

USA: In re DDMB, Inc, United States Court of Appeals, Federal Circuit, No. 2016-2037, 8 March 2017

Kluwer Trademark Blog

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[Cheryl Beise \(Wolters Kluwer Legal & Regulatory US\)](#)

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The Trademark Trial and Appeal Board did not err in refusing to register the mark EMPORIUM ARCADE BAR and Design, absent a disclaimer of the word “EMPORIUM,” in addition to the disclaimed term “ARCADE BAR,” the U.S. Court of Appeals for the Federal Circuit has determined. Substantial evidence supported the Board’s finding that EMPORIUM was merely descriptive of the applicant’s “bar services” and “video and amusement arcade services,” and that EMPORIUM, when combined with ARCADE BAR did not form a unitary mark exempt from a disclaimer requirement (In re DDMB, Inc., March 8, 2017, Lourie, A.).

A full summary of this case has been published on [Kluwer IP Law](#).