law Group PLLC,  
for University of Washington

Ellen Awrich, Trademark Examining Attorney, Law Office 116,  
Christine Cooper, Managing Attorney.

---

Before Bergsman, Wellington and Lynch,  
Administrative Trademark Judges.

Opinion by Lynch, Administrative Trademark Judge:

University of Washington (“Applicant”) seeks registration on the Principal Register of the proposed mark GLOBAL INNOVATION EXCHANGE in standard characters for “Educational services, namely, providing courses of instruction at the

college and post-graduate level and distributing course materials in connection therewith” in International Class 41.<sup>1</sup>

The Trademark Examining Attorney refused registration of Applicant’s proposed mark under Section 2(e)(1), 15 U.S.C. § 1052(e)(1), as merely descriptive of the identified services. After the Trademark Examining Attorney made the refusal final, Applicant appealed to this Board. The appeal has been fully briefed. We affirm the refusal to register.

Section 2(e)(1) of the Trademark Act precludes registration of a mark which, “when used on or in connection with the goods [or services] of the applicant is merely descriptive . . . of them.” 15 U.S.C. § 1052(e)(1). A term is merely descriptive within the meaning of Section 2(e)(1) “if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services with which it is used.” *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012) (quoting *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)); *see also In re TriVita, Inc.*, 783 F.3d 872, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015).

We consider whether someone familiar with the identified services will understand the mark to convey information about them, rather than whether someone presented only with the mark could guess the products or activities listed in the description of goods or services. *DuoProSS Meditech Corp. v. Inviro Med. Devices Ltd.*, 695 F.3d 1247, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re Abcor*

---

<sup>1</sup> Application Serial No. 86668588 was filed on June 19, 2015, based on Applicant’s intent to use the proposed mark in commerce under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

*Dev. Corp.*, 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978); *In re Remacle*, 66 USPQ2d 1222, 1224 (TTAB 2002). Descriptiveness must be assessed “in relation to the [services] for which registration is sought, the context in which it is being used, and the possible significance that the term would have to the average purchaser of the [services] because of the manner of its use or intended use.” *Bayer Aktiengesellschaft*, 82 USPQ2d at 1831 (citing *Abcor Dev.*, 200 USPQ at 218).

Applicant has identified its services as “Educational services, namely, providing courses of instruction at the college and post-graduate level and distributing course materials in connection therewith.” Considering the proposed mark in the context of these services, the first word, GLOBAL is defined as “including or affecting the whole world.”<sup>2</sup> To that end, Applicant’s website states that its GLOBAL INNOVATION EXCHANGE program “aims to foster talent with a *global* vision and entrepreneurial spirit, and to tackle the *global* challenges faced by mankind.”<sup>3</sup> According to Applicant, its program will have international faculty and will be “a place where students *from different corners of the world* can collaborate, innovate and create.”<sup>4</sup> Regarding INNOVATION, which is “the invention or use of new ideas,”<sup>5</sup> Applicant’s website states that its program will “serve as a laboratory for *innovation*,” bring people together to “*innovate*,” and “bolster[] the *innovation*

---

<sup>2</sup> September 10, 2015 Office Action at 2-7 (macmillandictionary.com).

<sup>3</sup> January 25, 2016 Office Action at 8-9 (emphasis added) (washington.edu).

<sup>4</sup> *Id.* at 3 (emphasis added).

<sup>5</sup> September 10, 2015 Office Action at 2-7 (macmillandictionary.com).

ecosystem.”<sup>6</sup> EXCHANGE is defined as “a situation in which one person gives another person something and receives something else of a similar type or value in return,” as well as “a situation in which people give each other information or discuss their ideas and opinions.”<sup>7</sup> Applicant’s website emphasizes that within its program, “[l]earning will be ... team-based” and will include collaboration and “an open *exchange* of faculty from China and beyond.”<sup>8</sup> While elsewhere the website refers to the program as the “GLOBAL INNOVATION EXCHANGE,” or by the abbreviation “GIX,” at one point it identifies an individual “who is helping lead development of the curriculum for the innovation exchange.”<sup>9</sup> We find that this reference reflects descriptive use of “innovation exchange.” Overall, Applicant’s website shows that the subject matter of its educational services involves an exchange of ideas and faculty to develop new concepts and inventions (*i.e.* innovation) on a global scale, both in terms of the participants and the issues addressed.

