

Calendar No. 667

100TH CONGRESS
2D SESSION**S. 1883**

To amend the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes".

 IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 1987

Mr. DECONCINI (for himself Mr. GRASSLEY, Mr. HELFIN, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 12 (legislative day, MAY 9), 1988

Reported by Mr. BYRD (for Mr. BIDEN), with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, 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 this Act may be cited as the "Trademark Law Revision~~
- 4 ~~Act of 1987".~~

1 **SEC. 2.** For purposes of this Act, the Act entitled "An
2 Act to provide for the registration and protection of trade-
3 marks used in commerce, to carry out the provisions of cer-
4 tain international conventions, and for other purposes" shall
5 be referred to as the "Trademark Act of 1946".

6 **SEC. 3.** Section 1 of the Trademark Act of 1946 (15
7 U.S.C. 1051) is amended by—

8 (1) inserting a section heading before section 1 to
9 read as follows:

10 "REQUIREMENTS FOR APPLYING TO REGISTER
11 TRADEMARKS ON THE PRINCIPAL REGISTER";

12 (2) striking out "may register his" and inserting
13 in lieu thereof "may apply to register his";

14 (3) redesignating paragraphs (1), (2), and (3) of
15 subsection (a) as subparagraphs (A), (B), and (C),
16 respectively;

17 (4) redesignating subsections (a), (b), and (c) as
18 paragraphs (1), (2), and (3), respectively;

19 (5) inserting "(a)" after "SECTION 1.";

20 (6) striking out "actually" in subparagraph (C), as
21 redesignated herein; and

22 (7) adding at the end thereof the following:

23 "(b) A person who has a bona fide intention to use a
24 trademark in commerce may apply to register the trademark
25 under this Act on the principal register hereby established.

1 “(1) By filing in the Patent and Trademark
2 Office—

3 “(A) a written application, in such form as
4 may be prescribed by the Commissioner, verified
5 by the applicant, or by a member of the firm or
6 an officer of the corporation or association apply-
7 ing, specifying applicant’s domicile and citizen-
8 ship, applicant’s bona fide intention to use the
9 mark in commerce, the goods in connection with
10 which the applicant has a bona fide intention to
11 use the mark and the mode or manner in which
12 the mark is intended to be used in connection
13 with such goods, and including a statement to the
14 effect that the person making the verification be-
15 lieves himself, or the firm, corporation, or associa-
16 tion in whose behalf he makes the verification, is
17 entitled to use the mark in commerce, and that no
18 other person, firm, corporation, or association, to
19 the best of his knowledge and belief, has the right
20 to use such mark in commerce either in the iden-
21 tical form thereof or in such near resemblance
22 thereto as to be likely, when applied to the goods
23 of such other person, to cause confusion, or to
24 cause mistake, or to deceive: *Provided*, That in
25 the case of every application seeking concurrent

1 use the applicant shall state exceptions to his
2 claim of exclusive use, in which he shall specify,
3 to the extent of his knowledge, any use by others,
4 the goods in connection with which and the areas
5 in which such use exists, the periods of such use,
6 and the goods and area for which the applicant
7 has a bona fide intention to use the mark in com-
8 merce and desires registration. However, with the
9 exception of applications filed pursuant to section
10 44 of this Act, no mark shall be registered until
11 the applicant has met the requirements of section
12 13(b)(2) hereof; and

13 “(B) a drawing of the mark.

14 “(2) By paying in the Patent and Trademark
15 Office the filing fee.

16 “(3) By complying with such rules or regulations,
17 not inconsistent with law, as may be prescribed by the
18 Commissioner.

19 “(c) At any time during examination of an application
20 filed under subsection (b), an applicant who has made use of
21 the mark in commerce may claim the benefits thereof for pur-
22 poses of this Act, by amending his application to bring it into
23 conformity with the requirements of subsection (a).”

24 SEC. 4. Section 2 of the Trademark Act of 1946
25 (U.S.C. 1052) is amended—

1 (1) by amending subsection (d) to read as follows:

2 “(d) Consists of or comprises a mark which so resembles
3 a mark registered in the Patent and Trademark Office, or a
4 mark which is the subject of a previously filed pending appli-
5 cation, or a mark or trade name previously used in the
6 United States by another and not abandoned, as to be likely,
7 when applied to the goods of the applicant, to cause confu-
8 sion, or to cause mistake, or to deceive: *Provided*, That when
9 the Commissioner determines that confusion, mistake, or de-
10 ception is not likely to result from the use by more than one
11 person of the same or similar marks under conditions and
12 limitations as to the mode or place of use of the marks or the
13 goods in connection with which such marks are used, concour-
14 rent registrations may be issued to such persons when they
15 have become entitled to use such marks prior to (1) the earli-
16 est of the filing dates of the applications pending or of any
17 registration issued under this Act; or (2) July 5, 1947, in the
18 case of registrations previously issued under the Act of
19 March 3, 1881, or February 20, 1905, and continuing in full
20 force and effect on that date; or (3) July 5, 1947, in the case
21 of applications filed under the Act of February 20, 1905, and
22 registered after July 5, 1947. Use prior to the filing date of
23 any pending application or a registration shall not be required
24 when the owner of such application or registration consents
25 to the grant of a concurrent registration to the applicant.

1 Concurrent registrations may also be issued by the Commis-
 2 sioner when a court of competent jurisdiction has finally de-
 3 termined that more than one person is entitled to use the
 4 same or similar marks in commerce. In issuing concurrent
 5 registrations, the Commissioner shall prescribe conditions
 6 and limitations as to the mode or place of use of the mark or
 7 the goods in connection with which such mark is registered
 8 to the respective persons;"; and

9 (2) in subsection (f) by striking out "five years"
 10 through the end of the subsection and inserting in lieu
 11 thereof "five years next preceding an offer of proof by
 12 the applicant.".

13 SEC. 5. Section 3 of the Trademark Act of 1946 (15
 14 U.S.C. 1053) is amended by—

15 (1) striking out "used in commerce" in the first
 16 sentence; and

17 (2) striking out the second sentence.

18 SEC. 6. Section 4 of the Trademark Act of 1946 (15
 19 U.S.C. 1054) is amended by—

20 (1) striking out "origin used in commerce," and
 21 inserting in lieu thereof "origin,";

22 (2) striking out "except when" in the first sen-
 23 tence and inserting in lieu thereof "except in the case
 24 of certification marks when"; and

25 (3) striking out the second sentence.

1 SEC. 7. Section 5 of the Trademark Act of 1946 (15
2 U.S.C. 1055) is amended by adding at the end thereof the
3 following: "First use of a mark by a person, which use is
4 controlled by the registrant or applicant for registration of
5 the mark in respect to the nature and quality of the goods or
6 services, shall inure to the benefit of the registrant or
7 applicant."

8 SEC. 8. Section 6(b) of the Trademark Act of 1946 (15
9 U.S.C. 1056(b)) is amended by striking out "(d)" and insert-
10 ing in lieu thereof "(e)".

11 SEC. 9. Section 7 of the Trademark Act of 1946 (15
12 U.S.C. 1057) is amended by—

13 (1) amending subsection (b) to read as follows:

14 "(b) A certificate of registration of a mark upon the
15 principal register provided by this Act shall be prima facie
16 evidence of the validity of the registered mark and of the
17 registration thereof, of the registrant's ownership of the
18 mark, and of the registrant's exclusive right to use the regis-
19 tered mark in commerce on or in connection with the goods
20 or services specified in the certificate, subject to any condi-
21 tions or limitations stated therein."

22 (2) redesignating subsections (e), (d), (e), (f), and
23 (g) as subsections (d), (e), (f), (g), and (h), respectively;
24 and

1 (3) inserting between subsection (b) and subsection
2 (d), as redesignated herein, the following:

3 “(e) Contingent on the registration of a mark on the
4 principal register established herein, the filing of the applica-
5 tion to register such mark shall constitute constructive use of
6 the mark, conferring a right of priority, nationwide in effect,
7 on or in connection with the goods or services specified in the
8 registration against any other person except for a person
9 whose mark has not been abandoned and, who prior to such
10 filing—

11 “(1) has used the mark;

12 “(2) has filed an application to register the mark
13 on the principal register and that application is pending
14 or has resulted in registration of the mark on the prin-
15 cipal register; or

16 “(3) has filed a foreign application to register the
17 mark on the basis of which he has acquired a right of
18 priority by the timely filing under section 44(d) of an
19 application to register the mark on the principal regis-
20 ter and that application is pending or has resulted in
21 registration of the mark on the principal register.”.

22 SEC. 10. Section 8(a) of the Trademark Act of 1946 (15
23 U.S.C. 1058a) is amended by—

24 (1) striking out “twenty” and inserting in lieu
25 thereof “ten”; and

1 (2) striking out "showing that said mark is in use
2 in commerce or showing that its" and inserting in lieu
3 thereof "setting forth those goods or services recited in
4 the registration on or in connection with which the
5 mark is in use in commerce and having attached there-
6 to a specimen or facsimile showing current use of the
7 mark, or showing that any".

8 SEC. 11. Section 9(a) of the Trademark Act of 1946 (15
9 U.S.C. 1059(a)) is amended by striking out "twenty" and
10 inserting in lieu thereof "ten".

