This Opinion is Not a Precedent of the TTAB

Hearing: August 26, 2025 Mailed: November 26, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Moises Systems, Inc.

Serial No. 98142204

David P. Johnson, Shelise Rupp, and Matthew E. Healey of Workman Nydegger for Moises Systems, Inc.

Cindy Nguyen, Trademark Examining Attorney, Law Office 106, Mary Sparrow, Managing Attorney.

Before Wellington, Dunn, and Bradley, Administrative Trademark Judges.

Opinion by Dunn, Administrative Trademark Judge:

Moises Systems, Inc. (Applicant) seeks registration on the Principal Register of the mark MUSIC.AI (in standard characters) for downloadable computer software modules in International Class 9 and services providing temporary use of non-downloadable software modules, in International Class 42.[1] Because the

[1] Application Serial No. 98142204 filed August 21, 2023 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based upon Applicant's allegation of a bona fide intention to use the mark in commerce. References to the application are to the downloadable .pdf version of documents available from the USPTO's TSDR (Trademark Status and Document Retrieval)

identifications are long and highly similar, we **emphasize** the slight differences in wording:

> **downloadable computer** software modules for facilitating communication and data exchange between computer systems and software applications via application program interfaces (APIs) for performing audio source separation, musical instrument separation, percussion separation, drums separation, keyboard separation, piano separation, strings separation, bass separation, guitar separation, brass separation, woodwind separation, transcription, speech transcription, singing transcription, beat detection, beat transcription, chord transcription, section identification, section definition, mixing, mastering, metronome generation, spectrogram generation, audio encoding, subtitle encoding, limiting, dynamic range limiting, normalization, overdrive control, pitch shifting, reverberation modification, audio reversal, speed adjustment, tempo adjustment, editing, segment extraction, speech-audio alignment, singing-audio alignment, voice synthesis, voice tone transfer, voice style transfer, text to speech, video speech alignment, video singing alignment, and enhancement on music, songs, sounds, and audio recordings; **downloadable computer** software modules for ordering, structuring, executing, configuring, connecting, and creating workflows, tasks, and jobs for performing audio source separation, musical instrument separation, percussion separation, drums separation, keyboard separation, piano separation, strings separation, bass separation, guitar separation, brass separation, woodwind separation, transcription, speech transcription, singing transcription, beat detection, beat transcription, chord transcription, section identification, section definition, mixing, mastering, metronome generation, spectrogram generation, audio encoding, subtitle encoding, limiting, dynamic range limiting, normalization, overdrive control, pitch shifting, reverberation modification, audio reversal, speed adjustment, tempo adjustment, editing, segment extraction, speech-audio alignment, singing-audio alignment, voice synthesis, voice tone transfer, voice style transfer, text to speech, video speech alignment, video singing alignment, and enhancement on music, songs, sounds, and audio recordings, in International Class 9;
>
> **providing temporary use of non-downloadable** software modules for facilitating communication and data exchange between computer systems and software applications via application program interfaces (APIs) for performing audio source separation, musical instrument separation, percussion separation, drums separation, keyboard separation, piano separation, strings

database. The TTABVUE citations refer to the Board's electronic docket, with the first number referring to the docket entry and the second number, if applicable, referring to the page within the entry.

separation, bass separation, guitar separation, brass separation, woodwind separation, transcription, speech transcription, singing transcription, beat detection, beat transcription, chord transcription, section identification, section definition, mixing, mastering, metronome generation, spectrogram generation, audio encoding, subtitle encoding, limiting, dynamic range limiting, normalization, overdrive control, pitch shifting, reverberation modification, audio reversal, speed adjustment, tempo adjustment, editing, segment extraction, speech-audio alignment, singing-audio alignment, voice synthesis, voice tone transfer, voice style transfer, text to speech, video speech alignment, video singing alignment, and enhancement on music, songs, sounds, and audio recordings; **software as a service (SaaS) featuring non-downloadable** software modules for ordering, structuring, executing, configuring, connecting, and creating workflows, tasks, and jobs for performing audio source separation, musical instrument separation, percussion separation, drums separation, keyboard separation, piano separation, strings separation, bass separation, guitar separation, brass separation, woodwind separation, transcription, speech transcription, singing transcription, beat detection, beat transcription, chord transcription, section identification, section definition, mixing, mastering, metronome generation, spectrogram generation, audio encoding, subtitle encoding, limiting, dynamic range limiting, normalization, overdrive control, pitch shifting, reverberation modification, audio reversal, speed adjustment, tempo adjustment, editing, segment extraction, speech-audio alignment, singing-audio alignment, voice synthesis, voice tone transfer, voice style transfer, text to speech, video speech alignment, video singing alignment, and enhancement on music, songs, sounds, and audio recordings, in International Class 42.

In essence, the application identifies the same software available in two different forms. *See Heil Co. v. Tripleye GmbH*, No. 91277359, 2024 TTAB LEXIS 494, at *85-86 ("Applicant's Class 42 services cover the design of software that performs the identical purpose or function of Opposer's software (i.e., controlling and monitoring vehicles). Thus, consumers can seek out Applicant's services, or purchase Opposer's software [in Class 9], to accomplish the same purpose."). Throughout this opinion, we use "software" to refer to the software listed in the application's International Class 9 goods and 42 services.

