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ACTION Introduced by Mr. McClellan.

UNFAIR COMPETITION ACT OF 1967

Mr McCLELLAN Mr President, I introduce, for appropriate reference, on behalf of myself and the Senator from Pennsylvania [Mr SCOTT], the Unfair Competition Act of 1967

The bill would establish a uniform body of Federal unfair competition law by creating a Federal statutory tort of unfair competition affecting interstate commerce, and by establishing Federal jurisdiction over such tort claims within the framework of the Trademark Act of 1946 The crux of the bill is a revised section 43(a) of the Trademark Act including, in five subsections, those torts generally acknowledged to give rise to the major part of the law of unfair competition In a sixth subsection, provision is made for the courts to deal with miscellaneous types of unfair trade

It is provided that all of the remedies set forth in the Trademark Act for infringement of trademarks would be available in respect to acts of unfair competition However, the bill would not affect remedies which are otherwise available or preempt the jurisdiction of any State in cases of unfair competition

The need for legislation in this area has been widely recognized A national coordinating committee, composed of leading business and legal organizations, was established for the purpose of fostering such legislation With only minor differences, this bill is identical to S 3681, which I introduced in the 89th Congress That measure received the endorsement of the patent, trademark, and copyright section of the American Bar Association and the U S Trademark Association

It may well be that additional improvements could be made in the bill Anyone interested in this subject should address their comments to the Suocommittee on Patents, Trademarks, and Copyrights

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

The bill (S 1154) to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, introduced by Mr McCLELLAN (for himself and Mr SCOTT), was received read twice by its title, and referred to the Committee on the Judiciary