11 SEC. 12. Section 10 of the Trademark Act of 1946 (15
12 U.S.C. 1060) is amended to read as follows:

13 "ASSIGNMENT AND GRANT OF SECURITY INTEREST

14 "SEC. 10. (a) A registered mark or a mark for which
15 application to register has been filed shall be assignable with
16 the goodwill of the business in which the mark is used, or
17 with that part of the goodwill of the business connected with
18 the use of and symbolized by the mark. However, no applica-
19 tion to register a mark under section 1(b) shall be assignable
20 prior to the filing of the verified statement of use under sec-
21 tion 13(b)(2), except to a successor to the business of the
22 applicant, or portion thereof, to which the mark pertains.

23 "(b)(1) A security interest in a registered mark or a
24 mark for which application to register has been filed may be
25 obtained and will be superior to any interest subsequently
26 granted to a third party, provided—

1 “(A) the party granted the security interest ob-
2 tains a security interest in the goodwill of the business
3 in which the mark is used, or with that part of the
4 goodwill of the business connected with the use of and
5 symbolized by the mark;

6 “(B) the mark is not subject to a valid, prior per-
7 fected security interest; and

8 “(C) notice of such interest is filed in the Patent
9 and Trademark Office within ten days after being
10 granted.

11 “(2) A party granted a security interest in a registered
12 mark or a mark for which application to register has been
13 filed may, after default by the party granting the security
14 interest, require the debtor to assign the mark to—

15 “(A) a transferee who is also being assigned that
16 part of the goodwill of the business connected with the
17 use of and symbolized by the mark; or

18 “(B) the party holding the security interest, even
19 though such party does not presently engage in the
20 business to which the mark relates, provided that the
21 secured party either subsequently engages in the busi-
22 ness to which the mark relates or holds the mark only
23 for the purpose of subsequently transferring the mark
24 along with the goodwill associated with the mark and

1 that such subsequent transfer occurs prior to dissipa-
2 tion of the goodwill.

3 “(3) A security interest in a mark obtained pursuant to
4 this section will extend to the consideration received upon
5 the sale, exchange, collection or other disposition of the mark
6 for ten days after receipt of the consideration by the transfer-
7 or and will then lapse unless a financing statement or other
8 document is filed as required by appropriate State law.

9 “(e) In any assignment of or grant of a security interest
10 in a mark it shall not be necessary to include the goodwill of
11 the business connected with the use of and symbolized by any
12 other mark used in the business or by the name or style
13 under which the business is conducted.

14 “(d) Assignments and grants of security interest shall be
15 by instruments in writing duly executed. Acknowledgment
16 shall be prima facie evidence of the execution of an assign-
17 ment or a grant of a security interest and when recorded in
18 the Patent and Trademark Office the record shall be prima
19 facie evidence of execution. An assignment of or grant of a
20 security interest in a mark shall be void as against any subse-
21 quent purchaser or other entity being granted an interest for
22 a valuable consideration without notice, unless recorded in
23 the Patent and Trademark Office within three months after
24 the date thereof or prior to such subsequent purchase in the

1 case of an assignment, or within ten days after the grant of
2 any security interest.

3 “(e) A separate record of documents submitted for re-
4 cording under this section shall be maintained in the Patent
5 and Trademark Office. Such record shall include any release,
6 cancellation, discharge, or satisfaction relating to any con-
7 veyance or other instrument affecting title to or any interest
8 in a registered mark or a mark for which application to regis-
9 ter has been filed.

10 “(f) An assignee or holder of a security interest not
11 domiciled in the United States shall be subject to and comply
12 with the provisions of section 1(d) of this Act.”.

13 **SEC. 13.** Section 12(a) of the Trademark Act of 1946
14 (~~15 U.S.C. 1062a~~) is amended by striking out “to registra-
15 tion, the” and inserting in lieu thereof “to registration, or
16 would be entitled to registration upon the acceptance of the
17 statement of use prescribed in section 13(b)(2) of this Act,
18 the”.

19 **SEC. 14.** Section 13 of the Trademark Act of 1946 (~~15~~
20 ~~U.S.C. 1063~~) is amended by—

21 (1) inserting “(a)” before “Any person”; and

22 (2) adding at the end thereof the following:

23 “(b) Unless registration is successfully opposed—

24 “(1) a mark entitled to registration on the princi-
25 pal register based on an application filed under section

1 1(a) or pursuant to section 44, shall be registered in
2 the Patent and Trademark Office, and a certificate of
3 registration issued, and notice of the registration shall
4 be published in the Official Gazette of the Patent and
5 Trademark Office; or

6 “(2) a notice of allowance shall be issued to the
7 applicant if he applied for registration under section
8 1(b). Within six months following the date of the notice
9 of allowance, the applicant must file in the Patent and
10 Trademark Office, together with such number of speci-
11 mens or facsimiles of the mark as used in commerce as
12 may be required by the Commissioner and payment of
13 the prescribed fee, a verified statement that the mark
14 is in use in commerce and specifying the date of appli-
15 cant's first use of the mark and the date of applicant's
16 first use of the mark in commerce, those goods or serv-
17 ices specified in the notice of allowance on or in con-
18 nection with which the mark is used in commerce and
19 the mode or manner in which the mark is used in con-
20 nection with such goods or services. Subject to exami-
21 nation and acceptance of the statement of use, the
22 mark shall be registered in the Patent and Trademark
23 Office, and a certificate of registration issued, for those
24 goods or services recited in the statement of use for
25 which the mark is entitled to registration and notice of

1 registration shall be published in the Official Gazette of
2 the Patent and Trademark Office. The notice shall
3 specify the goods or services for which the mark is
4 registered.

5 “(A) The time for filing the statement of use shall
6 be extended for an additional six-month period upon
7 written request of the applicant prior to expiration of
8 the six-month period. Such request shall be accompa-
9 nied by a verified statement that the applicant has a
10 continued bona fide intention to use the mark in com-
11 merce and specifying those goods or services identified
12 in the notice of allowance on or in connection with
13 which the applicant has a continued bona fide intention
14 to use the mark in commerce. Up to six further exten-
15 sions of six months each shall be obtained when re-
16 quested prior to the expiration of the extended period
17 and accompanied by a verified statement that the ap-
18 plicant has a continued bona fide intention to use the
19 mark in commerce and specifying those goods or serv-
20 ices identified in the most recent extension for which
21 the applicant has a continued bona fide intention to use
22 the mark in commerce. Each request for an extension
23 shall be accompanied by payment of the prescribed fee.

24 “(B) The Commissioner shall notify any applicant
25 who files a statement of use of the acceptance or refus-

1 at thereof and, if a refusal, the reasons therefor. An
2 applicant may amend his statement of use and may
3 seek review by the Commissioner of a final refusal.

4 “(C) The failure to timely file a verified statement
5 of use shall result in abandonment of the application.”.

6 SEC. 15. Section 14(e) of the Trademark Act of 1946
7 (15 U.S.C. 1064(e)) is amended to read as follows:

8 “(e) at any time if the registered mark becomes
9 the generic name for the goods or services, or a por-
10 tion thereof, for which it is registered, or has been
11 abandoned, or its registration was obtained fraudulently
12 or contrary to the provisions of section 4 or of subsec-
13 tion (a), (b), or (c) of section 2 for a registration here-
14 under, or contrary to similar prohibitory provisions of
15 such prior Acts for a registration thereunder, or if the
16 registered mark is being used by, or with the permis-
17 sion of, the registrant so as to misrepresent the source
18 of the goods or services in connection with which the
19 mark is used. If the registered mark becomes the ge-
20 neric name for less than all of the goods or services for
21 which it is registered, a petition to cancel the registra-
22 tion for only those goods or services may be filed. A
23 registered mark shall not be deemed to be the generic
24 name of goods or services solely because such mark is
25 also used as a name of or to identify a unique product

1 or service. The primary significance of the registered
2 mark to the relevant public rather than purchaser mo-
3 tivation shall be the test for determining whether the
4 registered mark has become the generic name of goods
5 or services in connection with which it has been used;
6 or”

7 SEC. 16. Section 15(4) of the Trademark Act of 1946
8 (15 U.S.C. 1065(4)) is amended by striking out “the common
9 descriptive name” and inserting in lieu thereof “the generic
10 name”.

11 SEC. 17. Section 18 of the Trademark Act of 1946 (15
12 U.S.C. 1068) is amended by—

13 (1) striking out “or restrict” and inserting in lieu
14 thereof “the registration, in whole or in part, may
15 modify the application or registration by limiting the
16 goods or services specified therein, may otherwise re-
17 strict or rectify with respect to the register”;

18 (2) striking out “or” before “may refuse”; and

19 (3) adding at the end thereof the following:
20 “However, no final judgment shall be entered in favor
21 of an applicant under section 1(b) who alleges likeli-
22 hood of confusion prior to the mark being registered.”.

