

Union Calendar No. 242

86TH CONGRESS
1ST SESSION

H. R. 2739

[Report No. 623]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1959

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

JULY 1, 1959

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To fix the fees payable to the Patent Office and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That items numbered 1, 2, 3, 4, 8, 9, and 10, respectively,
4 in subsection (a) of section 41 of title 35, United States
5 Code, are amended to read as follows:

6 “1. On filing each application for an original patent,
7 except in design cases, \$40; in addition, \$2 for each claim
8 presented at any time which is in excess of five claims in
9 the case.

10 “2. On issuing each original patent, except in design
11 cases, \$50, and \$2 for each claim in excess of five.

I—O

1 “3. In design cases: For three years and six months,
2 \$20; for seven years, \$30; for fourteen years, \$40.

3 “4. On every application for the reissue of a patent,
4 \$40 and \$2 for each claim in excess of five which is also
5 over and above the number of claims of the original patent.

6 “8. For certificate of correction of applicant’s mistake
7 under section 255 or certificate under section 256 of this
8 title, \$15.

9 “9. For uncertified printed copies of specifications and
10 drawings of patents (except design patents), 25 cents per
11 copy; for design patents, 10 cents per copy; the Commis-
12 sioner may establish a charge not to exceed \$1 per copy
13 for patents in excess of 25 pages of drawings and specifica-
14 tion and for plant patents printed in color; special rate for
15 libraries specified in section 13 of this title, \$50 for patents
16 issued in one year.

17 “10. For recording every assignment, agreement, or
18 other paper not exceeding six pages, \$10; for each additional
19 two pages or less, \$1; for each additional patent or applica-
20 tion included in one writing, where more than one is so
21 included, \$1 additional.”

22 SEC. 2. Section 41 of title 35, United States Code, is
23 amended by adding the following subsection:

24 “(c) The fees prescribed by or under this section apply
25 to any other Government department or agency, or officer

1 thereof, except that the Commissioner may waive the pay-
2 ment of any fee for services or materials in cases of occasional
3 or incidental requests by a Government department or
4 agency, or officer thereof.”

5 SEC. 3. Section 31 of the Act approved July 5, 1946
6 (ch. 540, 60 Stat. 427, U.S.C., title 15, sec. 1113), is
7 amended to read as follows:

8 “(a) The following fees shall be paid to the Patent
9 Office under this Act:

10 “1. On filing each original application for registration of
11 a mark in each class, \$35.

12 “2. On filing each application for renewal in each class,
13 \$25; and on filing each application for renewal in each class
14 after expiration of the registration, an additional fee of \$5.

15 “3. On filing an affidavit under section 8 (a) or section
16 8 (b), \$10.

17 “4. On filing each petition for the revival of an
18 abandoned application, \$10.

19 “5. On filing notice of opposition or application for can-
20 cellation, or for declaring an interference between an applica-
21 tion and a prior issued registration, \$25.

22 “6. On appeal from an examiner in charge of the regis-
23 tration of marks to the Trademark Trial and Appeal Board,
24 \$25.

25 “7. For issuance of a new certificate of registration

1 following change of ownership of a mark or correction of a
2 registrant's mistake, \$15.

3 "8. For certificate of correction of registrant's mistake
4 or amendment after registration, \$15.

5 "9. For certifying in any case, \$1.

6 "10. For filing each disclaimer after registration, \$15.

7 "11. For printed copy of registered mark, 10 cents.

8 "12. For recording every assignment or other paper
9 not exceeding six pages, \$10; for each additional two pages
10 or less, \$1; for each additional registration or application
11 included, or involved in one writing where more than one is
12 so included or involved, additional, \$1.

13 "13. On filing notice of claim of benefits of this Act for
14 a mark to be published under section 12 (c) hereof, \$10.

15 "(b) The Commissioner may establish charges for
16 copies of records, publications, or services furnished by the
17 Patent Office, not specified above.

18 "(c) The Commissioner may refund any sum paid by
19 mistake or in excess."

20 SEC. 4. (a) This Act shall take effect three months after
21 its enactment.

22 (b) Item 1 of section 41 (a) of title 35, as amended by
23 this Act, does not apply in further proceedings in applications
24 filed prior to the effective date.

25 (c) The amendment of item 2 of section 41 (a) of title

1 35 by this Act does not apply in cases in which the notice
2 of allowance of the application was sent prior to the effective
3 date and in such cases the fee due is the fee specified by item
4 2 prior to its amendment.

5 (d) The amendment of item 3 of section 41 (a) of title
6 35 applies in the case of applications for design patents filed
7 prior to the effective date for one of the lower terms and
8 which are amended after the effective date to one of the
9 higher terms.

10 (e) Item 4 of section 41 (a) of title 35, as amended by
11 this Act, does not apply in further proceedings in applica-
12 tions for reissues filed prior to the effective date.

13 (f) Item 3 of section 31 of the Trademark Act as
14 amended by section 3 of this Act applies only in the case of
15 registrations issued and registrations published under the
16 provisions of section 12 (c) of the Trademark Act on or after
17 the effective date.

18 SEC. 5. Section 266 of title 35, United States Code, is
19 repealed.

20 The chapter analysis of chapter 27 of title 35, United
21 States Code, is amended by striking out the following item:

“266. Issue of patents without fees to Government employees.”

Union Calendar No. 242

86TH CONGRESS
1ST SESSION

H. R. 2739

[Report No. 623]

A BILL

To fix the fees payable to the Patent Office and
for other purposes.

By Mr. CELLER

JANUARY 19, 1959

Referred to the Committee on the Judiciary

JULY 1, 1959

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

455