The Trademark Examining Attorney refused registration of Applicant's mark under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the ground that Applicant's mark MUSIC.AI is merely descriptive of Applicant's goods and services.[2]

When the refusal was made final, Applicant appealed and requested reconsideration. After the Examining Attorney denied the request for reconsideration, the appeal was resumed and is fully briefed.[3] An oral hearing was held August 26, 2025.

We affirm the refusal to register.

I. Refusal as Merely Descriptive of the Goods

Section 2(e)(1) of the Trademark Act prohibits registration on the Principal Register of "a mark which, (1) 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

[2] In response to the refusal, Applicant argued that .AI functioned as a top-level domain as well as an initialism for artificial intelligence. June 26, 2024 Response TSDR 12-13. The Examining Attorney then refused registration on the additional basis that MUSIC.AI was a merely descriptive domain name. July 5, 2024 Office Action TSDR 4-8. This refusal was not made final and was subsequently withdrawn. October 23, 2024 Office Action TSDR 3. Notwithstanding the withdrawal, the final refusal addressed Applicant's arguments that, because .AI is a top-level domain, the term MUSIC.AI is not merely descriptive of its software. Id. at TSDR 7-8. Accordingly, we give no consideration to those parts of the Examining Attorney's brief that address a separate domain name refusal, but consider all evidence regarding public perception of ".AI," including the evidence of its use as a top-level domain, in connection with the mere descriptiveness refusal.

[3] For the first time in her brief, and without submitting copies of the registrations or seeking remand to do so, the Examining Attorney made arguments based on Applicant's purported ownership of two registrations for the same mark. 8 TTABVUE 10-13. Applicant objected in its brief to any consideration of the arguments (9 TTABVUE 5-7), and the objection is sustained. Trademark Rule 2.142(d), 37 CFR 2.142(d) ("The record should be complete prior to the filing of an appeal.").

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, 1300 (Fed. Cir. 2012) (*quoting In re Bayer AG*, 488 F.3d 960, 963 (Fed. Cir. 2007)). If the refusal of registration based on mere descriptiveness applies to any of the goods or services within a class listed in the application, registration is refused as to the entire class. See *In re Stereotaxis Inc.*, 429 F.3d 1039, 1041 (Fed. Cir. 2005).

Descriptiveness must be assessed "in relation to the particular goods [and 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 goods [or services] because of the manner of its use or intended use." *In re Bayer AG*, 488 F.3d at 963-964. We find that the average purchaser of Applicant's goods and services seeks software to create and modify audio recordings, including musical audio recordings. *In re TriVita, Inc.*, 783 F.3d 872, 875 (Fed. Cir. 2015) ("TriVita is correct that descriptiveness is determined from the viewpoint of the relevant purchasing public.").

A. Descriptiveness of component terms

Evidence that a term is merely descriptive to the relevant purchasing public may be obtained from any competent source. *In re N.C. Lottery*, 866 F.3d 1363, 1367 (Fed. Cir. 2017). For example, dictionaries, newspapers, or surveys may provide evidence of mere descriptiveness. *In re Chamber of Commerce*, 675 F.3d at 1300. Competent sources of the commercial context showing the public's perception of the mark include specimens of the mark, websites, publications, and use on labels, packages, or in

advertising material directed to the goods and services. *In re N.C. Lottery*, 866 F.3d at 1368. Based on the evidence set forth below, we reject Applicant's argument that "the words MUSIC and AI, either alone or in combination, are not merely descriptive of the applied-for goods and services."[4]

1. MUSIC

The record indicates that the term MUSIC is defined as "vocal, instrumental or mechanical sounds having rhythm, melody, or harmony."[5] Where a mark includes or comprises a dictionary term, the definition generally supplies its connotation. *Stratus Networks, Inc. v. UBTA-UBET Commc'ns Inc.*, 955 F.3d 994, 998 (Fed. Cir. 2020) ("The Board relied on dictionary definitions of the terms 'stratus' and 'strata' to evaluate similarities in the connotation of each mark."); *Bourns, Inc. v. Gen. Scientific Corp.*, 361 F.2d 482, 483 (CCPA 1966) ("The dictionaries which are available to us * * * do not indicate that the terms 'quick' and 'easy' are synonyms or even have similar suggestive connotations.").

As set forth in the application, Applicant's software facilitates creation and modification of "music, songs, sounds, and audio recordings." The identification of goods and services therefore serves as evidence of mere descriptiveness. *See In re NextGen Mgmt., LLC,* No. 88098031, 2023 TTAB LEXIS 1, at *13 ("With respect to the term PORTAL, Applicant has identified its services as 'an Internet website portal in the healthcare field to provide a patient and caregivers with the patient's drug

[4] 6 TTABVUE 8.

[5] October 23, 2024 Office Action TSDR 11 (Merriam-Webster.com).

prescription information.' Use of a term in an application's recitation of services strongly suggests that the term is merely descriptive.").