23 SEC. 18. Section 21 of the Trademark Act of 1946 (15
24 U.S.C. 1071) is amended—

1 (1) in subsection (a), by striking out "section
2 21(b)" each place it appears and inserting in lieu there-
3 of "subsection (b)";

4 (2) in subsection (a), by striking out "section
5 21(a)(2)" and inserting in lieu thereof "paragraph (2) of
6 this subsection";

7 (3) in subsection (a)(4), by adding at the end
8 thereof the following: "However, no final judgment
9 shall be entered in favor of an applicant under section
10 1(b) who alleges likelihood of confusion prior to the
11 mark being registered.";

12 (4) in subsection (b), by striking out "section
13 21(a)" each place it appears and inserting in lieu there-
14 of "subsection (a)";

15 (5) in subsection (b)(1), by adding at the end
16 thereof the following: "However, no final judgment
17 shall be entered in favor of an applicant under section
18 1(b) who alleges likelihood of confusion prior to the
19 mark being registered."; and

20 (6) in subsection (b)(3), by amending the first sen-
21 tence of such paragraph to read as follows:

22 "~~(3)~~ In any case where there is no adverse party, a copy
23 of the complaint shall be served on the Commissioner, and,
24 unless otherwise directed by the court, all the expenses of the

1 proceeding shall be paid by the party bringing the case,
2 whether the final decision is in favor of such party or not.”.

3 SEC. 19. Section 23 of the Trademark Act of 1946 (15
4 U.S.C. 1091) is amended by—

5 (1) inserting “(a)” before “In addition” in the first
6 paragraph;

7 (2) inserting “(b)” before “Upon the” in the
8 second paragraph;

9 (3) inserting “(c)” before “For the purposes” in
10 the third paragraph;

11 (4) striking out “paragraphs (a),” in subsection
12 (a), as designated herein, and inserting in lieu thereof
13 “subsections (a),”;

14 (5) striking out “have been in lawful use in com-
15 merce by the proprietor thereof, upon” in subsection
16 (a), as designated herein, and inserting in lieu thereof
17 “are in use in commerce by the owner thereof, on”;

18 (6) striking out “for the year preceding the filing
19 of the application” in subsection (a), as designated
20 herein;

21 (7) inserting before “section 1” in subsection (a),
22 as designated herein, the following: “subsections (a)
23 and (d) of”;

24 (8) adding at the end of subsection (e), as desig-
25 nated herein, the following: “The filing of an applica-

1 tion to register a mark on the supplemental register, or
2 registration of a mark thereon, shall not constitute an
3 admission that the mark is not eligible for registration
4 on the principal register established herein.”; and

5 (9) striking out the last paragraph.

6 SEC. 20. Section 24 of the Trademark Act of 1946 (15
7 U.S.C. 1092) is amended by—

8 (1) striking out “was not entitled to register the
9 mark at the time of his application for registration
10 thereof,” and inserting in lieu thereof “is not entitled
11 to registration,”; and

12 (2) by adding at the end thereof the following:
13 “However, no final judgment shall be entered in favor
14 of an applicant under section 1(b) who alleges likeli-
15 hood of confusion prior to the mark being registered.”.

16 SEC. 21. Section 26 of the Trademark Act of 1946 (15
17 U.S.C. 1094) is amended by—

18 (1) inserting “1(b),” after “sections”; and

19 (2) inserting “7(c),” after “7(b)”.

20 SEC. 22. Section 30 of the Trademark Act of 1946 (15
21 U.S.C. 1112) is amended by striking out “goods and services
22 upon or in connection with which he is actually using the
23 mark” and inserting in lieu thereof “goods or services on or
24 in connection with which he is using or he has a bona fide
25 intention to use the mark in commerce”.

1 **SEC. 23.** Section 33(a) of the Trademark Act of 1946
2 (15 U.S.C. 1115(a)) is amended by—

3 (1) inserting “the validity of the registered mark
4 and of the registration thereof, of the registrant’s own-
5 ership of the mark, and of the” after “prima facie evi-
6 dence of”;

7 (2) inserting “or in connection with” after “in
8 commerce on”; and

9 (3) inserting “, including those set forth in subsec-
10 tion (b),” after “or defect”.

11 **SEC. 24.** Section 33(b) of the Trademark Act of 1946
12 (15 U.S.C. 1115(b)) is amended by—

13 (1) amending the matter in subsection (b) before
14 paragraph (1) to read as follows:

15 “(b) To the extent that the right to use the registered
16 mark has become incontestable under section 15, the regis-
17 tration shall be conclusive evidence of the validity of the reg-
18 istered mark and of the registration thereof, of the regis-
19 trant’s ownership of the mark, and of the registrant’s exclu-
20 sive right to use the registered mark in commerce. Such con-
21 clusive evidence shall relate to the exclusive right to use the
22 mark on or in connection with the goods or services specified
23 in the affidavit filed under the provisions of section 15 or, if
24 fewer in number, the renewal application filed under the pro-
25 visions of section 9 hereof, subject to any conditions or limi-

1 tations in the registration or in such affidavit or renewal ap-
2 plication. Such conclusive evidence of the right to use the
3 registered mark shall be subject to proof of infringement as
4 defined in section 32, and shall be subject to the following
5 defenses or defects:"; and

6 (2) adding at the end of the subsection, the
7 following:

8 "In addition, equitable principles, including laches, estoppel,
9 and acquiescence, where applicable, may be considered and
10 applied."

11 SEC. 25. Section 34 of the Trademark Act of 1946 (15
12 U.S.C. 1116) is amended—

13 (1) in subsection (a) by—

14 (A) striking out "of the registrant of a mark
15 registered in the Patent and Trademark Office"
16 and inserting in lieu thereof "protected under this
17 Act"; and

18 (B) adding at the end thereof the following:

19 "However, no final judgment shall be entered in favor of an
20 applicant under section 1(b) who alleges likelihood of confu-
21 sion prior to the mark being registered."; and

22 (2) in subsection (c) by striking out "proceeding
23 arising" and inserting in lieu thereof "proceeding in-
24 volving a mark registered".

1 SEC. 26. Section 35(a) of the Trademark Act of 1946
2 (~~15 U.S.C. 1117(a)~~) is amended by striking out “of the regis-
3 trant of a mark registered in the Patent and Trademark
4 Office” and inserting in lieu thereof “protected under this
5 Act”.

6 SEC. 27. Section 36 of the Trademark Act of 1946 (~~15~~
7 ~~U.S.C. 1118~~) is amended by—

8 (1) striking out “of the registrant of a mark regis-
9 tered in the Patent and Trademark Office” and insert-
10 ing in lieu thereof “protected under this Act”; and

11 (2) striking out “registered mark” and inserting in
12 lieu thereof “mark”.

13 SEC. 28. Section 43(a) of the Trademark Act of 1946
14 (~~15 U.S.C. 1125(a)~~) is amended to read as follows:

15 “(a)(1) Any person who uses in commerce on or in con-
16 nection with any goods or services, or any container for
17 goods, any word, term, name, symbol, or device or any com-
18 bination thereof, or who shall engage in any act, trade prac-
19 tice, or course of conduct, which—

20 “(A) is likely to cause confusion, or to cause mis-
21 take, or to deceive as to the affiliation, connection, or
22 association of such person with another, or to the
23 origin, sponsorship, or approval of his goods, services,
24 or commercial activities by another; or

1 “(B) by use of a false designation of origin or of a
2 false or misleading description or representation, or by
3 omission of material information, misrepresents the
4 nature, characteristics, or qualities of his or another
5 person’s goods, services, commercial activities or their
6 geographic origin; or

7 “(C) is likely to disparage or tarnish a mark used
8 by another;

9 shall be liable in a civil action by any person who believes
10 that he is or is likely to be damaged in his business or profes-
11 sion by such action.

12 “(2) The relief provided in this subsection shall be in
13 addition to and shall not affect those remedies otherwise
14 available under this Act, under common law, or pursuant to
15 any statute of the United States: *Provided*, That nothing in
16 this subsection shall be construed so as to preempt the juris-
17 diction of any State to grant relief in cases of unfair com-
18 petition.”.

19 SEC. 29. Section 43 of the Trademark Act of 1946 (15
20 U.S.C. 1125) is amended by adding at the end thereof the
21 following new subsection:

22 “(c)(1) The owner of a famous mark registered under
23 the Act of March 3, 1881, or the Act of February 20, 1905,
24 or on the principal register established herein shall be enti-
25 tled, subject to the principles of equity, to an injunction

1 against another person's use in commerce of a mark, com-
 2 mencing after the registrant's mark becomes famous, which
 3 causes dilution of the distinctive quality of the registrant's
 4 mark, and to obtain such other relief as is provided in this
 5 subsection. In determining whether a mark is distinctive and
 6 famous, a court may consider factors such as, but not limited
 7 to—

8 “(A) the degree of inherent or acquired distine-
 9 tiveness of the mark;

10 “(B) the duration and extent of use of the mark
 11 on or in connection with the goods or services;

12 “(C) the duration and extent of advertising and
 13 publicity of the mark;

14 “(D) the geographical extent of the trading area
 15 in which the mark is used;

16 “(E) the channels of trade for the goods or serv-
 17 ices with which the mark is used;

18 “(F) the degree of recognition of the mark in its
 19 and in the other person's trading areas and channels of
 20 trade; and

21 “(G) the nature and extent of use of the same or
 22 similar marks by third parties.

23 “(2) The registrant shall be entitled only to injunctive
 24 relief in an action brought under this subsection, unless the
 25 subsequent user willfully intended to trade on the registrant's

1 reputation or to cause dilution of the registrant's mark. If
 2 such willful intent is proven, the registrant shall also be enti-
 3 tled to the remedies set forth in sections 35(a) and 36 hereof,
 4 subject to the discretion of the court and the principles of
 5 equity.

