

# S. 494

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IN THE SENATE OF THE UNITED STATES

JANUARY 17, 1959

Mr. DIRKSEN introduced the following bill; which was read twice and 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, ex-  
7 cept in design cases, \$40; in addition, \$2 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 \$2 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 \$2 for each claim in excess of five which is also over  
5 and 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 for  
13 patents in excess of twenty-five pages of drawings and speci-  
14 fication 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 additional  
19 two pages or less, \$1; for each additional patent or applica-  
20 tion included in one writing, where more than one is so  
21 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 that the Commissioner may waive the pay-  
2 ment of any fee for services or materials in cases of occasional  
3 or incidental requests by a Government department or  
4 agency, or officer thereof."

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

8 "(a) The following fees shall be paid to the Patent  
9 Office under this Act:

10 "1. On filing each original application for registration  
11 of a mark in each class, \$35.

12 "2. On filing each application for renewal in each class,  
13 \$25; and on filing each application for renewal in each class  
14 after expiration of the registration, an additional fee of \$5.

15 "3. On filing an affidavit under section 8 (a) or section  
16 8 (b), \$10.

17 "4. On filing each petition for the revival of an aban-  
18 doned application, \$10.

19 "5. On filing notice of opposition or application for can-  
20 cellation, or for declaring an interference between an applica-  
21 tion and a prior issued registration, \$25.

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

24 "7. On appeal from an examiner in charge of interfer-  
25 ences to the Commissioner, \$25.

1       “8. For issuance of a new certificate of registration fol-  
2       lowing change of ownership of a mark or correction of a  
3       registrant’s mistake, \$15.

4       “9. For certificate of correction of registrant’s mistake  
5       or amendment after registration, \$15.

6       “10. For certifying in any case, \$1.

7       “11. For filing each disclaimer after registration, \$15.

8       “12. For printed copy of registered mark, 10 cents.

9       “13. For recording every assignment or other paper  
10       not exceeding six pages, \$10; for each additional two pages  
11       or less, \$1; for each additional registration or application in-  
12       cluded, or involved in one writing where more than one is  
13       so included or involved, additional, \$1.

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

16       “(b) The Commissioner may establish charges for  
17       copies of records, publications, or services furnished by the  
18       Patent Office, not specified above.

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

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

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

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

6 (d) The amendment of item 3 of section 41 (a) of  
7 title 35 applies in the case of applications for design patents  
8 filed prior to the effective date for one of the lower terms  
9 and which are amended after the effective date to one of  
10 the higher terms.

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

14 (f) Item 3 of section 31 of the Trademark Act as  
15 amended by section 3 of this Act applies only in the case  
16 of registrations issued and registrations published under the  
17 provisions of section 12 (c) of the Trademark Act on or  
18 after the effective date.

19 SEC. 5. Section 266 of title 35, United States Code, is  
20 repealed.

21 The chapter analysis of chapter 27 of title 35, United  
22 States Code, is amended by striking out the following item:

“266. Issue of patents without fees to Government employees.”

80TH CONGRESS  
1ST SESSION

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