

88TH CONGRESS  
1ST SESSION

# H. R. 7446

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 1963

MR. MANN 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        Throughout the Act delete "Commissioner" and "Com-  
4 missioner of Patents" and insert in lieu thereof "Secretary".

5        2. Throughout the Act, except in section 29, delete  
6 "Patent Office" and "Office" and insert in lieu thereof  
7 "Department".

8        3. Throughout the Act delete "Official Gazette" and

1 "Official Gazette of the Patent Office" and insert in lieu  
2 thereof "Journal".

3 4. In subsection (a) of section 12 delete "shall refer  
4 the application to the examiner in charge of the registration  
5 of marks, who".

6 5 In subsection (b) of section 12 delete "examiner",  
7 both occurrences, and insert in lieu thereof "Secretary".

8 6. In section 17 delete "direct a Trademark Trial and  
9 Appeal Board" in the first sentence and all of the second  
10 and third sentences

11 7 Amend section 20 to read:

12 "Any adverse decision of the Secretary in an ex parte  
13 case may be formally reviewed upon the filing within a  
14 period of six months following such decision of a petition  
15 for such review and payment of the prescribed fee"

16 8. In paragraph (1) of subsection (a) of section 21 in-  
17 sert "final" before "decision" (first occurrence) and delete  
18 "or Trademark Trial and Appeal Board".

19 9. In paragraph (1) of subsection (b) of section 21  
20 delete "or Trademark Trial and Appeal Board".

21 10. In section 23 delete the words "refer the application  
22 to the examiner in charge of the registration of marks,  
23 who".

24 11. In section 24 delete the words "refer such applica-

*Handwritten signature*

1 tion to the Trademark Trial and Appeal Board which shall"  
2 and the words "before the Board".

3 12 Delete section 28.

4 13 In section 29 delete "in U.S. Patent Office" and  
5 "U.S. Pat. Off.", and insert in lieu thereof "U.S.A."

6 Add at the end of such section "Provided that the notice  
7 'Registered in U.S. Patent Office' or 'Reg. U.S. Pat. Off.'  
8 shall continue effective hereunder for a period of two years  
9 following the approval date of this Act"

10 14. In section 31 delete "on appeal from an examiner  
11 in charge of the registration of marks" and insert in lieu  
12 thereof "on filing petition for formal review of adverse  
13 decision in ex parte case".

14 15 In section 42 insert after the word "act" (first  
15 occurrence) "or the Act of March 3 1881 or the Act of  
16 February 20, 1905".

17 16 Amend section 45 as follows

18 Delete "Commissioner The term 'Commissioner'  
19 means the Commissioner of Patents", and insert in lieu  
20 thereof "Department The word 'Department' means the  
21 Department of Commerce Secretary The word 'Secre-  
22 tary' means the Secretary of Commerce Journal The  
23 word 'Journal' signifies an official weekly publication of the  
24 Department to be entitled 'Trademarks Journal' to replace

1 the present Trademarks Section of the Official Gazette of  
2 the Patent Office”.

3 17. Add a new section to read as follows:

4 “SEC. 51. The Secretary may from time to time by  
5 executive order authorized the performance by any Depart-  
6 ment officer, agency, board or employe of all or any func-  
7 tions of the Secretary under this Act and may likewise  
8 revoke or revise any such authorization. Unless otherwise  
9 provided in the executive order, any such authorization shall  
10 be construed to permit the authorized officer, agency, board  
11 or employe to delegate to any officer, board, agency or  
12 employe under his jurisdiction and control all or any part  
13 of the functions which the Secretary has authorized him to  
14 perform”.

15 18. This Act shall take effect on the first day of July  
16 following approval. All Acts and parts of Acts inconsistent  
17 herewith are repealed as of such date without prejudice to  
18 the validity or completion of any proceedings then pending.

88TH CONGRESS  
1ST SESSION

# H. R. 7446

---

---

## 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

---

---

JULY 9, 1963

Referred to the Committee on the Judiciary