6 “(3) Ownership of a valid registration under the Act of
 7 1881 or the Act of 1905 or on the principal register estab-
 8 lished herein shall be a complete bar to an action brought by
 9 another person, under the common law or statute of a State,
 10 seeking to prevent dilution of the distinctiveness of a mark,
 11 label, or form of advertisement.”.

12 SEC. 30. Section 44 of the Trademark Act of 1946 (15
 13 U.S.C. 1126) is amended—

14 (1) by striking out “paragraph (b)” each place it
 15 appears and inserting in lieu thereof “subsection (b)”;

16 (2) in subsection (d)(2) by striking out “but use in
 17 commerce need not be alleged” and inserting in lieu
 18 thereof “including a statement that the applicant has a
 19 bona fide intention to use the mark in commerce”;

20 (3) in subsection (d)(3), by striking out “forcing”
 21 and inserting in lieu thereof “foreign”;

22 (4) in subsection (e) by adding at the end thereof
 23 the following: “The application must state the appli-
 24 cant's bona fide intention to use the mark in com-

1 merce, but use in commerce shall not be required prior
2 to registration.”; and

3 (5) in subsection (f), by striking out “paragraphs
4 (e), (d),” and inserting in lieu thereof “subsections (e),
5 (d),”.

6 SEC. 31. Section 45 of the Trademark Act of 1946 (15
7 U.S.C. 1127) is amended by—

8 (1) amending the paragraph defining “related
9 company” to read as follows:

10 “The term ‘related company’ means any person
11 whose use of a mark is controlled by the owner of the
12 mark in respect to the nature and quality of the goods
13 or services on or in connection with which the mark is
14 used.”;

15 (2) amending the paragraph defining “trade
16 name” and “commercial name” to read as follows:

17 “The terms ‘trade name’ and ‘commercial name’
18 mean any name used by a person to identify his busi-
19 ness or vocation.”;

20 (3) amending the paragraph defining “trademark”
21 to read as follows:

22 “The term ‘trademark’ means any word, name,
23 symbol, or device or any combination thereof used by a
24 person, or which a person has a bona fide intention to
25 use in commerce and applies for registration on the

1 principal register established by this Act, to identify
2 and distinguish his goods, including a unique product,
3 from those of others and to indicate the source of the
4 goods, even if that source is unknown.”;

5 (4) amending the paragraph defining “service
6 mark” to read as follows:

7 “The term ‘service mark’ means any word, name,
8 symbol, or device or any combination thereof used by a
9 person, or which a person has a bona fide intention to
10 use in commerce and applies for registration on the
11 principal register established by this Act, to identify
12 and distinguish the services of one person, including a
13 unique service, from those of others and to indicate the
14 source of the services, even if that source is unknown.
15 Titles, character names, and other distinctive features
16 of radio or television programs may be registered as
17 service marks notwithstanding that they, or the pro-
18 grams, may advertise the goods of the sponsor.”;

19 (5) amending the paragraph defining “certification
20 mark” to read as follows:

21 “The term ‘certification mark’ means any word,
22 name, symbol, or device or any combination thereof
23 used by a person other than its owner, or for which
24 there is a bona fide intention for such use in commerce
25 through the filing of an application for registration on

1 the principal register established by this Act, to certify
2 regional or other origin, material, mode of manufac-
3 ture, quality, accuracy, or other characteristics of such
4 person's goods or services or that the work or labor on
5 the goods or services was performed by members of a
6 union or other organization.'';

7 (6) amending the paragraph defining "collective
8 mark" to read as follows:

9 "The term 'collective mark' means a trademark
10 or service mark used by the members of a cooperative,
11 an association, or other collective group or organiza-
12 tion, or which such members have a bona fide intention
13 to use in commerce and apply for registration on the
14 principal register established by this Act, and includes
15 marks indicating membership in a union, an associa-
16 tion, or other organization.'';

17 (7) amending the paragraph defining "mark" to
18 read as follows:

19 "The term 'mark' includes any trademark, service
20 mark, collective mark, or certification mark.'';

21 (8) amending the matter which appears between
22 the paragraph defining "mark", and the paragraph de-
23 fining "colorable imitation" to read as follows:

24 "The term 'use in commerce' means use of a
25 mark in the ordinary course of trade, commensurate

1 with the circumstances, and not made merely to re-
2 serve a right in a mark. For purposes of this Act, a
3 mark shall be deemed to be in use in commerce (1) on
4 goods when it is placed in any manner on the goods or
5 their containers or the displays associated therewith or
6 on the tags or labels affixed thereto, or if the nature of
7 the goods makes such placement impracticable then on
8 documents associated with the goods or their sale, and
9 the goods are sold or transported in commerce, and (2)
10 on services when it is used or displayed in the sale or
11 advertising of services and the services are rendered in
12 commerce, or the services are rendered in more than
13 one State or in this and a foreign country and the
14 person rendering the services is engaged in commerce
15 in connection therewith.

16 "A mark shall be deemed to be 'abandoned'—

17 "(1) when its use has been discontinued with
18 intent not to resume. Intent not to resume may be
19 inferred from circumstances. Nonuse for two con-
20 secutive years shall be prima facie evidence of
21 abandonment. 'Use' means use made in the ordi-
22 nary course of trade, commensurate with the cir-
23 cumstances, and not made merely to reserve a
24 right in a mark; or

1 “(2) when any course of conduct of the
2 owner, including acts of omission as well as com-
3 mission, causes the mark to become the generic
4 name for the goods or services or otherwise to
5 lose its significance as a mark. Purchaser motiva-
6 tion shall not be a test for determining abandon-
7 ment under this subparagraph.

8 “The term ‘dilution’ means the lessening of the
9 distinctive quality of a famous mark through use of the
10 mark by another person, regardless of the presence or
11 absence of (1) competition between the users of the
12 mark, or (2) likelihood of confusion, mistake, or decep-
13 tion arising from that use.”.

14 *That this Act may be cited as the “Trademark Law Revision*
15 *Act of 1988”.*

16 *SEC. 2. For purposes of this Act, the Act entitled “An*
17 *Act to provide for the registration and protection of trade-*
18 *marks used in commerce, to carry out the provisions of cer-*
19 *tain international conventions, and for other purposes” shall*
20 *be referred to as the “Trademark Act of 1946”.*

21 *SEC. 3. Section 1 of the Trademark Act of 1946 (15*
22 *U.S.C. 1051) is amended by—*

23 *(1) inserting a section heading before section 1 to*
24 *read as follows:*

1 “REQUIREMENTS FOR APPLYING TO REGISTER
2 TRADEMARKS ON THE PRINCIPAL REGISTER”;

3 (2) striking out “may register his” in the matter
4 before subsection (a) and inserting in lieu thereof
5 “may apply to register his”;

6 (3) redesignating paragraphs (1), (2), and (3) of
7 subsection (a) as subparagraphs (A), (B), and (C),
8 respectively;

9 (4) redesignating subsections (a), (b), and (c) as
10 paragraphs (1), (2), and (3), respectively;

11 (5) inserting “(a)” after “SECTION 1.”;

12 (6) striking out “applied to” in subsection
13 (a)(1)(A), as redesignated herein, and inserting in lieu
14 thereof “used on or in connection with”;

15 (7) striking out “actually” in subsection
16 (a)(1)(C), as redesignated herein;

17 (8) striking out “filing” in subsection (a)(2), as
18 redesignated herein, and inserting in lieu thereof “pre-
19 scribed”; and

20 (9) adding at the end thereof the following:

21 “(b) A person who has a bona fide intention to use a
22 trademark in commerce, such intention to reflect the good
23 faith circumstances relating to the intended use, may apply to
24 register the trademark under this Act on the principal regis-
25 ter hereby established:

1 “(1) *By filing in the Patent and Trademark*
2 *Office—*

3 “(A) *a written application, in such form as*
4 *may be prescribed by the Commissioner, verified*
5 *by the applicant, or by a member of the firm or*
6 *an officer of the corporation or association apply-*
7 *ing, specifying applicant’s domicile and citizen-*
8 *ship, applicant’s bona fide intention to use the*
9 *mark in commerce, the goods in connection with*
10 *which the applicant has a bona fide intention to*
11 *use the mark and the mode or manner in which*
12 *the mark is intended to be used in connection*
13 *with such goods, and including a statement to the*
14 *effect that the person making the verification be-*
15 *lieves himself, or the firm, corporation, or associa-*
16 *tion in whose behalf he makes the verification, is*
17 *entitled to use the mark in commerce, and that no*
18 *other person, firm, corporation, or association, to*
19 *the best of his knowledge and belief, has the right*
20 *to use such mark in commerce either in the iden-*
21 *tical form thereof or in such near resemblance*
22 *thereto as to be likely, when used on or in connec-*
23 *tion with the goods of such other person, to cause*
24 *confusion, or to cause mistake, or to deceive.*
25 *However, with the exception of applications filed*

1 *pursuant to section 44 of this Act, no mark shall*
2 *be registered until the applicant has met the re-*
3 *quirements of section 13(b)(2) hereof; and*

