

# H. R. 4983

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1955

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

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### A BILL

To fix the fees payable to the Patent Office 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 items numbered 1, 2, 3, 4, 8, 9, and 10, respectively,  
4 in subsection (a) of section 41 of title 35, United States  
5 Code, are amended to read as follows:

6 "1. On filing each application for an original patent,  
7 except in design cases, \$40; in addition, \$5 for each claim  
8 presented at any time which is in excess of five claims in the  
9 case.

10 "2. On issuing each original patent, except in design  
11 cases, \$50, and \$5 for each claim in excess of five.

1       “3. In design cases: For three years and six months,  
2 \$20; for seven years, \$30; for fourteen years, \$40.

3       “4. On every application for the reissue of a patent, \$40  
4 and \$5 for each claim in excess of five which is also over and  
5 above the number of claims of the original patent.

6       “8. For certificate of correction of applicant’s mistake  
7 under section 255 or certificate under section 256 of this  
8 title, \$15.

9       “9. For uncertified printed copies of specifications and  
10 drawings of patents (except design patents), 25 cents per  
11 copy; for design patents, 10 cents per copy; the Commis-  
12 sioner may establish a charge not to exceed \$1 per copy  
13 for patents in excess of 25 pages of drawings and specifica-  
14 tion and for plant patents printed in color; special rate for  
15 libraries specified in section 13 of this title, \$50 for patents  
16 issued in one year.

17       “10. For recording every assignment, agreement, or  
18 other paper not exceeding six pages, \$10; for each addi-  
19 tional two pages or less, \$1; for each additional patent or  
20 application included in one writing, where more than one  
21 is so included, \$1 additional.”

22       SEC. 2. Section 41 of title 35, United States Code, is  
23 amended by adding the following subsection:

24       “(c) The fees prescribed by or under this section apply  
25 to any other Government department or agency, or officer

1 thereof, except in the case of application fees and fees for  
2 issuing a patent in cases coming under section 266 of this  
3 title and except as otherwise provided by law; the Commis-  
4 sioner may waive the payment of any fee for services or  
5 materials in cases of occasional or incidental requests by a  
6 Government department or agency, or officer thereof.”

7 SEC. 3. Section 31 of the Act approved July 5, 1946  
8 (ch. 540, 60 Stat. 427, U. S. C., title 15, sec. 1113), is  
9 amended to read as follows:

10 “(a) The following fees shall be paid to the Patent  
11 Office under this Act:

12 “1. On filing each original application for registration of  
13 a mark in each class, \$25.

14 “2. On issuing each original certificate of registration,  
15 \$10, payable within three months from the time when notice  
16 of allowance of the application is sent to the applicant; if  
17 the fee is not paid within this period, the registration shall  
18 not be issued on that application, but the fee may be paid  
19 within a further period of three months on payment of an  
20 additional fee of \$10.

21 “3. On filing each application for renewal in each class,  
22 \$25; and on filing each application for renewal in each class  
23 after expiration of the registration, an additional fee of \$5.

24 “4. On filing an affidavit under section 8 (a) or sec-  
25 tion 8 (b), \$10.

1       “5. On filing each petition for the revival of an aban-  
2 doned application, \$10.

3       “6. On filing notice of opposition or application for can-  
4 cellation, or for declaring an interference between an appli-  
5 cation and a prior issued registration, \$25.

6       “7. On appeal from an examiner in charge of the regis-  
7 tration of marks to the Commissioner, \$25.

8       “8. On appeal from an examiner in charge of inter-  
9 ferences to the Commission, \$25.

10       “9. For issuance of a new certificate of registration  
11 following change of ownership of a mark or correction of a  
12 registrant's mistake, \$15.

13       “10. For certificate of correction of registrant's mis-  
14 take or amendment after registration, \$15.

15       “11. For certifying in any case, \$1.

16       “12. For filing each disclaimer, \$10.

17       “13. For printed copy of registered mark, 10 cents.

18       “14. For recording every assignment or other paper not  
19 exceeding six pages, \$10; for each additional two pages or  
20 less, \$1; for each additional registration or application in-  
21 cluded, or involved in one writing where more than one is  
22 so included or involved, additional, \$1.

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

25       “(b) The Commissioner may establish charges for

1 copies of records, publications, or services furnished by the  
2 Patent Office, not specified above.

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

5 SEC. 4. (a) This Act shall take effect three months  
6 after its enactment.

7 (b) Item 1 of section 41 (a) of title 35, as amended  
8 by this Act, does not apply in further proceedings in appli-  
9 cations filed prior to the effective date.

10 (c) The amendment of item 2 of section 41 (a) of  
11 title 35 by this Act does not apply in cases in which the  
12 notice of allowance of the application was sent prior to the  
13 effective date and in such cases the fee due is the fee specified  
14 by item 2 prior to its amendment.

15 (d) The amendment of item 3 of section 41 (a) of  
16 title 35 applies in the case of applications for design patents  
17 filed prior to the effective date for one of the lower terms  
18 and which are amended after the effective date to one of  
19 the higher terms.

20 (e) Item 4 of section 41 (a) of title 35, as amended  
21 by this Act, does not apply in further proceedings in appli-  
22 cations for reissues filed prior to the effective date.

23 (f) Item 2 of section 31 of the Trade-Mark Act, as  
24 amended by section 3 of this Act, applies only in cases in

which the notice of allowance is sent on or after the effective date.

(g) Item 4 of section 31 of the Trade-Mark Act as amended by section 3 of this Act applies only in the case of registrations issued and registrations published under the provisions of section 12 (c) of the Trade-Mark Act on or after the effective date.

84TH CONGRESS  
1ST SESSION

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