The term MUSIC is merely descriptive, indeed highly so, of Applicant's software for creating and modifying music.

2. AI

The record indicates that the term AI is a noun, or the abbreviation, for "artificial intelligence," which is defined as "software designed to imitate intelligent human behavior."[6] Applicant's software is described broadly enough to encompass software using AI to perform its functions. As shown by the excerpts set forth below, third-party websites of record corroborate the descriptiveness of the term "AI" as applied to software to facilitate creation and modification of "music, songs, sounds, and audio recordings:"

> **Remusic**
> AI Music Creation and Music Learning Platform
> Remusic is an Al-driven platform for music creators and learners. Create, learn, and enhance your skills with Al tools designed for easy music composition and learning.[7]
>
> **Sounddraw**
> AI-Powered Song Customization
> Shorten intros, rearrange choruses, and personalize your song structure with ease
> …
> Make unlimited music with AI
> …
> See how real artists are using AI music
> …
> AI music for any moment[8]

[6] *Id.* at 20 (Merriam-Webster.com).

[7] *Id.* at 183.

[8] *Id.* at 43-46.

Make Best Music
Our advanced Al models offer customization options, allowing you to tailor the generated text to music to fit your specific needs. Choose genres, instruments, and tempos to create unique tracks that resonate with your vision, making it perfect for personal projects, marketing, or professional use.[9]

Loudly
AI Music Generator
Make AI-generated music in seconds and add to your videos, social channels, advertising media, podcasts, apps and more… 100% royalty-free.
…
Welcome to the AI music revolution
Explore Loudly's rapidly evolving AI Music Generator which makes it easier than ever to create and customize high-quality music.
…
Loudly's AI generated music comes from a pool of 200,000+ audio sounds which are beautifully crafted by professional music produces in high-grade studio environments.[10]

Jen Music
Meet Jen. Your Co-Producer. Jen is a generative AI music platform that helps you create music with your mind. She is an AI multi-instrumentalist with broad taste, she knows many genres and styles to help you craft the sound you desire with just a few words.
…
Jen's universal high-fidelity AI model (48KhZ stereo audio outputs) for text-to-music generation has been built from sophisticated research by our team of world-class AI PhDs.[11]

CMU
CMU Masterclass: Music + AI in 2024
This masterclass considers the opportunities created - and threats posed - by Al in the music industry. You will learn about the latest developments in generative Al and how the music business can capitalise on these rapidly evolving technologies. And we provide a very timely review of the debates and disputes over the legal and ethical obligations of AI companies to human creators and copyright owners.[12]

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[9] *Id.* at 190-191.

[10] *Id.* at 50-57.

[11] *Id.* at 85-86, 88.

[12] *Id.* at 111.

Valerio Velardo
AI Music Consultant
Do you need help with AI music?
***
I build AI (music) products and startups:
I consult in the AI (music) space;
I help companies hire AI music engineers and form AI teams:
***
I share my knowledge about AI (music) through my YouTube channel and public speaking;
I'm currently writing a book provisionally titled The AI Music Revolution for UC Press.[13]

In support of its argument that AI is not merely descriptive of software incorporating or related to AI, or artificial intelligence, Applicant submitted third-party registrations of marks incorporating the term "AI" on the Principal Register with no disclaimer of AI.[14] If a unitary mark "create[s] a single and distinct commercial impression," and has "no unregistrable components," it is exempted from the requirement "to disclaim an unregistrable component of a mark." *In re Slokevage*, 441 F.3d 957, 962 (Fed. Cir. 2006) (citation omitted). Because on their face the registered third-party marks shown below combine AI with either a distinctive term or a design element the presence of AI in the mark does not establish that the term AI is distinctive:[15]

[13] *Id.* at 115-117.

[14] 6 TTABVUE 9, 23.

[15] October 2, 2024 Response TSDR 57-86. We do not include third-party Registration No. 291932 for AI NETWORK and design because the registration includes a disclaimer of AI NETWORK.

Reg.	Mark	Pertinent Goods/Services
Reg. No. 7124864 issued 08/01/23	AI÷Learners	Educational services, namely, providing online training in the field of mathematics featuring instructional materials comprised of online, non-downloadable educational math games and analysis of student skills and performances through the games
Reg. No. 7087467 issued 06/20/23	keybe.ai	Application service provider featuring application programming interface (API) software
Reg. No. 6909949 issued 11/29/22	RESEMBLE.AI	Platform as a service (PAAS) featuring computer software platforms for custom artificial intelligence (AI) voices;
Reg. No. 6406197 issued 07/06/21	Choice WORX.AI	Providing temporary use of a web-based software application for user support and infrastructure management of end-point devices
Reg. No. 5324963 issued 10/31/17	HEALTH AI (HEALTH disclaimed)	computer software for use in healthcare administration and management

Of the remaining registered third-party marks shown below,[16] we note that three of the registrations issued fourteen years ago or longer. While there is no evidence that the term "artificial intelligence" is new, the record indicates that the use of AI in software available to the general public is a more recent occurrence. In addition, we

[16] Id. at 57-86.

note the owner of the mark AI STORE is "Appraisal Institute." Finally, while we have included it in the list, there is no evidence that the "A.I." in the mark A.I. FORMULA is descriptive as applied to "nutritional and dietary supplements."

