BILL H.R. 5703 | DATE Dec. 6, 1963 | PAGE(S) 22528

ACTION: Passed.

EXTENSION OF PATENT TO UNITED DAUGHTERS OF THE CONFEDERACY

The bill (H.R. 5703) granting an extension of patent to the United Daughters of the Confederacy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 690), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 5703 is to extend and renew design patent No. 29611, the insignia of the United Daughters of the Confederacy, for a period of 14 years from the date of enactment of the bill.

STATEMENT

The report of the Department of Commerce indicates no objection to the enactment of this legislation. H.R. 5703 was approved by the House of Representatives on August 6, 1963. The Senate Subcommittee on Patents, Trademarks, and Copyrights, to which H.R. 5703 was referred, has received no objections to this bill.

The design patent was originally issued on November 8, 1898. It was previously renewed and extended for a period of 14 years by Public Law 242, 69th Congress, approved May 18, 1926, and again by Public Law 220 of the 77th Congress, approved August 18, 1941. The last extension of the patent expired on August 18, 1955.

Paragraph (b) of the proposed legislation provides that no person who has manufactured the design of such patent between August 18, 1955, and the date of enactment of this act shall be held liable for infringement of this patent by the continued manufacture and sale thereof. This, of course, will preclude any penalty for manufacturing such design during that time.

The Senate during the 85th Congress passed a bill (S. 732) to extend the design patent but no action was taken in the House. The report of this committee on S. 732, 85th Congress, reads in part as follows:

"The design patent referred to undertakes to protect the insignia of the United Daughters of the Confederacy. In the report of the Secretary of Commerce on this legislation it is stated that the Department generally opposes the extensions of patents but that an exception has been made with respect to legislation extending the statutory period for design patents for emblems or badges of patriotic, fraternal, or religious organizations, and for that reason the Department of Commerce interposes no objection to the enactment of this legislation.

"* * * * *

"It is noted in the report of the Secretary of Commerce that insofar as the records of the Patent Office show, the title to Design Patent No. 29,611 has never been transferred to the United Daughters of the Confederacy but remains in the name of the patentee, Simeon E. Theus. Inquiry was made in relation to this situation, the result of which is expressed in a letter to the Honorable JAMES O. EASTLAND, chairman of the Committee on the Judiciary, from Senator A. WILLIS ROBERTSON, of Virginia, dated April 15, 1957, in which it is suggested that the bill be amended by inserting the words in line 5, on page 1, after the patent number "which is the insignia of the United Daughters of the Confederacy."

"It is intended that such amendment will at least give some recognition to the rights of the United Daughters of the Confederacy to continue official use of the design insignia even though there is not a record of assignment by the original patentee. Apparently, this has been the intent of the Congress over the years because, as indicated, there have been two extensions of this patent in the name of the United Daughters of the Confederacy and further, that it is not the policy of the Congress nor of the Patent Office to recommend extension of this type of patent unless it is in the interests of patriotic, fraternal, or religious organizations."

After a study of this matter the committee concurs in the action of the House and recommends that the bill, H.R. 5703, be considered favorably.

Attached hereto and made a part hereof are the report of the Department of Commerce on H.R. 5703, dated September 25, 1963, the Secretary of Commerce on S. 732, 85th Congress, and a letter from Senator ROBERTSON to the chairman of the Senate Committee on the Judiciary, dated April 15, 1957.

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