

# H. R. 8420

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1963

Mr. LAIRD (by request) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To fix certain fees payable to the Commissioner of Patents, 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 (a) the items numbered 1, 2, 3, 4, 6, 8, and 9 in sub-  
4       section (a) of section 41, title 35, United States Code, are  
5       respectively amended to read as follows:

6       “1. On filing each application for an original patent, ex-  
7       cept in design cases, \$75; in addition, on filing or on pres-  
8       entation at any other time, \$5 for each claim in independent  
9       form which is in excess of five such claims, and \$2 for each  
10      claim (whether independent or dependent) which is in ex-  
11      cess of ten. No application shall be denied a filing date and

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1 no amendment shall be denied entry solely due to a mistake  
2 in calculation of a fee, if such mistake is rectified within  
3 thirty days of notice thereof by the Commissioner of Patents.

4 “2. On issuing each original or reissue patent, except  
5 in design cases, \$100; in addition, \$5 for each claim in inde-  
6 pendent form which is in excess of five such claims, and \$2  
7 for each claim (whether independent or dependent) which is  
8 in excess of ten. No application shall be held to have become  
9 abandoned solely because of a mistake in calculating the issue  
10 fee, if such mistake is rectified within thirty days of notice  
11 thereof by the Commissioner of Patents, but no application  
12 shall be issued as a patent until the issue fee is paid in full.

13 “3. In design cases:

14 “(A) on filing each design application, \$40.

15 “(B) on issuing each design patent: for three years  
16 and six months, \$10; for seven years, \$15; and for four-  
17 teen years, \$25.

18 “4. On filing each application for the reissue of a patent,  
19 \$100; in addition, on filing or on presentation at any other  
20 time, \$5 for each new claim in independent form which is  
21 in excess of five such claims, and \$2 for each new claim  
22 (whether independent or dependent) which is in excess of  
23 ten such claims. No application shall be denied a filing date  
24 and no amendment shall be denied entry solely because of  
25 a mistake in calculation of a fee, if such mistake is rectified

1 within thirty days of notice thereof by the Commissioner of  
2 Patents.”

3 “6. On an appeal for the first time from the Examiner  
4 to the Board of Appeals, \$25; in addition, on filing a brief  
5 in support of the appeal, \$25 if the appeal is submitted on  
6 brief and \$75 if an oral hearing is requested, but the ad-  
7 ditional fee shall be refunded if the Commissioner shall  
8 terminate the appeal proceeding prior to decision by the  
9 Board of Appeals.”

10 “8. For certificate under section 255 or under section  
11 256 of this title, \$15.

12 “9. As available and if in print: for uncertified printed  
13 copies of specifications and drawings of patents (except  
14 design patents), 25 cents per copy; for design patents,  
15 10 cents per copy; the Commissioner may establish a charge  
16 not to exceed \$1 per copy for patents in excess of twenty-  
17 five pages of drawings and specifications and for plant  
18 patents printed in color; special rate for libraries specified in  
19 section 13 of this title, \$50 for patents issued in one year.”

20 (b) Such section is further amended by adding the  
21 following subsection:

22 “(c) The fees prescribed by or under this section shall  
23 apply to any other Government department or agency, or  
24 officer thereof, except that the Commissioner may waive the  
25 payment of any fee for services or materials in cases of oc-

1 casual or incidental requests by a Government department  
2 or agency, or officer thereof.”

3       SEC. 2. Section 31 of the Act of July 5, 1946, entitled  
4 “An Act to provide for the registration and protection of  
5 trade-marks used in commerce, to carry out the provisions  
6 of certain international conventions, and for other purposes”  
7 (15 U.S.C. 1113) is amended to read as follows:

8       “(a) The following fees shall be paid to the Commis-  
9 sioner of Patents under this Act:

10       “1. On filing each original application for registration  
11 of 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 aban-  
18 doned application, \$10.

19       “5. On filing notice of opposition or application for can-  
20 cellation, \$25.

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

1       “7. For issuance of a new certificate of registration fol-  
2       lowing change of ownership of a mark or correction of a  
3       registrant’s mistake, \$10.

4       “8. For certificate of correction of registrant’s mistake  
5       or amendment after registration, \$10.

6       “9. For certifying in any case, \$1.

7       “10. For filing each disclaimer after registration, \$10.

8       “11. For printed copy of registered mark, 10 cents.

9       “12. For recording every assignment or other paper not  
10       exceeding six pages, \$3; for each additional two pages or  
11       less, \$1; for each additional registration or application in-  
12       cluded, or involved in one writing where more than one is so  
13       included or involved, additional, 50 cents.

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

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

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

21       SEC. 3. (a) Section 266 of title 35, United States Code,  
22       is repealed.

1           (b) The chapter analysis of chapter 27 of title 35,  
2 United States Code, is amended by striking out the following  
3 item:

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

4           SEC. 4. Section 112 of title 35, United States Code, is  
5 amended by adding to the second paragraph thereof the fol-  
6 lowing sentence: “A claim may be written in independent  
7 or dependent form, and if in dependent form, it shall be con-  
8 strued to include all the limitations of the claim incorporated  
9 by reference into the dependent claim.”

10          SEC. 5. (a) Except as provided in the succeeding sub-  
11 sections of this section, the amendments and repeal made by  
12 this Act shall take effect three months after the date of enact-  
13 ment.

14          (b) The amendments to items 1, 3, and 4 of section  
15 41 (a) of title 35 of the United States Code shall not apply  
16 in further proceedings in applications filed prior to the effec-  
17 tive date of such amendments.

18          (c) The amendment to item 2 of such section shall not  
19 apply in cases in which the notice of allowance of the appli-  
20 cation was sent, or in which a patent was issued, prior to  
21 the effective date of such amendment.

22          (d) The fee prescribed in paragraph 13 of section 31 (a)  
23 of the Act of July 5, 1946 (15 U.S.C. 1113), as amended

**7.**

1 by this Act shall apply only in the case of registrations issued  
2 and registrations published under the provisions of section  
3 12 (c) of that Act (15 U.S.C. 1062 (c) ) on or after the  
4 effective date of such amendment.

88TH CONGRESS  
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