Reg.	Mark	Pertinent Goods/Services
Reg. No. 7279804 issued 1/16/24	MD.ai	Downloadable medical software for processing and displaying images on ultrasound medical imaging machines
Reg. No. 7171166 issued 09/19/23	AI-DRIVE	Electric drives for vehicles
Reg. No. 6937991 issued 01/03/23	AI-MEDIA	media apparatus for the reproduction of audio, images, data and/or text
Reg. No. 6337951 issued 05/04/21	AI WELLNESS (WELLNESS disclaimed)	Personal training services, namely, strength and conditioning training and counseling
Reg. No. 3907503 issued 01/18/11	AI MEDIA GROUP (MEDIA GROUP disclaimed)	Advertising via electronic media and specifically the internet; Promoting the goods and services of others by means of distributing advertising on the Internet
Reg. No. 3035111 issued 12/27/05	AI STORE (STORE disclaimed)	Retail store services and on-line computerized retail store services both featuring clothing, office supplies and general consumer merchandise

Reg.	Mark	Pertinent Goods/Services
Reg. No. 2396919 issued 10/24/00	A.I. FORMULA (FORMULA disclaimed)	nutritional and dietary supplements

In short, we find the evidence of seven third-party registrations on the Principal Register for AI combined with presumptively descriptive matter does not rebut the evidence that the term AI is descriptive as applied to Applicant's software. As explained in *In re ActiveVideo Network, Inc.*, No. 77967395, 2014 TTAB LEXIS 283, at *27-28:

> As seen in related fields involving high-technology goods and services characterized by rapid innovation and remarkable transformation, we are witnessing a dizzying proliferation of myriad forms of online video streaming, interactive television and video on demand. Not surprisingly, the quickness with which changing nomenclature is introduced into the marketplace by manufacturers and merchants, and then adopted by customers, is equally brisk. Accordingly, the location of a new term on the spectrum of distinctiveness is anything but static. The USPTO has, and must have, the freedom, over a period of decades — or increasingly, just years — to consider such questions anew whenever the evidence compiled in a new, unique record reflects such dynamic changes.

The term AI is merely descriptive of Applicant's software.

B. Descriptiveness of combined terms

The terms will be found merely descriptive if the individual components retain their descriptive meaning in relation to the goods and services, and the combination does not form a mark which has a distinct nondescriptive meaning of its own as a whole. *See In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1174-75 (Fed. Cir. 2004) ("However, if those two portions individually are merely descriptive of an aspect of

appellant's goods, the PTO must also determine whether the mark as a whole, i.e., the combination of the individual parts, conveys any distinctive source-identifying impression contrary to the descriptiveness of the individual parts."). The term MUSIC.AI does not appear in the dictionary.[17] However, the record shows third party use of the term MUSIC AI to describe a type of software using artificial intelligence for music applications:

> **ResearchGate**
> How **Music AI** Is Useful: Engagements with Composers, Performers and Audiences
> Critical but often overlooked research questions in artificial intelligence (AI) applied to music involve the impact of the results for music. How and to what extent does such research contribute to the domain of music? How are the resulting models useful for music practitioners? In this article, we describe how we are addressing such questions by engaging composers, musicians, and audiences with our research.[18]
>
> **New Interfaces for Musical Expression (NIME)**
> A survey on the uptake of **Music AI** Software (2020)
> Abstract
> The recent proliferation of commercial software claiming ground in the field of **music AI** has provided opportunity to engage with AI in music making without the need to use libraries aimed at those with programming skills. Pre-packaged **music AI** software has the potential to broaden access to machine learning tools but it is unclear how widely these softwares are used by music technologists or how engagement affects attitudes towards AI in music making. To interrogate these questions we undertook a survey in October 2019, gaining 117 responses. The survey collected statistical information on the use of pre-packaged and self-written **music AI** software. Respondents reported a range of musical outputs including producing recordings, live performance and generative work across many genres of music making. The survey also gauged general attitudes towards AI in music and provided an open field for general comments. The responses to the survey suggested a forward-looking attitude to **music AI** with participants often pointing to the future potential of AI tools, rather than present utility. Optimism was partially related to programming

[17] January 10, 2025 Request for Reconsideration TSDR 14-17.

[18] October 23, 2024 Office Action TSDR 119.

skill with those with more experience showing higher skepticism towards the current state and future potential of AI.[19]

MT Technology Review
The Download: the future of **music AI**, and climate tech funding (June 27, 2024)
Training **music AI** models is about to get very expensive. **music AI** is suddenly in a make-or-break moment. On June 24, Suno and Udio, two startups that let you generate complete songs from a prompt in seconds, were sued by major record labels. The labels alleged the startups had used copyrighted music as training data "at an almost unimaginable scale". Just two days later, the Financial Times reported that YouTube is pursuing a comparatively above-board approach. Rather than training **music AI** models on secret data sets, the company is reportedly offering unspecified lump sums to top record labels in exchange for licenses to use their catalogs for training data.[20]