4 *“(B) a drawing of the mark.*

5 *“(2) By paying in the Patent and Trademark*
6 *Office the prescribed fee.*

7 *“(3) By complying with such rules or regulations,*
8 *not inconsistent with law, as may be prescribed by the*
9 *Commissioner.*

10 *“(c) At any time during examination of an application*
11 *filed under subsection (b), an applicant who has made use of*
12 *the mark in commerce may claim the benefits thereof for pur-*
13 *poses of this Act, by amending his application to bring it into*
14 *conformity with the requirements of subsection (a).”.*

15 *SEC. 4. Section 2 of the Trademark Act of 1946*
16 *(U.S.C. 1052) is amended—*

17 *(1) by amending subsection (d) to read as follows:*

18 *“(d) Consists of or comprises a mark which so resembles*
19 *a mark registered in the Patent and Trademark Office, or a*
20 *mark or trade name previously used in the United States by*
21 *another and not abandoned, as to be likely, when applied to*
22 *the goods of the applicant, to cause confusion, or to cause*
23 *mistake, or to deceive: Provided, That when the Commission-*
24 *er determines that confusion, mistake, or deception is not*
25 *likely to result from the continued use by more than one*

1 *person of the same or similar marks under conditions and*
2 *limitations as to the mode or place of use of the marks or the*
3 *goods in connection with which such marks are used, concu-*
4 *rent registrations may be issued to such persons when they*
5 *have become entitled to use such marks as a result of their*
6 *concurrent lawful use in commerce prior to (1) the earliest of*
7 *the filing dates of the applications pending or of any registra-*
8 *tion issued under this Act; or (2) July 5, 1947, in the case of*
9 *registrations previously issued under the Act of March 3,*
10 *1881, or February 20, 1905, and continuing in full force*
11 *and effect on that date; or (3) July 5, 1947, in the case of*
12 *applications filed under the Act of February 20, 1905, and*
13 *registered after July 5, 1947. Use prior to the filing date of*
14 *any pending application or a registration shall not be re-*
15 *quired when the owner of such application or registration*
16 *consents to the grant of a concurrent registration to the appli-*
17 *cant. Concurrent registrations may also be issued by the*
18 *Commissioner when a court of competent jurisdiction has fi-*
19 *nally determined that more than one person is entitled to use*
20 *the same or similar marks in commerce. In issuing concu-*
21 *rent registrations, the Commissioner shall prescribe condi-*
22 *tions and limitations as to the mode or place of use of the*
23 *mark or the goods on or in connection with which such mark*
24 *is registered to the respective persons;”;*

1 (2) in subsection (e) by striking out “applied to”
2 each place it appears and inserting in lieu thereof
3 “used on or in connection with”; and

4 (3) in subsection (f) by—

5 (A) striking out “applied to” and inserting
6 in lieu thereof “used on or in connection with”;
7 and

8 (B) striking out “five years” through the end
9 of the subsection and inserting in lieu thereof
10 “five years next preceding an offer of proof by the
11 applicant.”.

12 SEC. 5. Section 3 of the Trademark Act of 1946 (15
13 U.S.C. 1053) is amended by—

14 (1) striking out “used in commerce” in the first
15 sentence;

16 (2) striking out “, except when” through “mark is
17 used” in the first sentence; and

18 (3) striking out the second sentence.

19 SEC. 6. Section 4 of the Trademark Act of 1946 (15
20 U.S.C. 1054) is amended by—

21 (1) striking out “origin used in commerce,” and
22 inserting in lieu thereof “origin,”;

23 (2) striking out “except when” in the first sen-
24 tence and inserting in lieu thereof “except in the case
25 of certification marks when”; and

1 (3) *striking out the second sentence.*

2 *SEC. 7. Section 5 of the Trademark Act of 1946 (15*
3 *U.S.C. 1055) is amended by adding at the end thereof the*
4 *following: "First use of a mark by a person, which use is*
5 *controlled by the registrant or applicant for registration of the*
6 *mark in respect to the nature and quality of the goods or*
7 *services, shall inure to the benefit of the registrant or appli-*
8 *cant."*

9 *SEC. 8. Section 6(b) of the Trademark Act of 1946 (15*
10 *U.S.C. 1056(b)) is amended by striking out "(d)" and in-*
11 *serting in lieu thereof "(e)".*

12 *SEC. 9. Section 7 of the Trademark Act of 1946 (15*
13 *U.S.C. 1057) is amended by—*

14 (1) *amending subsection (b) to read as follows:*

15 *"(b) A certificate of registration of a mark upon the*
16 *principal register provided by this Act shall be prima facie*
17 *evidence of the validity of the registered mark and of the reg-*
18 *istration thereof, of the registrant's ownership of the mark,*
19 *and of the registrant's exclusive right to use the registered*
20 *mark in commerce on or in connection with the goods or serv-*
21 *ices specified in the certificate, subject to any conditions or*
22 *limitations stated therein."*;

23 (2) *redesignating subsections (c), (d), (e), (f),*
24 *and (g) as subsections (d), (e), (f), (g), and (h),*
25 *respectively;*

1 (3) inserting between subsection (b) and subsec-
2 tion (d), as redesignated herein, the following:

3 “(c) Contingent on the registration of a mark on the
4 principal register established herein, the filing of the applica-
5 tion to register such mark shall constitute constructive use of
6 the mark, conferring a right of priority, nationwide in effect,
7 on or in connection with the goods or services specified in the
8 registration against any other person except for a person
9 whose mark has not been abandoned and, who prior to such
10 filing—

11 “(1) has used the mark;

12 “(2) has filed an application to register the mark
13 on the principal register and that application is pend-
14 ing or has resulted in registration of the mark on the
15 principal register; or

16 “(3) has filed a foreign application to register the
17 mark on the basis of which he has acquired a right of
18 priority by the timely filing under section 44(d) of an
19 application to register the mark on the principal regis-
20 ter and that application is pending or has resulted in
21 registration of the mark on the principal register.”;

22 (4) amending subsection (d), as redesignated
23 herein, by striking out “fee herein provided” and in-
24 serting in lieu thereof “prescribed fee”;

1 (5) amending subsection (f), as redesignated
2 herein, by striking out "fee required by law" and in-
3 sserting in lieu thereof "prescribed fee"; and

4 (6) amending subsection (h), as redesignated
5 herein, by striking out "required fee" and inserting in
6 lieu thereof "prescribed fee".

7 SEC. 10. Section 8(a) of the Trademark Act of 1946
8 (15 U.S.C. 1058a) is amended by—

9 (1) striking out "twenty" and inserting in lieu
10 thereof "ten"; and

11 (2) striking out "showing that said mark is in use
12 in commerce or showing that its" and inserting in lieu
13 thereof "setting forth those goods or services recited in
14 the registration on or in connection with which the
15 mark is in use in commerce and having attached there-
16 to a specimen or facsimile showing current use of the
17 mark, or showing that any".

18 SEC. 11. Section 9(a) of the Trademark Act of 1946
19 (15 U.S.C. 1059(a)) is amended by striking out "twenty"
20 and inserting in lieu thereof "ten".

21 SEC. 12. Section 10 of the Trademark Act of 1946 (15
22 U.S.C. 1060) is amended to read as follows:

23 "ASSIGNMENT AND GRANT OF SECURITY INTEREST

24 "SEC. 10. (a) A registered mark or a mark for which
25 application to register has been filed shall be assignable with
26 the goodwill of the business in which the mark is used, or

1 *with that part of the goodwill of the business connected with*
2 *the use of and symbolized by the mark. However, no applica-*
3 *tion to register a mark under section 1(b) shall be assignable*
4 *prior to the filing of the verified statement of use under sec-*
5 *tion 13(b)(2), except to a successor to the business of the ap-*
6 *plicant, or portion thereof, to which the mark pertains.*

7 “(b)(1) *A security interest in a registered mark, or a*
8 *mark for which an application for registration has been filed*
9 *under section 1(b) or subsection (d) or (e) of section 44, may*
10 *be obtained and will be superior to any interest subsequently*
11 *granted to a third party, provided—*

12 “(A) *the party granted the security interest ob-*
13 *tains a security interest in the goodwill of the business*
14 *in which the mark is used, or with that part of the*
15 *goodwill of the business connected with the use of and*
16 *symbolized by the mark; and*

17 “(B) *notice of such interest is filed in the Patent*
18 *and Trademark Office—*

19 “(i) *within ten days after the interest is*
20 *granted if the interest pertains to a registered*
21 *mark or if it pertains to a mark which is the sub-*
22 *ject of an application for registration under sec-*
23 *tion 1(b) or subsection (d) or (e) of section 44, or*

24 “(ii) *within four months after the mark is*
25 *registered if the interest pertains to a mark which*

1 *is the subject of an application under section 1(a)*
2 *or 23 and the person holding the interest has a*
3 *valid, perfected interest pursuant to State law at*
4 *the time the mark is registered.*

5 *“(2) A party granted a security interest in a registered*
6 *mark, or a mark for which an application for registration has*
7 *been filed under section 1(b) or subsection (d) or (e) of section*
8 *44, may, after default by the party granting the security in-*
9 *terest, require the debtor to assign the mark to—*

10 *“(A) a transferee who is also being assigned that*
11 *part of the goodwill of the business connected with the*
12 *use of and symbolized by the mark; or*

