88TH CONGRESS
1ST SESSION

H. R. 16

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1963

Mr MAHON introduced the following bill, which was referred to the Committee on the Judiciary

A BILL

To amend the Act entitled "An 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", approved July 5, 1946, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 44 of the Act entitled "An 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", approved July 5, 1946 (60 Stat. 427), as amended, is amended to read as follows

"SEC. 44. (a) Subject to pertinent provisions of this Act, any person so entitled by convention, or treaty to which the United States is a party—

"I. may register his trademark under this Act on the principal or supplemental register without making the allegations of use and ownership required by subsection (a) of section 1: *Provided,* That such trademark is duly registered in the applicant's country of origin. Application for such registration shall be in such form as may be prescribed by the Commissioner and shall be signed by the applicant or in his behalf by a duly authorized person. Such application shall state the number and date of the registration in the country of origin and shall be accompanied by a black and white copy or facsimile of the mark in a size to be specified by the Commissioner and an official certificate of the registration in the country of origin (together with an acceptable translation thereof into English if such certificate is in a foreign language);

"II. who has duly filed an application for the registration of a trademark in a foreign country shall enjoy for the purpose of filing a corresponding application under any appropriate section of this Act a right of priority as stipulated by such convention or treaty: *Provided,* That the application for registration under this Act shall be in such form as may be prescribed by the

Commissioner; shall be filed within the priority period; and shall either be sworn to by or in behalf of the applicant or shall be accompanied by an official certificate of the foreign application (including a translation thereof into English if in a foreign language). Such application shall be completed pursuant to the provisions of paragraph I of this subsection unless the applicant effects prompt compliance with the provisions of subsection (a) of section 1 of this Act including a showing that use of the mark in commerce commenced within said period of priority.

"(b) The registration of a mark under this Act pursuant to application filed under any provision of this section shall be independent of registration in the country of origin and subject only to the provisions of this Act."

SEC. 2. That section 45 of said Act, as amended, is amended by adding the following paragraph immediately preceding the paragraph defining "Applicant, Registrant": "Country of origin. The country of origin of an applicant is the country in which he has a real and effective industrial or commercial establishment except as otherwise provided by convention or treaty to which the United States is a party."

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