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ACTION

Introduced by Mr. McClellan and Mr. Scott

By Mr McCLELLAN (for himself and Mr HUGH SCOTT)

S 31 A bill 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 Referred to the Committee on the Judiciary

UNFAIR COMPETITION ACT OF 1975

Mr McCLELLAN Mr President, as chairman of the Subcommittee on Patents, Trademarks and Copyrights, I introduce, for appropriate reference, on behalf of myself and Mr SCOTT of Pennsylvania, a bill 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 This legislation is known as the proposed Unfair Competition Act of 1975

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 1964 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 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 unavailable or preempt the jurisdiction of any State in cases of unfair competition.

Other than a technical amendment, this legislation is identical to S 1362 of the 93d Congress