13 *“(B) the party holding the security interest, even*
14 *though such party does not presently engage in the*
15 *business to which the mark relates, provided that the*
16 *secured party either subsequently engages in the busi-*
17 *ness to which the mark relates or holds the mark only*
18 *for the purpose of subsequently transferring the mark*
19 *along with the goodwill associated with the mark and*
20 *that such subsequent transfer occurs prior to dissipa-*
21 *tion of the goodwill.*

22 *“(3) A security interest in a mark obtained pursuant to*
23 *this section will extend to the consideration received upon the*
24 *sale, exchange, collection or other disposition of the mark for*
25 *ten days after receipt of the consideration by the transferor*

1 *and will then lapse unless a financing statement or other*
2 *document is filed as required by appropriate State law.*

3 “(c) *In any assignment of or grant of a security interest*
4 *in a mark it shall not be necessary to include the goodwill of*
5 *the business connected with the use of and symbolized by any*
6 *other mark used in the business or by the name or style*
7 *under which the business is conducted.*

8 “(d) *Assignments and grants of security interest shall*
9 *be by instruments in writing duly executed. Acknowledgment*
10 *shall be prima facie evidence of the execution of an assign-*
11 *ment or a grant of a security interest and when recorded in*
12 *the Patent and Trademark Office the record shall be prima*
13 *facie evidence of execution. An assignment of or grant of a*
14 *security interest in a mark shall be void as against any sub-*
15 *sequent purchaser or other entity being granted an interest*
16 *for a valuable consideration without notice, unless recorded*
17 *in the Patent and Trademark Office—*

18 “(1) *within three months after the date thereof or*
19 *prior to such subsequent purchase in the case of an as-*
20 *ignment; or*

21 “(2) *pursuant to the provisions of subsection*
22 *(b)(1)(B) or prior to the subsequent filing of a conflict-*
23 *ing interest, whichever is later, in the case of the grant*
24 *of any security interest.*

1 “(e) A separate record of documents submitted for re-
2 cording under this section shall be maintained in the Patent
3 and Trademark Office. Such record shall include any re-
4 lease, cancellation, discharge, or satisfaction relating to any
5 conveyance or other instrument affecting title to or any inter-
6 est in a registered mark or a mark for which application to
7 register has been filed.

8 “(f) An assignee or holder of a security interest not
9 domiciled in the United States shall be subject to and comply
10 with the provisions of section 1(d) of this Act.”.

11 SEC. 13. Section 12(a) of the Trademark Act of 1946
12 (15 U.S.C. 1062a) is amended by—

13 (1) striking out “fee herein provided” and insert-
14 ing in lieu thereof “prescribed fee”; and

15 (2) striking out “to registration, the” and insert-
16 ing in lieu thereof “to registration, or would be entitled
17 to registration upon the acceptance of the statement of
18 use prescribed in section 13(b)(2) of this Act, the”.

19 SEC. 14. Section 13 of the Trademark Act of 1946 (15
20 U.S.C. 1063) is amended by—

21 (1) inserting “(a)” before “Any person”;

22 (2) striking out “required fee” and inserting in
23 lieu thereof “prescribed fee”; and

24 (3) adding at the end thereof the following:

25 “(b) Unless registration is successfully opposed—

1 “(1) a mark entitled to registration on the princi-
2 pal register based on an application filed under section
3 1(a) or pursuant to section 44, shall be registered in
4 the Patent and Trademark Office, and a certificate of
5 registration issued, and notice of the registration shall
6 be published in the Official Gazette of the Patent and
7 Trademark Office; or

8 “(2) a notice of allowance shall be issued to the
9 applicant if he applied for registration under section
10 1(b). Within six months following the date of the
11 notice of allowance, the applicant must file in the
12 Patent and Trademark Office, together with such
13 number of specimens or facsimiles of the mark as used
14 in commerce as may be required by the Commissioner
15 and payment of the prescribed fee, a verified statement
16 that the mark is in use in commerce and specifying the
17 date of applicant’s first use of the mark and the date of
18 applicant’s first use of the mark in commerce, those
19 goods or services specified in the notice of allowance on
20 or in connection with which the mark is used in com-
21 merce and the mode or manner in which the mark is
22 used in connection with such goods or services. Subject
23 to examination and acceptance of the statement of use,
24 the mark shall be registered in the Patent and Trade-
25 mark Office, and a certificate of registration issued, for

1 *those goods or services recited in the statement of use*
2 *for which the mark is entitled to registration and notice*
3 *of registration shall be published in the Official Ga-*
4 *zette of the Patent and Trademark Office. The notice*
5 *shall specify the goods or services for which the mark*
6 *is registered.*

7 *“(A) The time for filing the statement of use shall*
8 *be extended for an additional six-month period upon*
9 *written request of the applicant prior to expiration of*
10 *the six-month period. Such request shall be accompa-*
11 *nied by a verified statement that the applicant has a*
12 *continued bona fide intention to use the mark in com-*
13 *merce and specifying those goods or services identified*
14 *in the notice of allowance on or in connection with*
15 *which the applicant has a continued bona fide inten-*
16 *tion to use the mark in commerce. Up to six further*
17 *extensions of six months each shall be obtained when*
18 *requested prior to the expiration of the extended period*
19 *and accompanied by a verified statement that the ap-*
20 *plicant has a continued bona fide intention to use the*
21 *mark in commerce and specifying those goods or serv-*
22 *ices identified in the most recent extension for which*
23 *the applicant has a continued bona fide intention to*
24 *use the mark in commerce. Each request for an exten-*

1 *sion shall be accompanied by payment of the prescribed*
2 *fee.*

3 *“(B) The Commissioner shall notify any appli-*
4 *cant who files a statement of use of the acceptance or*
5 *refusal thereof and, if a refusal, the reasons therefor.*
6 *An applicant may amend his statement of use.*

7 *“(C) The failure to timely file a verified*
8 *statement of use shall result in abandonment of the*
9 *application.”.*

10 *SEC. 15. Section 14(c) of the Trademark Act of 1946*
11 *(15 U.S.C. 1064(c)) is amended to read as follows:*

12 *“(c) at any time if the registered mark becomes*
13 *the generic name for the goods or services, or a portion*
14 *thereof, for which it is registered, or has been aban-*
15 *doned, or its registration was obtained fraudulently or*
16 *contrary to the provisions of section 4 or of subsection*
17 *(a), (b), or (c) of section 2 for a registration hereunder,*
18 *or contrary to similar prohibitory provisions of such*
19 *prior Acts for a registration thereunder, or if the regis-*
20 *tered mark is being used by, or with the permission of,*
21 *the registrant so as to misrepresent the source of the*
22 *goods or services on or in connection with which the*
23 *mark is used. If the registered mark becomes the gener-*
24 *ic name for less than all of the goods or services for*
25 *which it is registered, a petition to cancel the registra-*

1 *tion for only those goods or services may be filed. A*
2 *registered mark shall not be deemed to be the generic*
3 *name of goods or services solely because such mark is*
4 *also used as a name of or to identify a unique product*
5 *or service. The primary significance of the registered*
6 *mark to the relevant public rather than purchaser moti-*
7 *vation shall be the test for determining whether the reg-*
8 *istered mark has become the generic name of goods or*
9 *services on or in connection with which it has been*
10 *used; or”.*

11 *SEC. 16. Section 15(4) of the Trademark Act of 1946*
12 *(15 U.S.C. 1065(4)) is amended by striking out the common*
13 *descriptive name of any article or substance, patented or*
14 *otherwise and inserting in lieu thereof “the generic name”.*

15 *SEC. 17. Section 16 of the Trademark Act of 1946 (15*
16 *U.S.C. 1066) is amended by striking out “applied to the*
17 *goods or when used in connection with the services” and in-*
18 *serting in lieu thereof “used on or in connection with the*
19 *goods or services”.*

20 *SEC. 18. Section 18 of the Trademark Act of 1946 (15*
21 *U.S.C. 1068) is amended by—*

22 *(1) striking out “or restrict” and inserting in lieu*
23 *thereof “the registration, in whole or in part, may*
24 *modify the application or registration by limiting the*

1 goods or services specified therein, may otherwise re-
2 strict or rectify with respect to the register”;

3 (2) striking out “or” before “may refuse”; and

4 (3) adding at the end thereof the following: “How-
5 ever, no final judgment shall be entered in favor of an
6 applicant under section 1(b) prior to the mark being
7 registered, if such applicant cannot prevail without es-
8 tablishing constructive use pursuant to section 7(c).”.

9 SEC. 19. Section 19 of the Trademark Act of 1946 (15
10 U.S.C. 1069) is amended by striking out the second sen-
11 tence.

12 SEC. 20. Section 21 of the Trademark Act of 1946 (15
13 U.S.C. 1071) is amended—

14 (1) in subsection (a), by striking out “section
15 21(b)” each place it appears and inserting in lieu
16 thereof “subsection (b)”;

17 (2) in subsection (a), by striking out “section
18 21(a)(2) hereof” and inserting in lieu thereof “para-
19 graph (2) of this subsection”;

20 (3) in subsection (a)(4), by adding at the end
21 thereof the following: “However, no final judgment
22 shall be entered in favor of an applicant under section
23 1(b) prior to the mark being registered, if such appli-
24 cant cannot prevail without establishing constructive
25 use pursuant to section 7(c).”.

