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89TH CONGRESS, 1st Session | SENATE | REPORT No. 815

EXTENDING DESIGN PATENT OF INSIGNIA OF MASSACHUSETTS DEPARTMENT OF THE UNITED AMERICAN VETERANS OF THE UNITED STATES OF AMERICA, INC.

OCTOBER 4 (legislative day, OCTOBER 1), 1965.—Ordered to be printed

Mr. ERVIN (for Mr. MCCLELLAN), from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 7888]

The Committee on the Judiciary, to which was referred the bill (H.R. 7888), providing for the extension of patent No. D–119,187, having considered the same, reports favorably thereon without amendment, and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 7888 is to renew an expired design patent, No. D–119,187, constituting the insignia of the Massachusetts Department of the United American Veterans of the United States of America, Inc., for a period of 14 years.

STATEMENT

The subject design patent was issued on February 27, 1940, for a term of 14 years. Accordingly, the patent expired on February 27, 1954. Bills to accomplish the same objective as H.R. 7888 were introduced in the 83d, 84th, and 86th Congresses, but no action was taken on them.

Section (b) of H.R. 7888 provides that no person who has manufactured the design of the patent between its expiration on February 27, 1954, and the date of enactment of the bill, shall be liable for infringement for reason of the continued manufacture and sale thereof.

CONCLUSION

The Congress has frequently enacted legislation extending the terms of design patents covering the insignia of various military, fraternal, and patriotic organizations.

On H.R. 9833 of the 88th Congress (Public Law 88–937), an act granting a renewal of patent No. D–162,975, relating to a medal of the American Legion, the Department of Commerce commented favorably on the extension of a design patent for the American Legion. This report of the Department is identical to other reports furnished by the Department on similar legislation.

A copy of that report is attached hereto and made a part hereof. Accordingly, the committee recommends enactment of H.R. 7888.

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. 9833, an act granting a renewal of patent No. D–162,975, relating to a medal 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 in 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. 9833.

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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