98TH CONGRESS
1ST SESSION

S. 1440

To clarify the circumstances under which a trademark may be canceled.

IN THE SENATE OF THE UNITED STATES

JUNE 9 (legislative day, JUNE 6), 1983

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To clarify the circumstances under which a trademark may be canceled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(c) of the Lanham Trademark Act (15 U.S.C. 1064(c)) is amended by adding before the period at the end of such section, the following: ", except that no registration of a mark shall be canceled on the grounds that such mark has become a common descriptive name unless it is clear that in the minds of the consuming public the mark fails to indicate the source or quality of goods or services on which it is used. Purchaser motivation shall not be used to determine whether a mark is generic".

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