Additional third-party evidence shows that in the context of college and university educational services, the same “innovation exchange” terminology in Applicant’s proposed mark is used by others to describe their programs and conferences, including those of an international nature. Examples of such usage include the following:

---

<sup>6</sup> January 25, 2016 Office Action at 3, 4, 6 (emphasis added) (washington.edu).

<sup>7</sup> September 10, 2015 Office Action at 2-7 (macmillandictionary.com).

<sup>8</sup> January 25, 2016 Office Action at 6, 8 (emphasis added) (washington.edu).

<sup>9</sup> *Id.* at 7.

- An article on the website of Laurier MBA Program, titled “Laurier Celebrates Global Innovation Exchange Groundbreaking,” noting the start of construction of a building for a program to “connect Laurier and [its] region increasingly to the global community” and “expand the university’s ability to deliver integrated and engaged learning opportunities to students locally and globally.”<sup>10</sup>
- A webpage of Montclair State University for its “Innovation exchange in the Americas,” describes “a new study and research exchange,” with study-abroad programs that include “mini courses in biotechnology research methods, as well as workshops and seminars.”<sup>11</sup>
- Wayne State University’s online Event Calendar shows an entry for a conference called “Urban Innovation Exchange,” and describes the opportunity to: “Meet innovators leading impact. Learn about the places they’re bringing to life. Find out how their work holds important lessons for cities everywhere.”<sup>12</sup>
- The University of Chicago Innovation Exchange website notes that the university has established its center to “be a hub for multidisciplinary collaborations and support for business start-up activities.”<sup>13</sup>
- A UNICEF website online article with the headline “UNICEF Bay Area partners in Corporate Innovation Exchange at Singularity University,” announcing this U.S.-based venture to “work with partners that share the mission to reach impact at scale with innovations in areas of unmet need.” The article also notes “a series of local events and discussions around the opportunities and challenges in creating scalable businesses with social impact....”<sup>14</sup>

This evidence convincingly refutes Applicant’s argument that consumers encountering the terms GLOBAL INNOVATION EXCHANGE in the context of its services must use a “multi-stage reasoning process” to determine the attributes of the services. Rather than requiring consumer imagination, the evidence shows that

---

<sup>10</sup> *Id.* at 39-40 (lauriermba.ca).

<sup>11</sup> *Id.* at 64-65 (Montclair.edu).

<sup>12</sup> *Id.* at 69-70 (events.wayne.edu).

<sup>13</sup> *Id.* at 54 (innovation.uchicago.edu).

<sup>14</sup> *Id.* at 61-62 (unicefstories.org).

consumers would tend to come across these words as common terms to describe educational services. Applicant criticizes some of this evidence as irrelevant to college and post-graduate coursework. However, we find it relevant, as the examples come from colleges and universities, and we do not agree with Applicant that the record reflects that they are not at least a component of the college and post-graduate educational services.