AIMC 2024
The Conference on AI and Music Creativity is an annual conference bringing together a community working on the application of AI in music practice. The AI and music community is a highly interdisciplinary community with a background in diverse fields of research and practice. This makes the AIMC exciting with topics ranging from performance systems, computational creativity, machine listening, robotics, sonification, and more.
***
For the 2024 conference we will explore the links between **music AI** and adjacent domains. What can we learn from research in other domains? What can we offer people outside of the **music AI** community?[21]

Universitat Pompeu Fabra
Generative **Music AI** Workshop.
…
The workshop is designed as a collaborative space for music technologists and musicians. The goals of the workshop are to:
• explore software tools of relevance for **music AI**;
***
Musicians should:
Be familiar with prevalent **music AI** tools available, like Magenta
***

[19] *Id.* at 70.

[20] *Id.* at 72-73.

[21] *Id.* at 83.

10h. Presentation of MTG tools of relevance to generative **music AI** (Frederic Font)
***
10h. Open discussion: the ethics of **music AI** (Roser Battle) [22]

EVENTBRITE (July 10, 2024)
NYC AI Users - AI Tech Talks, Demo & Social: **Music AI** and Autonomous LLMs[23]

Council of Music Makers
Five fundamentals for music and AI

The Council of Music Makers recognizes that Al presents opportunities for the music business. However, the rights of music-makers - including artists, musicians, songwriters and studio producers - must be respected by technology companies and rights-holders as **music AI** models are trained and new Al-powered products and services are developed.

***

Where permission is granted, music-makers must share fairly in the financial rewards of **music AI**, including from music generated by Al models trained on their work.[24]

Amazon
Mathematical Music: From Antiquity to **Music AI**
In addition to discussing the history and the present state of mathematical music, Braguinski also takes a look at what possibilities the near future of **music Al** might hold for listeners, musicians, and the society.
Grounded in research findings from musicology and the history of technology, and written for the non-specialist general audience, this book helps both student and professional readers to make sense of today's **music AI** by situating it in a continuous historical context.[25]

David Kant Portfolio
Music AI Tutorial
The **Music AI** Tutorial is a collection of cloud-based, interactive tutorials that teach topics in Music, Artificial Intelligence, and Computer Science. The

[22] *Id.* at 91-93.

[23] *Id.* at 95.

[24] *Id.* at 102.

[25] *Id.* at 105.

tutorial takes a historical approach. My intention is to give cultural, technical, and aesthetic context to contemporary approaches to **Music AI.**[26]

Lalals
Created with **Music AI**
Songs created by Lalals' **Music AI** without any modification.
***
Within just minutes, **Music Al** creates two songs from one prompt so you can pick the one you like most.
***
Lalals is the world's leading AI music creation platform and community.[27]

Notwithstanding the intent-to-use filing basis for the subject application, the record includes excerpts from Applicant's website, and those excerpts show use of both MUSIC.AI and MUSIC AI (no period) for software to facilitate creation and modification of "music, songs, sounds, and audio recordings:"

https://music.ai/[28]

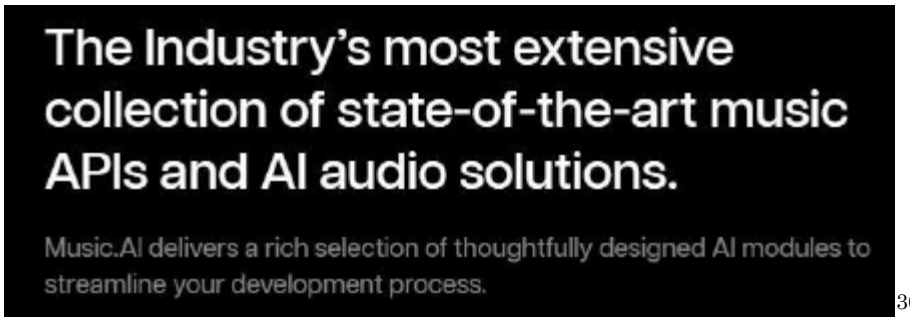
MUSIC.AI[29]

[26] *Id.* at 113.

