

H. R. 3594

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1965

Mr. GLAIMO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To fix certain fees payable to the Commissioner of Patents, 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 (a) the items numbered 1 through 11 in subsection
4 (a) of section 41 of title 35 of the United States Code are
5 amended to read as follows:

6 “1. On filing each application for an original patent ex-
7 cept in design cases, \$70, and \$5 for each claim in excess of
8 ten filed originally or pending and under consideration at
9 any other time during prosecution.

10 “2. On issuing each original patent, except in design
11 cases, \$70, and \$10 for each claim in excess of ten.

1 “3. In design cases:

2 “(A) On filing each design application, \$20.

3 “(B) On issuing each design patent: for three years
4 and six months, \$10; for seven years, \$20; and for
5 fourteen years, \$30.

6 “4. On every application for the reissue of a patent,
7 \$70, and \$5 for each claim over and above the number of
8 claims in the original patent.

9 “5. On filing each disclaimer, \$15.

10 “6. On filing an appeal from the examiner to the Board
11 of Appeals, \$25; on filing a brief in connection with an
12 appeal to the Board of Appeals, \$25; and where an oral
13 hearing is requested and not withdrawn, \$25 at least thirty
14 days before the scheduled date of hearing of the appeal.

15 “7. On filing each petition for the revival of an abandoned
16 application for a patent or for the delayed payment of the fee
17 for issuing each patent, \$15.

18 “8. For certificate under section 255 or under section
19 256 of this title, \$15.

20 “9. For uncertificated printed copies of specifications
21 and drawings of patents (except design patents), 50 cents
22 per copy; for design patents, 20 cents per copy; special
23 rates for libraries specified in section 13 of this title, \$100
24 for patents issued in one year.

25 “10. For recording every assignment, agreement, or

1 other paper, \$20; for each additional patent or application
2 included in one writing, where more than one is so included,
3 \$3 additional.

4 "11. For each certificate, \$2."

5 (b) Subsection (a) of such section 41 is further
6 amended by adding at the end thereof the following additional
7 numbered items:

8 "12. On the filing of every petition for the institution of
9 public use proceedings, \$100.

10 "13. After the motion period has expired and the times
11 for taking testimony have been set, each applicant to an
12 interference shall pay a fee of \$100.

13 "14. Upon filing every brief on final hearings before the
14 Board of Patents Interference Examiners except a reply
15 brief, \$100."

16 (c) Section 41, title 35, United States Code, is
17 amended by adding at the end thereof the following new
18 subsection:

19 "(C) The fees prescribed by or under this section shall
20 apply to any other Government department or agency, or
21 officer thereof, except that the Commissioner may waive the
22 payment of any fee for services or materials in cases of
23 occasional or incidental requests by a Government depart-
24 ment or agency, or officer thereof."

25 SEC. 2. Section 31 of the Act entitled "An Act to pro-

1 vide for the registration and protection of trademarks used
2 in commerce, to carry out the provisions of certain inter-
3 national conventions, and for other purposes”, approved
4 July 5, 1946 (60 Stat. 437, as amended; 15 U.S.C. 1113),
5 is amended to read as follows:

6 “SEC. 31. (a) The following fees shall be paid to the
7 Commissioner of Patents under this Act:

8 “(1) On filing in each class each original application
9 for registration and each application for renewal, \$60; on
10 filing in each class each application for renewal after ex-
11 piration of a registration, an additional fee of \$5.

12 “(2) Before issuing each registration of a mark in each
13 class, \$25.

14 “(3) On filing an affidavit under section 8 (a) or sec-
15 tion 8 (b), \$10.

16 “(4) On filing each petition for the revival of an aban-
17 doned application, \$15.

18 “(5) On filing notice of opposition or application for
19 cancellation, \$50.

20 “(6) On appeal from an examiner in charge of the
21 registration of marks to the Trademark Trial and Appeal
22 Board, \$50.

23 “(7) For issuance of a new certificate of registration
24 following change of ownership of a mark or correction of a
25 registrant’s mistake, \$15.

1 “(8) For certificate of correction of registrant’s mistake
2 or amendment after registration, \$15.

3 “(9) For certifying in any case, \$2.

4 “(10) For filing each disclaimer after registration, \$15.

5 “(11) For printed copy of registered mark, 20 cents.

6 “(12) For recording every assignment or other paper,
7 \$20; for each additional registration or application included,
8 or involved in one writing where more than one is so in-
9 cluded or involved, \$3 additional.

10 “(13) On filing notice of claim of benefits of this Act
11 for a mark to be published under section 12 (c) hereof, \$10.

12 “(b) The Commissioner may establish charges for
13 copies of records, publications, or services furnished by the
14 Patent Office, not specified in subsection (a).

15 “(c) The Commissioner may refund any sum paid by
16 mistake or in excess.”

17 SEC. 3. (a) Section 266 of title 35 of the United States
18 Code is repealed.

19 (b) The table of sections at the beginning of chapter 27
20 of such title is amended by striking out the following item:
“266. Issue of patents without fees to Government employees.”

21 SEC. 4. (a) Except as provided in the succeeding sub-
22 sections of this section, the amendments and repeal made by
23 this Act shall take effect three months after the date of en-
24 actment of this Act.

1 (b) The amendments to items 1, 3, and 4 of section
2 41 (a) of title 35 of the United States Code shall not apply
3 as to proceedings taken after the effective date of such
4 amendments with respect to applications filed before the
5 effective date of such amendments.

6 (c) The amendments to items 2 and 3 (b) of such sec-
7 tion 41 (a) shall not apply as to any case in which the
8 application has been allowed, or in which a patent was
9 issued, prior to the effective date of such amendments.

10 (d) The fee prescribed in paragraph 13 of section 31 (a)
11 of the Act of July 5, 1946 (60 Stat. 437, as amended; 15
12 U.S.C. 1113), as amended by this Act, shall apply only in
13 the case of registrations issued and registrations published
14 under the provisions of section 12 (c) of that Act (15 U.S.C.
15 1062 (c)) on or after the effective date of the amendment
16 made by this Act.

89TH CONGRESS
1ST SESSION

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By Mr. GIALMO

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