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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	DOTEKO LLC		
Entity	Corporation	Citizenship	California
Address	3100 Donald Douglas Loop N Hanger 7 Santa Monica, CA 90405 UNITED STATES		

Attorney information	Janet F. Satterthwaite VENABLE LLP P.O. Box 34385 Washington, DC 20043-9998 UNITED STATES trademarkdocket@venable.com,jfsatterthwaite@venable.com,pjwyles@venable.com Phone:202 344 4974
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### Registration Subject to Cancellation

Registration No	3716170	Registration date	11/24/2009
Registrant	Colored Planet Connexion 40 Stimson RD New Haven, CT 06511 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 042. First Use: 2008/12/02 First Use In Commerce: 2009/09/18  
All goods and services in the class are cancelled, namely: Design, creation, hosting and maintenance of internet sites for third parties; Hosting of digital content on the Internet; Providing specific information as requested by customers via the Internet

### Grounds for Cancellation

Other	Mark was not in use on goods and services claimed in Statement of Use.
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Attachments	PET TO CANCEL.pdf ( 6 pages )(240928 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Janet F. Satterthwaite/
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Name	Janet F. Satterthwaite
Date	01/04/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DOTECO LLC	)	
	)	
Petitioner,	)	
	)	Cancellation No. _____
v.	)	Mark: .eco
	)	Registration No. 3716170
Colored Planet Connexion	)	
	)	
Registrant.	)	
	)	

**Attorney's Reference: 117308-283885**

ATTN: BOX TTAB – FEE

**PETITION TO CANCEL REGISTRATION NO. 3716170**

DOTECO LLC., (“Petitioner”), a corporation duly organized and existing under the laws of California, with an address of 3100 Donald Douglas Loop N Hanger 7, Santa Monica CA, 90405, believes that it is damaged by Registration No. 3716170 and hereby petitions to cancel the same under Section 14 of the Trademark Act, 15 USC 1064(3).

As grounds for this Petition, it is alleged:

1. The Internet Corporation for Assigned Names and Numbers (ICANN) manages the domain name system (DNS) globally to ensure that each internet address is unique. The text of the following three paragraphs is from ICANN's website, [www.icann.org](http://www.icann.org).
  
2. A domain name itself comprises two elements: before and after “the dot”. The part to the right of the dot, such as “com”, “net”, “org” and so on, is known as a “top-level domain” or TLD. One company in each case (called a registry), is in charge of all domains ending with that particular TLD and has access to a full list of domains directly under that name, as well as the IP

addresses with which those names are associated. The part before the dot is the domain name that you register and which is then used to provide online systems such as websites, email and so on.

3. ICANN draws up contracts with each registry. It also runs an accreditation system for registrars. It is these contracts that provide a consistent and stable environment for the domain name system, and hence the Internet.

4. In summary, the DNS provides an addressing system for the Internet so people can find particular websites. It is also the basis for email and many other online uses.

5. At the moment, generic top level domains ("gTLD's) consist of a handful of extensions—such as, .com, .net, .org, .info, .mobi.

6. ICANN is preparing to expand the gTLD space and is working on guidelines for applicants who intent to apply or be the registry for a new gTLD.

7. As of the date of the filing of this Petition, the new gTLD project is still in formulation. The application process is in draft form and, on information and belief, no one has yet been allowed to submit an application for a new gTLD registry.

8. If and when ICANN is ready to accept applications for new gTLD registries, Petitioner intends to apply to be the registry for a proposed gTLD called .eco.

9. Petitioner maintains a website at [www.supportdoteco.com](http://www.supportdoteco.com).

10. The purpose of [www.supportdoteco.com](http://www.supportdoteco.com) is to galvanize support for a new .eco gTLD in accordance with the vision of Petitioner and its strategic partners, including Al Gore, the Sierra Club, and other prominent environmentalists.

11. Fred Kreuger, a member of Petitioner, received an email from Registrant dated November 9, falsely indicating that Registrant's application for .eco had already registered, and falsely claiming that the words DOT ECO were registered: ".eco/doteco is a registered trademark U.S. reg. No, 77/452991) of our business, Colored Planet Connection."

12. The November 9 email demanded that Mr. Kreuger "cease and desist in any further use of .eco/doteco in association with the marketing, sale, distribution, or identification of our products, or services."

