

1 urer of the United States and the other half to the party  
2 injured.

3 In any action to recover damages for wrongful seizure  
4 or sale under this section the sureties upon the bond of the  
5 petitioner may be made parties defendant, and judgment may  
6 be rendered against them in said action.

7 ARTICLES BEARING IMITATIONS OF A REGISTERED TRADE-  
8 MARK OR OF A COMMERCIAL NAME FORBIDDEN  
9 ENTRY.

10 SEC. 33. No article of imported merchandise to which is  
11 affixed—

- 12 1. An imitation of a registered trade-mark, or
- 13 2. An imitation of the commercial name of a resident of  
14 the United States or of a citizen or subject of a gov-  
15 ernment which by treaty or convention affords simi-  
16 lar privileges to citizens of the United States, or of  
17 a person who has a bona fide industrial or commercial  
18 establishment in the territory of such government, or
- 19 3. A name calculated to induce the public to believe  
20 that the article is manufactured or produced in the  
21 United States or in a foreign country or a place  
22 other than the country or place in which it  
23 was in fact manufactured or produced shall be  
24 admitted to entry at any custom-house of the  
25 United States.





1 any act done or right accruing, accrued, or acquired, or lia-  
2 bility, forfeiture, or penalty incurred, prior to January first,  
3 nineteen hundred and three, under or by virtue of any law so  
4 repealed, but the same may be asserted, enforced, prosecuted  
5 or inflicted as fully and to the same extent as if such law had  
6 not been repealed; and all actions and proceedings, civil or  
7 criminal, commenced under or by virtue of the law so repealed,  
8 and pending on December thirty-first, nineteen hundred and  
9 two, may be prosecuted and defended to final effect in the  
10 same manner as they might under laws then existing, unless  
11 it shall be otherwise specially provided by law.

12 CONSTRUCTION OF TERMS.

13 SEC. 36. In construing this Act, or an indictment or  
14 other pleading in a case provided for by this Act, the fol-  
15 lowing rules must be observed, except when a contrary  
16 intent is plainly apparent from the context thereof.

17 TERRITORY.—The term “territory” includes the Terri-  
18 tories, the District of Columbia, and all other territory in the  
19 possession or under the jurisdiction or control of the United  
20 States not included within a State.

21 PERSON.—The term “person” or any word or term used  
22 to designate the applicant or registrant or other entitled to a  
23 benefit or privilege under this Act includes a partnership,  
24 association, company, corporation, public or private, commu-  
25 nity, union of persons, or State, as well as a natural person.



1       NUMBER—GENDER.—The singular number includes the  
2 plural, and the plural includes the singular. The masculine  
3 gender includes the feminine and neuter.

4       APPLICANT—REGISTRANT.—The terms “applicant”  
5 and “registrant” embrace the successors and assigns of such  
6 applicant or registrant.

7       INFRINGEMENT.—The term “infringement” includes  
8 every wrongful or unauthorized use in commerce with foreign  
9 nations or among the several States or with the Indian tribes,  
10 or in the territory of the United States, or the reproduction  
11 or imitation of any registered trade-mark affixed to goods  
12 of substantially the same class as those described in the  
13 certificate of registration.

14       IMITATION.—An “imitation” of a trade-mark is that  
15 which so far resembles a genuine trade-mark as to be likely  
16 to induce the belief that it is genuine, whether by the use of  
17 words or letters similar in appearance or in sound, or by any  
18 sign, device, or other means whatsoever.

19       AFFIXED.—A trade-mark is deemed to be “affixed” to  
20 an article of merchandise when it is placed in any manner in  
21 or upon either—

22       First. The article itself; or,

23       Second. A box, bale, barrel, bottle, case, cask, or other  
24 vessel or package, or a cover, wrapper, stopper, brand, label,





1 applicant shall amend his application to conform to the pro-  
2 visions of this Act.

3 REGISTRATIONS HERETOFORE MADE—ACT OF EIGHTEEN  
4 HUNDRED AND SEVENTY.

5 SEC. 39. All trade-marks registered prior to the third  
6 day of March, eighteen hundred and eighty-one, shall be  
7 deemed abandoned unless application for registration thereof  
8 as prescribed in this Act be made prior to the first day of May,  
9 nineteen hundred and three, in default whereof the registrant  
10 shall not thereafter be entitled to notice from the Commissioner  
11 of Patents under section eleven of this Act.