1 (4) in subsection (b), by striking out “section
2 21(a)” each place it appears and inserting in lieu
3 thereof “subsection (a)”;

4 (5) in subsection (b)(1), by adding at the end
5 thereof the following: “However, no final judgment
6 shall be entered in favor of an applicant under section
7 1(b) prior to the mark being registered, if such appli-
8 cant cannot prevail without establishing constructive
9 use pursuant to section 7(c).”.

10 (6) in subsection (b)(3), by amending the first
11 sentence of such paragraph to read as follows:

12 “(3) In any case where there is no adverse party, a copy
13 of the complaint shall be served on the Commissioner, and,
14 unless the court finds the expenses to be unreasonable, all the
15 expenses of the proceeding shall be paid by the party bringing
16 the case, whether the final decision is in favor of such party
17 or not.”.

18 SEC. 21. Section 23 of the Trademark Act of 1946 (15
19 U.S.C. 1091) is amended by—

20 (1) inserting “(a)” before “In addition” in the
21 first paragraph;

22 (2) inserting “(b)” before “Upon the” in the
23 second paragraph;

24 (3) inserting “(c)” before “For the purposes” in
25 the third paragraph;

1 (4) striking out “paragraphs (a),” in subsection
2 (a), as designated herein, and inserting in lieu thereof
3 “subsections (a),”;

4 (5) striking out “have been in lawful use in com-
5 merce by the proprietor thereof, upon” in subsection
6 (a), as designated herein, and inserting in lieu thereof
7 “are in use in commerce by the owner thereof, on”;

8 (6) striking out “for the year preceding the filing
9 of the application” in subsection (a), as designated
10 herein;

11 (7) inserting before “section 1” in subsection (a),
12 as designated herein, the following: “subsections (a)
13 and (d) of”;

14 (8) striking out “fee herein provided” in subsec-
15 tion (b), as designated herein, and inserting in lieu
16 thereof “prescribed fee”; and

17 (9) striking out the last paragraph.

18 SEC. 22. Section 24 of the Trademark Act of 1946 (15
19 U.S.C. 1092) is amended by—

20 (1) striking out “verified” in the second sentence;

21 (2) striking out “was not entitled to register the
22 mark at the time of his application for registration
23 thereof,” and inserting in lieu thereof “is not entitled
24 to registration,”;

1 (3) striking out “is not used by the registrant or”;
2 and

3 (4) adding at the end thereof the following: “How-
4 ever, no final judgment shall be entered in favor of an
5 applicant under section 1(b) prior to the mark being
6 registered, if such applicant cannot prevail without es-
7 tablishing constructive use pursuant to section 7(c).”.

8 SEC. 23. Section 26 of the Trademark Act of 1946 (15
9 U.S.C. 1094) is amended by—

10 (1) inserting “1(b),” after “sections”; and

11 (2) inserting “7(c),” after “7(b)”.

12 SEC. 24. Section 27 of the Trademark Act of 1946 (15
13 U.S.C. 1095) is amended by adding at the end thereof the
14 following: “The filing of an application to register a mark on
15 the supplemental register, or registration of a mark thereon,
16 shall not constitute an admission that the mark is not eligible
17 for registration on the principal register established herein.”.

18 SEC. 25. Section 29 of the Trademark Act of 1946 (15
19 U.S.C. 1111) is amended by striking out “as used”.

20 SEC. 26. Section 30 of the Trademark Act of 1946 (15
21 U.S.C. 1112) is amended by—

22 (1) inserting “or registrant’s” after “applicant’s”;

23 (2) striking out “may file an application” and in-
24 serting in lieu thereof “may apply”;

1 (3) striking out "goods and services upon or in
2 connection with which he is actually using the mark:"
3 and inserting in lieu thereof "goods or services on or in
4 connection with which he is using or he has a bona
5 fide intention to use the mark in commerce:"; and

6 (4) by amending the proviso to read: "Provided,
7 That when the Commissioner by regulation permits the
8 filing of an application for the registration of a mark
9 for goods or services which fall within a plurality of
10 classes, a fee equaling the sum of the fees for filing an
11 application in each class shall be paid, and the Com-
12 missioner may issue a single certificate of registration
13 for such mark."

14 SEC. 27. Section 31 of the Trademark Act of 1946 (15
15 U.S.C. 1113) is amended by—

16 (1) striking out "SECTION 31. FEES"; and

17 (2) inserting "SEC. 31." before "(a)".

18 SEC. 28. Section 32(2) of the Trademark Act of 1946
19 (15 U.S.C. 1114(2)) is amended by striking out "injunc-
20 tion" and inserting in lieu thereof "injunctive".

21 SEC. 29. Section 33(a) of the Trademark Act of 1946
22 (15 U.S.C. 1115(a)) is amended by—

23 (1) inserting "the validity of the registered mark
24 and of the registration thereof, of the registrant's own-

1 *ership of the mark, and of the* after “*prima facie evi-*
2 *dence of*”;

3 (2) inserting “*or in connection with*” after “*in*
4 *commerce on*”;

5 (3) striking out “*an opposing party*” and insert-
6 *ing in lieu thereof “another person*”; and

7 (4) inserting “, including those set forth in sub-
8 *section (b),”* after “*or defect*”.

9 *SEC. 30. Section 33(b) of the Trademark Act of 1946*
10 *(15 U.S.C. 1115(b)) is amended by—*

11 (1) amending the matter in subsection (b) before
12 *paragraph (1) to read as follows:*

13 “(b) *To the extent that the right to use the registered*
14 *mark has become incontestable under section 15, the registra-*
15 *tion shall be conclusive evidence of the validity of the regis-*
16 *tered mark and of the registration thereof, of the registrant’s*
17 *ownership of the mark, and of the registrant’s exclusive right*
18 *to use the registered mark in commerce. Such conclusive evi-*
19 *dence shall relate to the exclusive right to use the mark on or*
20 *in connection with the goods or services specified in the affi-*
21 *davit filed under the provisions of section 15 or, if fewer in*
22 *number, the renewal application filed under the provisions of*
23 *section 9 hereof, subject to any conditions or limitations in*
24 *the registration or in such affidavit or renewal application.*
25 *Such conclusive evidence of the right to use the registered*

1 *mark shall be subject to proof of infringement as defined in*
2 *section 32, and shall be subject to the following defenses or*
3 *defects:";*

4 (2) *striking out "services in" in paragraph (3)*
5 *and inserting in lieu thereof "services on or in";*

6 (3) *striking out "trade or service" in paragraph*
7 *(4);*

8 (4) *striking out "to users" in paragraph (4);*

9 (5) *striking out "registration of the mark under*
10 *this Act or" in paragraph (5) and inserting in lieu*
11 *thereof "(A) the date of constructive use of the mark*
12 *established pursuant to section 7(c), or (B) the regis-*
13 *tration of the mark under this Act if the application for*
14 *registration is filed prior to the effective date of the*
15 *Trademark Law Revision Act of 1988, or (C)"; and*

16 (6) *adding at the end of the subsection, the follow-*
17 *ing:*

18 *"In addition, equitable principles, including laches, estoppel,*
19 *and acquiescence, where applicable, may be considered and*
20 *applied."*

21 *SEC. 31. Section 34 of the Trademark Act of 1946 (15*
22 *U.S.C. 1116) is amended—*

23 (1) *in subsection (a) by—*

24 (A) *striking out "of the registrant of a mark*
25 *registered in the Patent and Trademark Office"*

1 *and inserting in lieu thereof “protected under this*
2 *Act”*; and

3 *(B) adding at the end thereof the following:*
4 *“However, no final judgment shall be entered in favor of an*
5 *applicant under section 1(b) prior to the mark being regis-*
6 *tered, if such applicant cannot prevail without establishing*
7 *constructive use pursuant to section 7(c).”*; and

8 *(2) in subsection (c) by—*

9 *(A) striking out “proceeding arising” and in-*
10 *serting in lieu thereof “proceeding involving a*
11 *mark registered”*; and

12 *(B) striking out “decision is rendered,*
13 *appeal taken or a decree issued” and inserting in*
14 *lieu thereof “judgment is entered or an appeal is*
15 *taken”*.

16 *SEC. 32. Section 35(a) of the Trademark Act of 1946*
17 *(15 U.S.C. 1117(a)) is amended by striking out “of the reg-*
18 *istrant of a mark registered in the Patent and Trademark*
19 *Office” and inserting in lieu thereof “protected under this*
20 *Act”*.

21 *SEC. 33. Section 36 of the Trademark Act of 1946 (15*
22 *U.S.C. 1118) is amended by—*

23 *(1) striking out “of the registrant of a mark regis-*
24 *tered in the Patent and Trademark Office” and insert-*
25 *ing in lieu thereof “protected under this Act”*; and

1 (2) striking out “registered mark” and inserting
2 in lieu thereof “mark”.

3 SEC. 34. (a) Section 39 of the Trademark Act of 1946
4 (15 U.S.C. 1121) is redesignated as subsection (a) of section
5 39 by inserting “(a)” after “SEC. 39.”