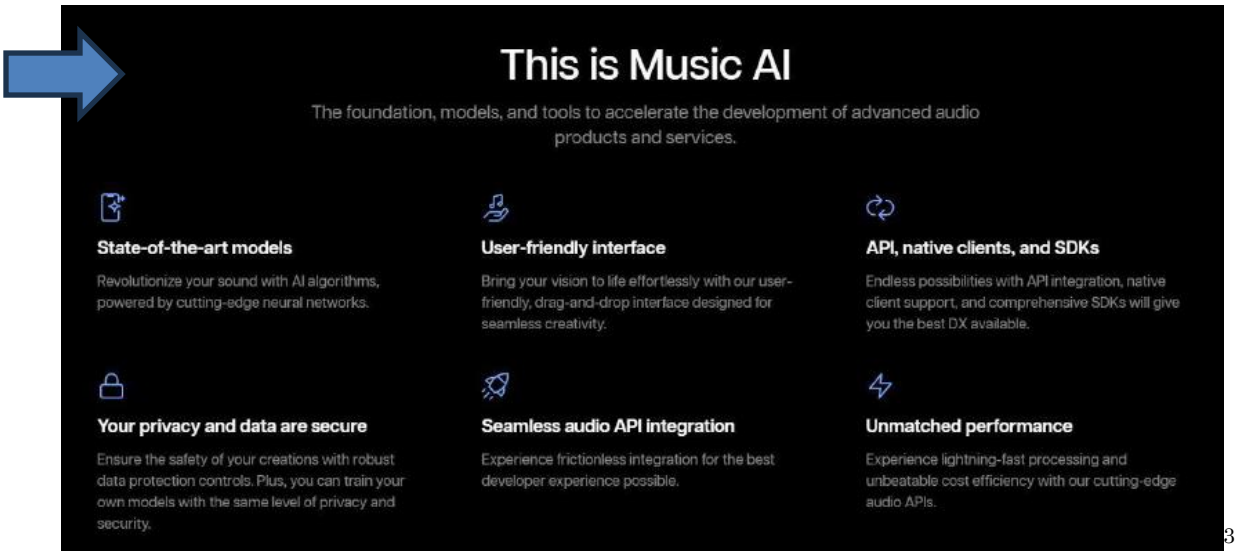
[27] *Id.* at 179-182.

[28] October 23, 2024 Office Action TSDR 58.

[29] *Id.*



[30]



[31]

[32]

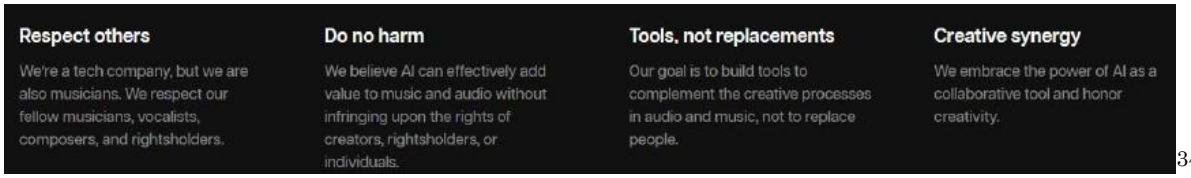
[33]

[30] *Id.* at 59.

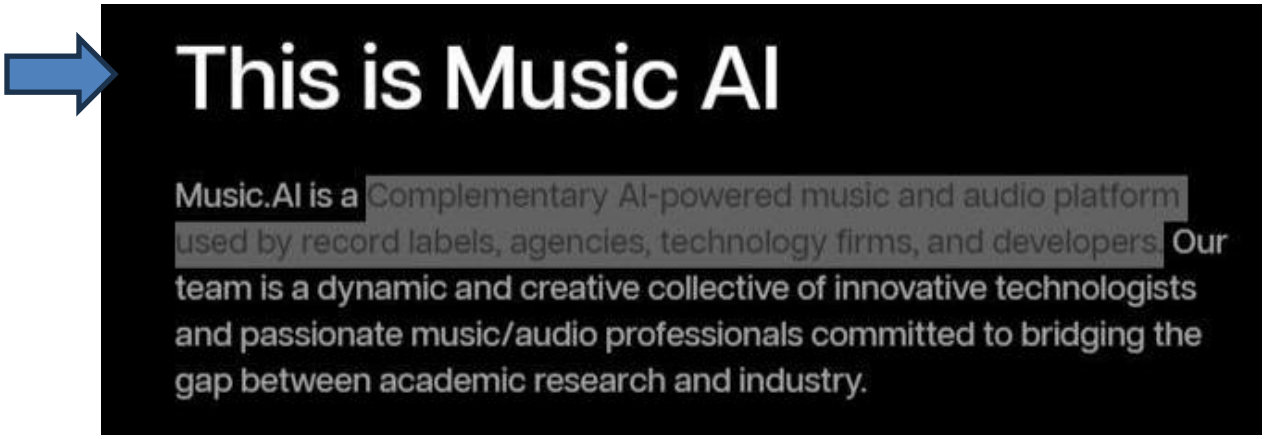
[31] *Id.* at 60. With respect to Applicant's argument (6 TTABVUE 15) that its proposed mark MUSIC.AI is a unitary mark which would not be perceived as the descriptive term MUSIC AI, we disagree. In addition to the evidence of third-party use of MUSIC AI which affects consumer perception (described below), we note Applicant's own use of the term without a period on its website.

[32] *Id.* at 62.

