

88TH CONGRESS
1ST SESSION

H. R. 16

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1963

Mr MAHON introduced the following bill, which was referred to the Committee on the Judiciary

A BILL

To amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 44 of the Act entitled "An Act to provide
4 for the registration and protection of trademarks used in com-
5 merce, to carry out the provisions of certain international
6 conventions, and for other purposes", approved July 5, 1946
7 (60 Stat. 427), as amended, is amended to read as follows

1 “SEC. 44. (a) Subject to pertinent provisions of this
2 Act, any person so entitled by convention, or treaty to which
3 the United States is a party—

4 “I. may register his trademark under this Act on
5 the principal or supplemental register without making
6 the allegations of use and ownership required by sub-
7 section (a) of section 1: *Provided*, That such trademark
8 is duly registered in the applicant’s country of origin.
9 Application for such registration shall be in such form as
10 may be prescribed by the Commissioner and shall be
11 signed by the applicant or in his behalf by a duly author-
12 ized person. Such application shall state the number and
13 date of the registration in the country of origin and shall
14 be accompanied by a black and white copy or facsimile
15 of the mark in a size to be specified by the Commissioner
16 and an official certificate of the registration in the country
17 of origin (together with an acceptable translation thereof
18 into English if such certificate is in a foreign language) ;

19 “II. who has duly filed an application for the regis-
20 tration of a trademark in a foreign country shall enjoy
21 for the purpose of filing a corresponding application
22 under any appropriate section of this Act a right of
23 priority as stipulated by such convention or treaty: *Pro-*
24 *vided*, That the application for registration under this
25 Act shall be in such form as may be prescribed by the

1 Commissioner; shall be filed within the priority period;
2 and shall either be sworn to by or in behalf of the appli-
3 cant or shall be accompanied by an official certificate of
4 the foreign application (including a translation thereof
5 into English if in a foreign language). Such applica-
6 tion shall be completed pursuant to the provisions of
7 paragraph I of this subsection unless the applicant ef-
8 fects prompt compliance with the provisions of subsection
9 (a) of section 1 of this Act including a showing that use
10 of the mark in commerce commenced within said period
11 of priority.

12 “(b) The registration of a mark under this Act pursuant
13 to application filed under any provision of this section shall
14 be independent of registration in the country of origin and
15 subject only to the provisions of this Act.”

16 SEC. 2. That section 45 of said Act, as amended, is
17 amended by adding the following paragraph immediately
18 preceding the paragraph defining “Applicant, Registrant”:
19 “Country of origin. The country of origin of an applicant is
20 the country in which he has a real and effective industrial or
21 commercial establishment except as otherwise provided by
22 convention or treaty to which the United States is a party.”

88TH CONGRESS
1ST SESSION

H. R. 16

A BILL

To amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, as amended

By Mr MAHON

JANUARY 9, 1963

Referred to the Committee on the Judiciary