

98TH CONGRESS
1ST SESSION

S. 1440

To clarify the circumstances under which a trademark may be canceled.

IN THE SENATE OF THE UNITED STATES

JUNE 9 (legislative day, JUNE 6), 1983

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To clarify the circumstances under which a trademark may be canceled.

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 14(c) of the Lanham Trademark Act (15 U.S.C.
4 1064(c)) is amended by adding before the period at the end of
5 such section, the following: “, except that no registration of a
6 mark shall be canceled on the grounds that such mark has
7 become a common descriptive name unless it is clear that in
8 the minds of the consuming public the mark fails to indicate
9 the source or quality of goods or services on which it is used.
10 Purchaser motivation shall not be used to determine whether
11 a mark is generic”.