12 ACT OF EIGHTEEN HUNDRED AND EIGHTY-ONE.

13 All registrations made after the third day of March,  
14 eighteen hundred and eighty-one, and prior to the first day of  
15 January, nineteen hundred and three, shall remain in full force  
16 and effect to the end of the term for which originally granted,  
17 unless surrendered and reregistered; but the registrants shall  
18 be entitled to institute proceedings for infringement provided  
19 herein only when such infringement takes place in commerce  
20 with foreign nations or with the Indian tribes.

21 . REGISTRATION BY RESIDENTS OF HAWAII.

22 SEC. 40. Residents of the Territory of Hawaii, if quali-  
23 fied under section five, may file applications for registration  
24 of marks under this Act with the treasurer of the Territory of  
25 Hawaii, who shall transmit the same to the Commissioner of



1 Patents. The date of filing of such applications in the United  
2 States Patent Office shall, for the purposes of this Act, be  
3 deemed to be the same as the date of filing with the treasurer  
4 of the Territory of Hawaii.

5 In proceedings upon applications so filed the time al-  
6 lowed within which an act may be done, a notice may be  
7 given, a document may be filed, or an appeal may be taken,  
8 shall be double the time elsewhere provided in this Act.

9 INTERNATIONAL REGISTRATION OF TRADE-MARKS.

10 SEC. 41. Upon and after the adhesion of the United  
11 States to the agreement for the international registra-  
12 tion of trade-marks concluded at Madrid April fourteenth,  
13 eighteen hundred and ninety-one, all correspondence with the  
14 International Bureau at Berne in regard to marks to be reg-  
15 istered under such agreement by citizens of the United States or  
16 aliens entitled to the advantages of citizens under such agree-  
17 ment shall be conducted by the Commissioner of Patents,  
18 and all necessary rules, forms, and orders as to procedure and  
19 for carrying this Act into effect shall be prescribed and may  
20 be amended by him from time to time.

21 AMENDATORY AND REPEALING STATUTES.

22 SEC. 42. No provision of this Act, or any part thereof,  
23 shall be deemed repealed, altered, or amended by the passage  
24 of any subsequent statute inconsistent therewith unless such



1 statute shall explicitly refer thereto and directly repeal, alter,  
2 or amend this Act accordingly.

3 REPEAL.

4 SEC. 43. The laws or parts thereof specified in the  
5 schedule hereto annexed and all other Acts and parts of Acts  
6 inconsistent with the provisions of this Act are repealed.

#### SCHEDULE OF LAWS REPEALED.

##### REVISED STATUTES.

Date.	Title.	Chapter.	Section.	Subject.
June 22, 1874.	XXXIII	-----	2496	Prohibition upon importation of simulated watch movements, etc. Re-enactment of chapter 125, March 3, 1871.
June 22, 1874.	LX	2	4937 to 4947	Registration of trade-marks, etc. Re-enactment of chapter 230, sections 77 to 84, July 8, 1870.

##### • STATUTES AT LARGE.

Date.	Chapter.	Section.	Volume.	Page.	Subject.
July 8, 1870.	230	77 to 84	16	210 to 212	Registration of trade-marks, etc.
Mar. 3, 1871.	125	-----	16	580	Prohibition upon importation of simulated watch movements.
Aug. 14, 1876.	274	All.	19	141	To punish the counterfeiting of trade-marks, etc.
Mar. 3, 1881.	138	All.	21	502	Registration of trade-marks, etc.
Aug. 4, 1882.	393	All.	22	298	Registration of marks used prior to March 3, 1881.
Aug. 27, 1894.	349	5	28	547	Marks on foreign-made goods.
Aug. 27, 1894.	349	6	28	547	Foreign-made goods bearing domestic marks excluded.
July 24, 1897.	11	8	30	205	Marks on foreign-made goods. Re-enactment of chapter 349, August 27, 1894.
July 24, 1897.	11	11	30	207	Foreign-made goods bearing domestic marks excluded. Re-enactment of chapter 349, August 27, 1894.



## WHEN ACT TO TAKE EFFECT.

1  
2       SEC. 44. This Act shall take effect January first, nine-  
3       teen hundred and three. When construed in connection with  
4       other statutes, it must be deemed to have been enacted on  
5       the            day of            , nineteen hundred and two, so  
6       that any statute enacted after that day is to have the same  
7       effect as if it had been enacted after this statute.

57<sup>TH</sup> CONGRESS, }  
1<sup>ST</sup> SESSION. } **H. R. 15027.**

# A BILL

To regulate and protect marks, trade-marks, commercial names, and symbols used in commerce, and to enforce treaties regarding the same.

By Mr. REEVES.

JUNE 10, 1902.—Referred to the Committee on Patents and ordered to be printed.