88TH CONGRESS
1ST SESSION

H. R. 7446

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 1963

MR MATTHEWS 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,

Throughout the Act delete "Commissioner" and "Commissioner of Patents" and insert in lieu thereof "Secretary".

2. Throughout the Act, except in section 29, delete "Patent Office" and "Office" and insert in lieu thereof "Department".

3. Throughout the Act delete "Official Gazette" and

FINAL ACTION

"Official Gazette of the Patent Office" and insert in lieu thereof "Journal".

4. In subsection (a) of section 12 delete "shall refer the application to the examiner in charge of the registration of marks, who".

5 In subsection (b) of section 12 delete "examiner", both occurrences, and insert in lieu thereof "Secretary".

6. In section 17 delete "direct a Trademark Trial and Appeal Board" in the first sentence and all of the second and third sentences

7 Amend section 20 to read:

"Any adverse decision of the Secretary in an ex parte case may be formally reviewed upon the filing within a period of six months following such decision of a petition for such review and payment of the prescribed fee"

8. In paragraph (1) of subsection (a) of section 21 insert "final" before "decision" (first occurrence) and delete "or Trademark Trial and Appeal Board".

9. In paragraph (1) of subsection (b) of section 21 delete "or Trademark Trial and Appeal Board".

10. In section 23 delete the words "refer the application to the examiner in charge of the registration of marks, who".

11. In section 24 delete the words "refer such applica-

tion to the Trademark Trial and Appeal Board which shall" and the words "before the Board".

12 Delete section 28.

13 In section 29 delete "in U.S Patent Office" and "U.S. Pat. Off", and insert in lieu thereof "U S.A". Add at the end of such section "Provided that the notice 'Registered in U.S. Patent Office' or 'Reg U.S Pat. Off' shall continue effective hereunder for a period of two years following the approval date of this Act"

14. In section 31 delete "on appeal from an examiner in charge of the registration of marks" and insert in lieu thereof "on filing petition for formal review of adverse decision in ex parte case".

15 In section 42 insert after the word "act" (first occurrence) "or the Act of March 3 1881 or the Act of February 20, 1905".

16 Amend section 45 as follows

Delete "Commissioner The term 'Commissioner' means the Commissioner of Patents", and insert in lieu thereof "Department The word 'Department' means the Department of Commerce Secretary The word 'Secretary' means the Secretary of Commerce Journal The word 'Journal' signifies an official weekly publication of the Department to be entitled 'Trademarks Journal' to replace

the present Trademarks Section of the Official Gazette of the Patent Office".

17. Add a new section to read as follows:

"SEC. 51. The Secretary may from time to time by executive order authorized the performance by any Department officer, agency, board or employe of all or any functions of the Secretary under this Act and may likewise revoke or revise any such authorization Unless otherwise provided in the executive order, any such authorization shall be construed to permit the authorized officer, agency, board or employe to delegate to any officer, board, agency or employe under his jurisdiction and control all or any part of the functions which the Secretary has authorized him to perform".

18. This Act shall take effect on the first day of July following approval All Acts and parts of Acts inconsistent herewith are repealed as of such date without prejudice to the validity or completion of any proceedings then pending.

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By Mr MAHON

JULY 9, 1963
Referred to the Committee on the Judiciary