

88TH CONGRESS
1ST SESSION

H. R. 8043

IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 1963

Mr. BELCHER 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.

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
7 except in design cases, \$60, and \$5 for each claim in excess
8 of twenty filed originally or pending and under consideration
9 at any other time during prosecution.

10 "2. On issuing each original patent, except in design
11 cases, \$60, and \$5 for each claim in excess of twenty.

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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 four-
5 teen years, \$30.

6 “4. On every application for the reissue of a patent,
7 \$60, and \$5 for each claim in excess of twenty over
8 and above the number of claims of the original patent.

9 “5. On filing each disclaimer, \$20.

10 “6. On an appeal for the first time from the examiner
11 to the Board of Appeals, \$50. If the appeal is with-
12 drawn prior to any consideration by the Board, or if
13 an oral hearing is not requested prior to any consideration
14 by the Board or if a request for an oral hearing is with-
15 drawn more than thirty days before any consideration by the
16 Board, \$25 of the \$50 fee shall be refunded.

17 “7. On filing each petition for the revival of an aban-
18 doned application for a patent or for the delayed payment
19 of the fee for issuing each patent, \$20.

20 “8. For certificate of correction of applicant's mistake
21 under section 255 of this title, \$20.

1 “9. For uncertified printed copies of specifications and
2 drawings of patents (except design patents), 50 cents per
3 copy; for design patents, 20 cents per copy; special rates
4 for libraries specified in section 13 of this title, \$100 for
5 patents issued in one year.

6 “10. For recording every assignment, agreement, or
7 other paper not exceeding six pages, \$6; for each addi-
8 tional two pages or less, \$2; for each additional patent
9 or application included in one writing, where more than
10 one is so included, \$1 additional.

11 “11. For each certificate, \$2.”

12 (b) Such section is further amended by adding the
13 following subsection:

14 “(c) The fees prescribed by or under this section shall
15 apply to any other Government department or agency, or
16 officer thereof, except that the Commissioner may waive
17 the payment of any fee for services or materials in cases of
18 occasional or incidental requests by a Government depart-
19 ment or agency, or officer thereof.”

20 SEC. 2. Section 31 of the Act of July 5, 1946, entitled
21 “An Act to provide for the registration and protection of

1 trademarks used in commerce, to carry out the provisions of
2 certain international conventions, and for other purposes”
3 (15 U.S.C. 1113) is amended to read as follows:

4 “(a) The following fees shall be paid to the Commis-
5 sioner of Patents under this Act:

6 “(1) On filing each original application for registration
7 of a mark in each class, \$35.

8 “(2) On filing each application for renewal in each
9 class, \$25; and on filing each application for renewal in each
10 class after expiration of the registration, an additional fee
11 of \$5.

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

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

16 “(5) On filing notice of opposition or application for
17 cancellation, \$25.

18 “(6) On appeal from an examiner in charge of the
19 registration of marks to the Trademark Trial and Appeal
20 Board, \$25.

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

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

1 “(9) For certifying in any case, \$1.

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

3 “(11) For printed copy of registered mark, 10 cents.

4 “(12) For recording every assignment or other paper
5 not exceeding six pages, \$6; for each additional two pages
6 or less, \$2; for each additional registration or application
7 included, or involved in one writing where more than one is
8 so included or involved, additional, \$1.

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

12 “(b) The Commissioner may establish charges for copies
13 of records, publications, or services furnished by the Patent
14 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

“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.

1 (b) The amendments to items 1, 3, and 4 of section 41
2 (a) of title 35 of the United States Code shall not apply in
3 further proceedings in applications filed prior to the effec-
4 tive date of such amendments.

5 (c) The amendment to item 2 of such section shall not
6 apply in cases in which the notice of allowance of the appli-
7 cation was sent, or in which a patent was issued, prior to
8 the effective date of such amendment.

9 (d) The fee prescribed in paragraph 13 of section 31
10 (a) of the Act of July 5, 1946 (15 U.S.C. 1113), as
11 amended by this Act shall apply only in the case of regis-
12 trations issued and registrations published under the pro-
13 visions of section 12 (c) of that Act (15 U.S.C. 1062 (c))
14 on or after the effective date of such amendment.

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