[33] *Id.*



[34]

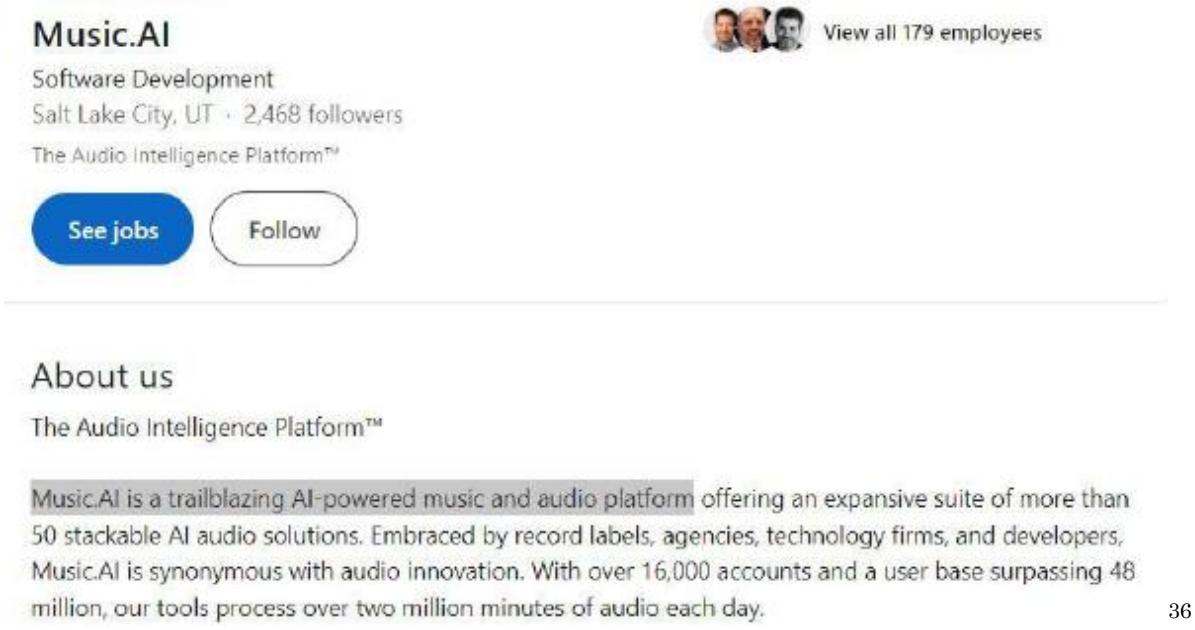


[35]

Applicant's LinkedIn page also uses makes clear the descriptiveness of the term MUSIC AI.

[34] *Id.* at 63.

[35] *Id.*



[36]

Other of Applicant's LinkedIn posts state:

> Moises is powered by the Music.AI technology which enables processing of 2.1 million minutes of audio per day, revolutionizing music creation. We are proud to be part of the global music community who continue to show us the transformative powers of AI in unlocking new levels of creativity every day.[37]

The combined term **MUSIC AI** describes Applicant's software that may employ artificial intelligence to manipulate, enhance, and generate music.

We turn to Applicant's argument that the presence of the period between MUSIC and AI makes the term distinctive.[38] A period is defined as:[39]

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[36] *Id.* at 166.

[37] *Id.* at 171. The posts do not bear specific dates but have references such as "4w," presumably referring to the post having been published on the site four weeks from the date of access, which appears at the beginning of the screenshots from LinkedIn (October 23, 2024).

[38] 6 TTABVUE 23-26.

[39] *Merriam-Webster.com Dictionary*, https://www.merriam-webster.com/dictionary/dot. Accessed 21 Nov. 2025. The Board may take judicial notice of dictionary definitions, including

- a small round mark used in orthography or punctuation
- a point used to separate components of an address on the Internet

In general, the presence of punctuation does not alter the commercial impression of a literal term. *Peterson v. Awshucks SC*, LLC, No. 92066957, 2020 TTAB LEXIS 520, at *18 ("Punctuation, such as quotation marks, hyphens, periods, commas, and exclamation marks, generally does not significantly alter the commercial impression of the mark."). *Accord In re St. Helena Hosp.*, 774 F.3d 747, 752 (Fed. Cir. 2014) (TAKE 10! found similar to TAKETEN despite exclamation point). In view of the considerable evidence of third-party use of MUSIC AI for music software, we find that this case is no exception, and the addition of the dot does not alter the mere descriptiveness of MUSIC.AI as a whole.

Applicant argues that the record does not show that any third party is using MUSIC.AI with a period between the terms.[40] The fact that an applicant may be the first and only user of a merely descriptive designation does not justify registration if the only significance conveyed by the term is merely descriptive. *See In re Fat Boys Water Sports LLC*, No. 86490930, 2016 TTAB LEXIS 150, at *10 (TTAB 2016) ("Under the current standard [for assessing mere descriptiveness], there is no requirement that the Examining Attorney prove that others have used the mark at issue or that they need to use it, although such proof would be highly relevant to an analysis under Section 2(e)(1). The correct test is whether the phrase forthwith

online dictionaries that exist in printed format or have regular fixed editions. *In re Cordua Rests. LP,* No. 85214191, 2014 TTAB LEXIS 94, at *6 n.4, *aff'd*, 823 F.3d 594 (Fed. Cir. 2016).

[40] 6 TTABVUE 17.

conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods."). *See also KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc.*, 543 U.S. 111, 122 (2004) (acknowledging "the undesirability of allowing anyone to obtain a complete monopoly on use of a descriptive term simply by grabbing it first.").

