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S. 645 | 2/8/71 | S 963

ACTION: Introduced by Mr. McClellan.

S. 645—INTRODUCTION OF A BILL RELATING TO THE POSTAL SERVICE EMERGENCY

Mr. McCLELLAN. Mr. President, as Chairman of the Senate Subcommittee on Patents, Trademarks and Copyrights, I introduce, by request of the Department of Commerce, for appropriate reference, a bill to provide relief in patent and trademark cases affected by the emergency situation in the U.S. postal service which began on March 18, 1970.

The regular operations of the postal service were disrupted in March 1970 by an illegal work stoppage by certain employees of the postal service. Mail delays of several days occurred and the President on March 23, 1970, declared a national emergency.

The patent and trademark statutes contain numerous time periods during which specified actions must be taken by patent and trademark applicants and owners. Failure to take a required action within the statutory time period generally results in a forfeiture of some or all of the rights involved. Although certain provisions of the statutes provide for the excusing of unavoidable delay, other provisions leave the applicant without recourse when he is unable to take action within the statutory period. The only remedy for an applicant in such a case is to seek the enactment of private legislation by the Congress making a special exception to the general law.

The filing dates of patent and trademark applications may be critically important in determining patent and trademark rights. The purpose of this legislation is to give patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. The application would be entitled to the filing date which it would normally have received except for the disruption of postal service.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 645) to provide relief in patent and trademark cases affected by the emergency situation in the U.S. postal service which began on March 18, 1970, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.