Calendar No. 1130

88TH CONGRESS
2d Session

SENATE

REPORT
No. 1195

# RENEWAL OF PATENT NO. D–161,955, RELATING TO THE AMERICAN LEGION'S SCHOOL AWARD PLAQUE

JULY 21, 1964.—Ordered to be printed

Mr. MCCLELLAN, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H.R. 9834]

The Committee on the Judiciary, to which was referred the bill (H.R. 9834) granting a renewal of patent No. D–161,955, relating to a plaque of the American Legion, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

### PURPOSE

The purpose of H.R. 9834 is to grant a 14-year renewal of the design patent No. D–161,955, issued February 13, 1951, the same being the patent of the design of the American Legion's School Award Plaque.

### STATEMENT

The House of Representatives report reflects the following:

> The American Legion is a nonpolitical, civilian organization, originally chartered by the act of Congress of September 16, 1919 (51 Stat. 284; 36 U.S.C. 41–51). Since 1921 the legion has conducted a school award program involving the annual award of medals to grammar school graduates who exemplify the qualities of courage, honor, service, leadership, scholarship and, recently, patriotism. The School Award Plaque is awarded to the educational institutions at which the recipients of the School Award Medals were trained. The plaque is of such design that it permits the engraving thereon of the names of 14 awardees of the School Award

Medal. In 1951 the U.S. Patent Office issued design patent No. D–161,955, whose renewal is the subject of this bill, for the design of a plaque. In the same year the Patent Office issued patent No. D–162,975, relating to the School Award Medal, whose renewal is the subject of a companion bill, H.R. 9833. Both such design patents will expire next year and there is no way, short of an act of Congress, by which they can be extended or renewed.

Consistent committee practice in recent years has been to recommend the granting of renewals of design patents of emblems, badges, etc., of patriotic corporations, e.g., Daughters of the Confederacy (Public Law 213, 88th Cong.), American Legion, Sons of the American Legion, and American Legion Auxiliary (Public Laws 439, 437, and 438, respectively, 87th Cong.).

As indicated by the paragraph above, it has been the consistent practice to recommend the granting of renewals of design patents of emblems, badges, etc., of patriotic organizations, and this committee has concurred in that practice. The committee believes it to be of great value to these patriotic organizations to be able to maintain their emblems, plaques, and badges without the fear of their being used by other persons or organizations upon the expiration of the patent. It is to the public interest that, as long as the organizations exist their badges and emblems remain a part of the particular organization. In view of all of the foregoing, the committee concurs in the action of the House of Representatives and recommends that the bill, H.R. 9834, be considered favorably.

Attached hereto and made a part hereof is the letter of the national judge advocate of the American Legion to John S. Mears, assistant director, National Legislative Commission of the American Legion, and the report of the Department of Commerce approving the legislation.

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THE AMERICAN LEGION,
NATIONAL HEADQUARTERS,
*March 18, 1964.*

Mr. JOHN S. MEARS,
*Assistant Director, National Legislative Commission,*
*The American Legion, Washington, D.C.*

DEAR JOHN: Pursuant to your request of yesterday, I furnish you herewith the origin and purpose of the School Award Medal and School Award Plaque, and the criteria for awarding the same.

The School Award Medal is the outgrowth of the "Pennsylvania school award plan," which had its origin in 1921 in the Department of Pennsylvania, the American Legion. The Pennsylvania school award plan involved the presentation by the American Legion in cooperation with the various schools located in the State of Pennsylvania of an award in the form of a medal to grammar school graduates who exemplified the qualities of courage, honor, service, leadership, and scholarship.

The American Legion National Organization by virtue of an action taken at the Philadelphia National Convention, October 1926, adopted the "Pennsylvania school award plan" and placed it under the juris-

diction of the National Americanism Commission. So much for the School Award Medal.

The purpose of the American Legion school award program is to encourage students at the elementary, junior high, or senior high school levels to make a conscious effort to develop the personal qualities of courage, leadership, honor, scholarship, service, and patriotism (last named quality included by action of National Executive Committee, October 1963) to their fellow man, Nation, schools, and to their respective communities. Of course the overall objective is to inculcate the ideals of Americanism among our young people in order that we may foster citizenship of the highest order.

Basically, the modus operandi of the program involves the cooperative effort of the several departments of the American Legion and the local school authorities. Once the program has been accepted by the local school authority in the particular geographical locale, the American Legion arranges a series of lectures to the students and to the faculty on the six traits which are the bases of the program. Arrangements as to how the recipients of the award are to be selected are usually made well in advance of the elections for the awards. As a general rule, members of the graduating class at either the elementary, junior, or senior high school levels cast secret ballots to determine the boy awardee and/or the girl awardee. Of course, the traits underlying the selection of the awardees involve honor, courage, scholarship, leadership, service, and patriotism. Following the selection by the graduating class at the levels indicated above, the final selection is made by a committee of the American Legion located in the geographical locale of the school, acting by and with the advice of faculty members and school administrative heads of the educational institution involved.

Since the inception of the program there have been awarded approximately 470,000 school award medals in diverse geographical locales throughout the United States.

The School Award Plaques are awarded to the educational institutions at which the recipients of the school award medals were trained. The plaque is of such design that it permits the engraving of the names of the awardees of the School Award Medal. In this connection, the School Award Plaque contains 14 raised plates upon which are engraved the names of the winners of the School Award Medal.

I trust the foregoing will comply with the request of the House Judiciary Committee.

Kindest regards.

Sincerely,

B. G. DAVIS, *National Judge Advocate.*

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GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
*Washington, D.C., June 15, 1964.*

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,*
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department of Commerce with respect to H.R. 9834, an act

granting a renewal of patent No. D–161,955, relating to a plaque of the American Legion.

This act would renew and extend the term of the above-identified design patent for 14 years from the date of approval of the act.

In 1949, the Senate Committee on the Judiciary reported a similar bill favorably stating:

"Some decades ago the Congress started the practice of extending the statutory protection period for symbols or badges of this and kindred patriotic organizations. There is no ascertainable public policy against them per se or their renewal or extension, whereas on the contrary there is a definite public policy on encouraging these patriot groups by legislation which secures to them their identifying marks against the encroachment of charlatans and infringers."

Extensions of the terms of such patents in no way establishes a precedent with respect to commercial patents.

In accordance with this policy, the Department of Commerce recommends enactment of H.R. 9834.

The Bureau of the Budget advises that there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

LAWRENCE JONES
(For Robert E. Giles).

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