

# S. 2547

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 25 (legislative day, FEBRUARY 10), 1964

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

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## 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  
7 except in design cases, \$70, and \$5 for each claim in excess  
8 of 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, \$60, 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  
4 years and six months, \$10; for seven years, \$20; and  
5 for 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13 hearing is requested and not withdrawn, \$25 at least thirty  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 aban-  
16 doned application for a patent or for the delayed payment of  
17 the fee for issuing each patent, \$50.

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

20 "9. For uncertified printed copies of specifications and  
21 drawings of patents (except design patents), 50 cents per  
22 copy; for design patents, 20 cents per copy; special rates  
23 for libraries specified in section 13 of this title, \$100 for  
24 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 addi-  
7 tional numbered items:

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

10 "13. On the filing of any motion in interference proceed-  
11 ings, \$50.

12 "14. Upon filing every brief except a reply brief on  
13 final hearings before the Board of Patent Interference Exam-  
14 iners, \$100."

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

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

23 SEC. 2. Section 31 of the Act entitled "An Act to pro-  
24 vide for the registration and protection of trademarks used in  
25 commerce, to carry out the provisions of certain international

1 conventions, and for other purposes”, approved July 5, 1946  
2 (60 Stat. 437, as amended; 15 U.S.C. 1113), is amended to  
3 read as follows:

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

6 “(1) On filing in each class each original application for  
7 registration and each application for renewal, \$60; on filing  
8 in each class each application for renewal after expiration  
9 of a registration, an additional fee of \$5.

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

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

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

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

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

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, \$2.

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

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

4       “(12) For recording every assignment or other paper,  
5 \$20; for each additional registration or application included,  
6 or involved in one writing where more than one is so included  
7 or involved, \$3 additional.

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

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

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

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

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

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

23       (b) The amendments to items 1, 3, and 4 of section

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

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

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

88TH CONGRESS  
2D SESSION

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By Mr. DODD

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