CONGRESSIONAL RECORD
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ACTION Introduced by Mr. McClellan.

S. 647—INTRODUCTION OF THE "UNFAIR COMPETITION ACT OF 1971"

Mr. McCLELLAN. Mr President, I introduce, for appropriate reference, on behalf of myself and Mr SCOTT, the Unfair Competition Act of 1971

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 proposes a new section 43(a) of the Trademark Act including in three subsections those torts generally acknowledged to give rise to the major part of the law of unfair competition In a fourth subsection, provision is made for the Federal courts to deal with other acts which constitute unfair competition because of misrepresentation or misappropriation of goods or services

The bill provides that all 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 Other than for technical amendments the bill which Senator SCOTT and I are introducing today is identical to S 763 of the 91st Congress No action was taken on this legislation in the previous Congress, but it is anticipated that hearings will be scheduled on this bill during the current session

Anyone interested in this legislation should address his comments to the Subcommittee on Patents, Trademarks and Copyrights of the Committee on the Judiciary

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

The bill (S 647) 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.