

H. R. 7416

[Report No. 1201]

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 1955

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

JULY 18, 1955

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, ex-
7 cept in design cases, \$40; in addition, \$2 for each claim
8 presented at any time which is in excess of five claims in the
9 case, \$2 for each sheet of drawing over one, and \$2 for each
10 page of specification over ten, the size of such pages to be

1 determined by the Commissioner; if the additional fees
2 then due are not received at the time of filing the application
3 they may be paid within six months thereafter without affect-
4 ing the filing date.

5 “2. On issuing each original patent, except in design
6 cases, \$50, and \$5 for each claim in excess of five.

7 “3. In design cases: For three years and six months,
8 \$20; for seven years, \$30; for fourteen years, \$40.

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

12 “8. For certificate of correction of applicant's mistake
13 under section 255 or certificate under section 256 of this
14 title, \$15.

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

23 “10. For recording every assignment, agreement, or
24 other paper not exceeding six pages, \$10; for each addi-
25 tional two pages or less, \$1; for each additional patent or

1 application included in one writing, where more than one
2 is so included, \$1 additional.”

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

5 “(c) The fees prescribed by or under this section apply
6 to any other Government department or agency, or officer
7 thereof, except that the Commissioner may waive the pay-
8 ment of any fee for services or materials in cases of occasional
9 or incidental requests by a Government department or
10 agency, or officer thereof.”

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

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

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

18 “2. On filing each application for renewal in each
19 class, \$25; and on filing each application for renewal in each
20 class after expiration of the registration, an additional fee
21 of \$5.

22 “3. On filing an affidavit under section 8 (a) or sec-
23 tion 8 (b), \$10.

24 “4. On filing each petition for the revival of an aban-
25 doned application, \$10.

1 “5. On filing notice of opposition or application for can-
2 cellation, or for declaring an interference between an appli-
3 cation and a prior issued registration, \$25.

4 “6. On appeal from an examiner in charge of the regis-
5 tration of marks to the Commissioner, \$25.

6 “7. On appeal from an examiner in charge of inter-
7 ferences to the Commissioner, \$25.

8 “8. For issuance of a new certificate of registration
9 following change of ownership of a mark or correction of a
10 registrant's mistake, \$15.

11 “9. For certificate of correction of registrant's mis-
12 take or amendment after registration, \$15.

13 “10. For certifying in any case, \$1.

14 “11. For filing each disclaimer after registration, \$15.

15 “12. For printed copy of registered mark, 10 cents.

16 “13. For recording every assignment or other paper not
17 exceeding six pages, \$10; for each additional two pages or
18 less, \$1; for each additional registration or application in-
19 cluded, or involved in one writing where more than one is
20 so included or involved, additional, \$1.

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

23 “(b) The Commissioner may establish charges for
24 copies of records, publications, or services furnished by the
25 Patent Office, not specified above.

1 “(c) The Commissioner may refund any sum paid by
2 mistake or in excess.”

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

5 (b) Item 1 of section 41 (a) of title 35, as amended
6 by this Act, does not apply in further proceedings in appli-
7 cations filed prior to the effective date.

8 (c) The amendment of item 2 of section 41 (a) of
9 title 35 by this Act does not apply in cases in which the
10 notice of allowance of the application was sent prior to the
11 effective date and in such cases the fee due is the fee specified
12 by item 2 prior to its amendment.

13 (d) The amendment of item 3 of section 41 (a) of
14 title 35 applies in the case of applications for design patents
15 filed prior to the effective date for one of the lower terms
16 and which are amended after the effective date to one of
17 the higher terms.

18 (e) Item 4 of section 41 (a) of title 35, as amended
19 by this Act, does not apply in further proceedings in appli-
20 cations for reissues filed prior to the effective date.

21 (f) Item 3 of section 31 of the Trade-Mark Act as
22 amended by section 3 of this Act applies only in the case of
23 registrations issued and registrations published under the
24 provisions of section 12 (c) of the Trade-Mark Act on or
25 after the effective date.

1 SEC. 5. Section 266 of title 35, United States Code, is
2 repealed.

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

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

Union Calendar No. 377

84TH CONGRESS
1ST SESSION

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