13. The subject registration 3716170 was filed based on intent to use and covers "Design, creation, hosting and maintenance of internet sites for third parties; Hosting of digital content on the Internet; Providing specific information as requested by customers via the Internet."

14. A statement of use was filed on May 22, 2009, attesting that the mark was in use on all the services since December 2, 2008 and in commerce since January 1, 2009.

15. An office action issued rejecting the specimen as merely the typed word .eco.

16. On September 27, 2009, Registrant submitted substitute specimens and an office action response with a notation that: "The attachments are pages from the website "thedoteco.com". I have included the mission page, the why .eco, the birth of .eco, and faqs. The website is being used to solicit investors and support prior to application to ICANN for a new environmental domain extension. <https://sites.google.com/a/thedoteco.com/doteco/start-page>"

17. On information and belief, at the time that the statement of use was filed, the mark .eco was not in use for Design, creation, hosting and maintenance of internet sites for third parties.

18. On information and belief, at the time that the statement of use was filed, the mark .eco was not in use for Hosting of digital content on the Internet.

19. On information and belief, at the time that the statement of use was filed, the mark .eco was not in use for Providing specific information as requested by customers via the Internet.

20. On information and belief, the substitute specimens accepted by the Examining Attorney do not show use of the mark on any of the services covered in the application.

21. On information and belief, as supported by the statement made by Registrant in connection with the office action response, Registrant simply intends to apply for a gTLD .eco, similar to the plans of Petitioner.

22. The explanation of Registrant that the specimens are used "to solicit investors and support" for a new top level domain make it clear that the specimens do not show use of the mark for any services covered in the registration.

23. Therefore, Registrant's statement of use was filed incorrectly and was improper. The mark .eco was not in use with the services covered in the application and should not have registered.

24. Petitioner is injured because Registrant has sent a member of Petitioner a cease and desist letter based on alleged rights incorrectly conferred by the granting of the subject registration.

25. Petitioner has been injured because Registrant caused Petitioner's Facebook page, with thousands of members, to be shut down by Facebook because Registrant alleged trademark infringement to Facebook.

26. Furthermore, it is not possible to register a top level domain as a trademark for domain name registry services. See TMEP Section 1215.02(d). To the extent that the mark .eco used by Registrant or anyone else to refer to a gTLD .eco. the mark will be considered descriptive of the registry .eco.

27. If the Registrant is permitted to retain Registration No. 3716170, a cloud will be placed on Petitioner's right to use the term ".eco or dot eco" as the identifier for proposed gTLD registry services, and to galvanize support for this project. Continued registration of the mark shown in Registration No. 3716170 would therefore be a source of damage and injury to the Petitioner.

28. If the Registrant is permitted to retain Registration No. 3716170, a cloud will be placed on Petitioner's planned application for the .eco gTLD registry.

**WHEREFORE**, Petitioner respectfully requests that this Petition be granted and that Registration No. 3716170 be canceled.

If this Petition is filed on paper instead of online, then this Petition is submitted in duplicate, and the filing fee of \$300.00 authorized to be charged to Deposit Account No. 22-0261 and notify the undersigned accordingly.

Please conduct all correspondence in this matter with the undersigned at the below address.

Respectfully submitted,

Date: January 4, 2010

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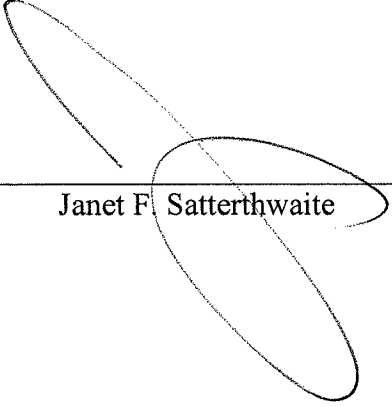
Janet F. Satterthwaite  
**Venable LLP**  
575 7<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
Telephone: 202-344-4800  
Facsimile: 202-344-8300

Attorney for Petitioner DOTEKO LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 4<sup>th</sup> day of January, 2010, I caused a copy of the foregoing Petition for Cancellation to be served on Registrant via first-class mail,

Moses Boone  
Colored Planet Connexion  
40 Stimson RD New Haven  
CT 06511



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Janet F. Satterthwaite