

83^D CONGRESS
2^D SESSION

H. R. 9794

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 1954

Mr. REED of Illinois introduced the following bill; which was referred to the
Committee on the Judiciary

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 in subsection
4 (a) of section 41 of title 35, United States Code, are
5 amended to read as follows:

6 "1. On filing each application for an original patent,
7 except in design cases, \$40; in addition, \$5 for each claim
8 presented at any time which is in excess of five claims in the
9 case.

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

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, \$40
4 and \$5 for each claim in excess of five which is also over and
5 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 title,
8 \$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 for
13 patents in excess of 25 pages of drawings and specifications
14 and for plant patents printed in color; special rate for li-
15 braries specified in section 13 of this title, \$50 for patents
16 issued in one year.

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

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

1 “(c) The fees prescribed by or under this section shall
2 apply to any other Government department or agency or
3 officer thereof, except in the case of application fees and
4 fees for issuing a patent in cases coming under section 266
5 of this title and except as otherwise provided by law; the
6 Commissioner is authorized to waive the payment of any fee
7 for services or materials in cases of occasional or incidental
8 requests for such services or materials by a Government
9 department or agency, or officer thereof.”

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

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

15 “1. On filing each original application for registration
16 of a mark in each class, \$25.

17 “2. On issuing each original certificate of registration,
18 \$10, which fee shall be payable within three months from
19 the time when notice of allowance of the application was
20 sent to the applicant; if the fee is not paid within this period,
21 the registration shall not be issued on that application,
22 provided that the fee may be paid within a further period of
23 three months on payment of an additional fee of \$10.

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

4 “4. On filing an affidavit under section 8 (a) or section
5 8 (b); \$10.

6 “5. On filing each petition for the revival of an aban-
7 doned application, \$10.

8 “6. On filing notice of opposition or application for
9 cancellation, or for declaring an interference between an
10 application and a prior issued registration, \$25.

11 “7. On appeal from an examiner in charge of the regis-
12 tration of marks to the Commissioner, \$25.

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

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

18 “10. For certificate of correction of registrant's mistake
19 or amendment after registration, \$15.

20 “11. For certifying in any case, \$1.

21 “12. For filing each disclaimer, \$10.

22 “13. For printed copy of registered mark, 10 cents.

23 “14. For recording every assignment or other paper
24 not exceeding six pages, \$10; for each additional two pages
25 or less, \$1; for each additional registration or application

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

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

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

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

10 SEC. 4: This Act shall take effect three months after its
11 enactment.

12 (a) Item 1 of section 41 (a) of title 35 as amended
13 by this Act shall not apply in further proceedings in appli-
14 cations filed prior to the effective date.

15 (b) The amendment of item 2 of section 41 (a) of
16 title 35 by this Act shall not apply in cases in which the
17 notice of allowance of the application was sent prior to the
18 effective date and in such cases the fee due shall be the fee
19 specified by item 2 prior to its amendment.

20 (c) The amendment of item 3 of section 41 (a) of title
21 35 shall apply in the case of applications for design patents
22 filed prior to the effective date for one of the lower terms and
23 which are amended after the effective date to one of the
24 higher terms.

25 (d) Item 4 of section 41 (a) of title 35 as amended by

1 this Act shall not apply in further proceedings in applica-
2 tions for reissues filed prior to the effective date.

3 (e) Item 2 of section 31 of the trade-mark act as
4 amended by section 3 of this Act shall apply only in
5 cases in which the notice of allowance is sent on or after
6 the effective date.

7 (f) Item 4 of section 31 of the trade-mark act as
8 amended by section 3 of this Act shall apply only in the
9 case of registrations issued and registrations published under
10 the provisions of section 12 (c) of the trade-mark act on
11 or after the effective date.

83^d CONGRESS
2^d SESSION

H. R. 9794

A BILL

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

By Mr. REED of Illinois

JULY 2, 1954

Referred to the Committee on the Judiciary

554