Other third-party evidence lends further support for finding that consumers frequently encounter the terms in the mark to refer to events or programs where participants can collaborate on novel ideas and entrepreneurship, including those of an international nature, characterized as “global.” For example:

- An online article about “a virtual seminar” titled “the Global Innovation Exchange” detailed that the keynote speaker “provided attendees with some keen insights on how to drive global innovation in a large, decentralized corporation.”<sup>15</sup>
- The California Global Innovation Exchange webpage states that it was “founded to address Climate Change and Economic Development through Investing in early stage deals linked to our network of Global Incubators as well as later stage and public companies.”<sup>16</sup>
- The U.S. Small Business Administration co-sponsors “the Global Innovation Exchange,” which is “a global platform designed to leverage relevant innovations/products/ideas around the world where they are needed most.... The Exchange connects innovators with funders, resources, markets, collaborators and even customers around the world to identify, support, and scale high-impact solutions for good.”<sup>17</sup>
- An online article titled “Global Innovation Exchange: Extending R&D and Innovation into the Virtual World Allows Harnessing the Problem-Solving

---

<sup>15</sup> *Id.* at 47 (innovationmanagement.se).

<sup>16</sup> *Id.* at 27 (nordicsgosocap.org).

<sup>17</sup> *Id.* at 30 (content.govdelivery.com).

Expertise of the Worldwide Scientific Community” describes leveraging the internet “to draw upon the expertise of the global R&D community to solve specific technical and business problems.”<sup>18</sup>

- The webpage of Detroit’s Urban Innovation Exchange identifying it as “an initiative to inform, engage and advance Detroit’s growing innovation movement.”<sup>19</sup>
- The webpage of Ashoka Innovators for the Public promotes “Ashoka’s Technology Innovation Exchange” to “bring together leading players in the technology and social change sectors through a series of networking and brainstorming events focusing on entrepreneurial solutions and opportunities for scalable social impact.”<sup>20</sup>
- A webpage of Launch Tennessee promoting “Innovation Exchange” identifies it as an “initiative that engages corporate, entrepreneur and institutional stakeholders for industry-driven conversations about a specific sector’s market challenges and solutions to them” and includes information on upcoming speakers.<sup>21</sup>
- A webpage for the “BluePrint Healthcare Innovation Exchange” regarding its healthcare innovation centers that bring different entities together “to learn from each other” and work collaboratively for process improvements.<sup>22</sup>

Applicant criticizes the descriptiveness refusal, asserting that the words in the mark have numerous possible relevant definitions, and the many possible combinations of meanings result in multi-stage reasoning for consumers. However, the evidence of record, including the definitions, Applicant’s website, and third-party use, reflects sufficient consistency that we find recognized meanings for these terms in the industry, such that consumers would immediately understand GLOBAL INNOVATION EXCHANGE to describe the subject matter of Applicant’s

---

<sup>18</sup> *Id.* at 43 (questia.com).

<sup>19</sup> *Id.* at 59 (uixdtroit.com).

<sup>20</sup> *Id.* at 60 (ashoka.org).

<sup>21</sup> *Id.* at 66 (launchtn.org).

<sup>22</sup> *Id.* at 76 (blueprinthis.com).

educational services. Considering the wording in the context of the identified services, and not in the abstract, *Chamber of Commerce*, 102 USPQ2d at 1219, we find the meanings of the terms set forth above to be the most relevant and appropriate. See *In re ActiveVideo Networks, Inc.*, 111 USPQ2d 1581, 1587 (TTAB 2014).

If the individual components of a mark retain their descriptive meaning in relation to the goods and/or services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016); *In re Cannon Safe, Inc.*, 116 USPQ2d 1348, 1351 (TTAB 2015) (holding SMART SERIES merely descriptive of metal gun safes, because “each component term retains its merely descriptive significance in relation to the goods, resulting in a mark that is also merely descriptive”). Applicant makes no argument that the combination of the words GLOBAL INNOVATION EXCHANGE changes the meaning in the proposed mark, and we find no altered significance from joining the words in the mark. Moreover, the third-party use supports the descriptiveness of the combination.

Consumers would immediately understand GLOBAL INNOVATION EXCHANGE, when used in connection with Applicant’s identified services, to describe their nature and subject matter as an exchange of ideas and international faculty to help “students from different corners of the world” develop global innovation.

**Decision:** The refusal to register Applicant's mark GLOBAL INNOVATION EXCHANGE as merely descriptive is affirmed.