Applicant also argues that because .AI is a top-level domain, or part of an internet address, and (as shown above) MUSIC.AI is Applicant's domain name, MUSIC.AI is a double entendre.[41] However, having a top-level domain as part of the mark does not preclude the mark being merely descriptive. We find probative the sixteen third-party registrations with the suffix .AI that issued in the last six years on the Supplemental Register:[42] Registration on the Supplemental Register indicates that the mark is not inherently distinctive, e.g., because it is merely descriptive. *See Quaker State Oil Refining Corp. v. Quaker Oil Corp.*, 453 F.2d 1296, 1299 (CCPA 1972)("We also agree with the observation of the board that, when appellant sought registration of SUPER BLEND on the Supplemental Register, it admitted that the term was merely descriptive of its goods and that when it disclaimed said term in applications for registrations of compound marks, it again admitted the merely descriptive nature of

[41] 6 TTABVUE 23-26. Applicant also argues that MUSIC.AI is a double entendre because the term may have multiple meanings. 6 TTABVUE 18. We find that all of Applicant's examples of alternate meanings are also descriptive of its software, and so there is no "double" meaning. A double entendre is registrable only if the second, non-descriptive meaning would be readily apparent to the consumer from the mark itself. *In re Colonial Stores Inc.*, 394 F.2d 549, 1053 (CCPA 1968) (holding SUGAR & SPICE not merely descriptive for bakery products because it readily conjures a familiar phrase in a well-known nursery rhyme). 6 TTABVUE 18.

[42] October 23, 2024 Office Action TSDR 133-165.

the mark and acknowledged that it did not have an exclusive right therein at that time.").

Supplemental Registration	Mark	Pertinent Goods
Reg. No. 6311080 issued 03/30/2021	TOOL.AI	Software as a service (SAAS) services featuring software using artificial intelligence for tools for analyzing business, commercial and general data.
Reg. No. 7064116 issued 05/23/2023	BASE64.AI	Software as a service (SAAS) services featuring software using artificial intelligence for extracting OCR text, data, handwriting, photos, and signatures from all document types.
Reg. No. 5928940 issued 12/03/2019	XNOR.AI	Computer hardware and software development; computer programming.
Reg. No. 5494303 issued 03/30/2021	TEST.AI	Computer software for uploading, running, scanning, analyzing, collecting data, troubleshooting, and performance and quality testing of computer programs and electronic files.
Reg. No. 5823721 issued 07/30/2019	BDR.AI	Software as a service (SAAS) services featuring software for business communications for the purpose of social outreach and customer acquisition.
Reg. No. 7382998 issued 05/07/2024	DATA.AI	Downloadable software for collecting, analyzing, storing, sharing, and reporting data and information about the usage, performance, promotion, and monetization of mobile applications, websites, video games, and other software applications and digital media.

Supplemental Registration	Mark	Pertinent Goods
Reg. No. 7444850 issued 07/09/2024	BEAUTY.AI	Downloadable computer software for data and file management in the field of beauty industry.
Reg. No. 7444917 issued 07/09/2024	ZEROTRUSTED .AI	Application service provider (ASP) featuring software using artificial intelligence for identity management.
Reg. No. 5998966 issued 02/25/2020	COMMERCE.AI	Software as a service (SAAS) services featuring software for using artificial intelligence to analyze business and commercial data.
Reg. No. 7483540 issued 08/20/2024	CUSTOMGPT.AI	Platform as a service (PAAS) featuring computer software platforms for use in software development for artificial intelligence.
Reg. No. 7311995 issued 02/20/2024	DENTI.AI	Downloadable software in the nature of a mobile application for use in the field of dental diagnoses and dental treatment.
Reg. No. 5859067 issued 09/10/2019	DRAW.AI	Downloadable software in the nature of a mobile application for drawing graphics.
Reg. No. 6337163 issued 04/27/2021	EXPOSURE .AI	Software as a service (SAAS) services featuring software for use in detecting, analyzing, and prioritizing cyber computer threats and vulnerabilities.
Reg. No. 5934317 issued 12/10/2019	INTEGRATE.AI	Software as a service (SAAS) provider featuring software for providing customer relations management by means of artificial intelligence (AI) to connect business to customers (B2C).

Supplemental Registration	Mark	Pertinent Goods
Reg. No. 6155480 issued 09/15/2020	INTERPRETATION .AI	Providing a website featuring on-line non-downloadable software tools utilizing machine learning for geophysical modeling and analysis.
Reg. No. 7444877 issued 07/09/2024	MAKEPOST.AI	Downloadable computer software designed to be deployed on web servers for creating AI content on social media platforms, replying to users on social media platforms with AI, playing games with AI, and creating social media listings with AI.

The terms MUSIC and AI do not lose their merely descriptive significance when joined together by a period, nor does the composite itself result in a unique or distinctive meaning which differs from the meanings of the terms considered separately. *In re Finisar Corp.*, 2006 TTAB LEXIS 57, at *3-4 ("We are persuaded by the evidence of record that the separate terms SMART and SFP are merely descriptive of applicant's identified goods and that when combined do not present a unique or incongruous meaning."), *aff'd per curiam*, 223 Fed. App'x 984 (Fed. Cir. 2007).

II. Decision

The refusal to register Applicant's mark MUSIC.AI under Section 2(e)(1) is affirmed.