6 (b) Section 39a of the Trademark Act of 1946 (15
7 U.S.C. 1121a) is redesignated as subsection (b) of section 39
8 by striking out “SEC. 39a.” and inserting in lieu thereof
9 “(b)”.

10 (c) Subsection (b) of section 39, as redesignated herein,
11 is amended by striking out “servicemarks” each place it ap-
12 pears and inserting in lieu thereof “service marks”.

13 SEC. 35. Section 43(a) of the Trademark Act of 1946
14 (15 U.S.C. 1125(a)) is amended to read as follows:

15 “(a)(1) Any person who uses in commerce on or in con-
16 nection with any goods or services, or any container for
17 goods, any word, term, name, symbol, or device or any com-
18 bination thereof, or who shall engage in any act, trade prac-
19 tice, or course of conduct in commerce, which—

20 “(A) is likely to cause confusion, or to cause mis-
21 take, or to deceive as to the affiliation, connection, or
22 association of such person with another, or to the
23 origin, sponsorship, or approval of his goods, services,
24 or commercial activities by another; or

1 “(B) by use of a false designation of origin or of
2 a false or misleading description or representation,
3 misrepresents the nature, characteristics, or qualities of
4 his or another person’s goods, services, commercial ac-
5 tivities or their geographic origin;
6 shall be liable in a civil action by any person who believes
7 that he is or is likely to be damaged by such action.

8 “(2) The relief provided in this subsection shall be in
9 addition to and shall not affect those remedies otherwise
10 available under this Act, under common law, or pursuant to
11 any statute of the United States: Provided, That nothing in
12 this subsection shall be construed so as to preempt the juris-
13 diction of any State to grant relief in cases of unfair com-
14 petition.”.

15 SEC. 36. Section 43 of the Trademark Act of 1946 (15
16 U.S.C. 1125) is amended by adding at the end thereof the
17 following new subsection:

18 “(c)(1) The owner of a famous mark registered under
19 the Act of March 3, 1881, or the Act of February 20, 1905,
20 or on the principal register established herein shall be enti-
21 tled, subject to the principles of equity, taking into account,
22 among other things, the good faith use of an individual’s
23 name or an indication of geographic origin, to an injunction
24 against another person’s use in commerce of a mark, com-
25 mencing after the registrant’s mark becomes famous, which

1 *causes dilution of the distinctive quality of the registrant's*
2 *mark, and to obtain such other relief as is provided in this*
3 *subsection. In determining whether a mark is famous and*
4 *has distinctive quality, a court shall weigh the following and*
5 *other relevant factors:*

6 “(A) *whether the mark is inherently distinctive or*
7 *has become distinctive through substantially exclusive*
8 *and continuous use;*

9 “(B) *whether the duration and extent of use of the*
10 *mark are substantial;*

11 “(C) *whether the duration and extent of advertis-*
12 *ing and publicity of the mark are substantial;*

13 “(D) *whether the geographical extent of the trad-*
14 *ing area in which the mark is used is substantial;*

15 “(E) *whether the mark has substantial renown in*
16 *its and the other person's trading area and channels of*
17 *trade; and*

18 “(F) *whether the same or similar marks are being*
19 *used substantially by third parties.*

20 “(2) *The registrant shall be entitled only to injunctive*
21 *relief in an action brought under this subsection, unless the*
22 *subsequent user willfully intended to trade on the registrant's*
23 *reputation or to cause dilution of the registrant's mark. If*
24 *such willful intent is proven, the registrant shall also be enti-*
25 *tled to the remedies set forth in sections 35(a) and 36 hereof,*

1 *subject to the discretion of the court and the principles of*
2 *equity.*

3 “(3) *Ownership of a valid registration under the Act of*
4 *1881 or the Act of 1905 or on the principal register estab-*
5 *lished herein shall be a complete bar to an action brought by*
6 *another person, under the common law or statute of a State,*
7 *seeking to prevent dilution of the distinctiveness of a mark,*
8 *label, or form of advertisement.”.*

9 *SEC. 37. Section 44 of the Trademark Act of 1946 (15*
10 *U.S.C. 1126) is amended—*

11 (1) *by striking out “fees herein prescribed” in*
12 *subsection (a) and inserting in lieu thereof “fees*
13 *required herein”;*

14 (2) *by striking out “paragraph (b)” each place it*
15 *appears and inserting in lieu thereof “subsection (b)”;*

16 (3) *in subsection (d) by striking out “sections 1,*
17 *2, 3, 4, or 23” and inserting in lieu thereof “section 1,*
18 *3, 4, 23, or 44(e)”;*

19 (4) *in subsection (d)(2) by striking out “but use*
20 *in commerce need not be alleged” and inserting in lieu*
21 *thereof “including a statement that the applicant has a*
22 *bona fide intention to use the mark in commerce”;*

23 (5) *in subsection (d)(3), by striking out “foreing”*
24 *and inserting in lieu thereof “foreign”;*

1 (6) in subsection (e) by adding at the end thereof
2 the following: "The application must state the appli-
3 cant's bona fide intention to use the mark in com-
4 merce, but use in commerce shall not be required prior
5 to registration."; and

6 (7) in subsection (f), by striking out "paragraphs
7 (c), (d)," and inserting in lieu thereof "subsections (c),
8 (d),".

9 SEC. 38. Section 45 of the Trademark Act of 1946 (15
10 U.S.C. 1127) is amended by—

11 (1) amending the paragraph defining "related
12 company" to read as follows:

13 "The term 'related company' means any person
14 whose use of a mark is controlled by the owner of the
15 mark in respect to the nature and quality of the goods
16 or services on or in connection with which the mark is
17 used.";

18 (2) amending the paragraph defining "trade
19 name" and "commercial name" to read as follows:

20 "The terms 'trade name' and 'commercial name'
21 mean any name used by a person to identify his busi-
22 ness or vocation.";

23 (3) amending the paragraph defining "trademark"
24 to read as follows:

1 *“The term ‘trademark’ means any word, name,*
2 *symbol, or device or any combination thereof used by a*
3 *person, or which a person has a bona fide intention to*
4 *use in commerce and for which he applies for registra-*
5 *tion on the principal register established by this Act, to*
6 *identify and distinguish his goods, including a unique*
7 *product, from those of others and to indicate the source*
8 *of the goods, even if that source is unknown.”;*

9 (4) *amending the paragraph defining “service*
10 *mark” to read as follows:*

11 *“The term ‘service mark’ means any word, name,*
12 *symbol, or device or any combination thereof used by a*
13 *person, or which a person has a bona fide intention to*
14 *use in commerce and for which he applies for registra-*
15 *tion on the principal register established by this Act, to*
16 *identify and distinguish the services of one person, in-*
17 *cluding a unique service, from those of others and to*
18 *indicate the source of the services, even if that source is*
19 *unknown. Titles, character names, and other distinc-*
20 *tive features of radio or television programs may be*
21 *registered as service marks notwithstanding that they,*
22 *or the programs, may advertise the goods of the*
23 *sponsor.”;*

24 (5) *amending the paragraph defining “certifica-*
25 *tion mark” to read as follows:*

1 *“The term ‘certification mark’ means any word,*
2 *name, symbol, or device or any combination thereof*
3 *used by a person other than its owner, or for which*
4 *there is a bona fide intention for such use in commerce*
5 *through the filing of an application for registration on*
6 *the principal register established by this Act, to certify*
7 *regional or other origin, material, mode of manufac-*
8 *ture, quality, accuracy, or other characteristics of such*
9 *person’s goods or services or that the work or labor on*
10 *the goods or services was performed by members of a*
11 *union or other organization.”;*

12 (6) amending the paragraph defining “collective
13 mark” to read as follows:

14 *“The term ‘collective mark’ means a trademark or*
15 *service mark used by the members of a cooperative, an*
16 *association, or other collective group or organization, or*
17 *which such entity has a bona fide intention to use in*
18 *commerce and for which it applies for registration on*
19 *the principal register established by this Act, and in-*
20 *cludes marks indicating membership in a union, an*
21 *association, or other organization.”;*

22 (7) amending the paragraph defining “mark” to
23 read as follows:

24 *“The term ‘mark’ includes any trademark, service*
25 *mark, collective mark, or certification mark.”;*

1 (8) amending the matter which appears between
2 the paragraph defining "mark", and the paragraph de-
3 fining "colorable imitation" to read as follows:

4 "The term 'use in commerce' means use of a
5 mark in the ordinary course of trade, commensurate
6 with the circumstances, and not made merely to reserve
7 a right in a mark. For purposes of this Act, a mark
8 shall be deemed to be in use in commerce (1) on goods
9 when it is placed in any manner on the goods or their
10 containers or the displays associated therewith or on
11 the tags or labels affixed thereto, or if the nature of the
12 goods makes such placement impracticable then on doc-
13 uments associated with the goods or their sale, and the
14 goods are sold or transported in commerce, and (2) on
15 services when it is used or displayed in the sale or ad-
16 vertising of services and the services are rendered in
17 commerce, or the services are rendered in more than
18 one State or in this and a foreign country and the
19 person rendering the services is engaged in commerce
20 in connection therewith.

21 "A mark shall be deemed to be 'abandoned'—

22 "(1) when its use has been discontinued with
23 intent not to resume. Intent not to resume may be
24 inferred from circumstances. Nonuse for two con-
25 secutive years shall be prima facie evidence of

1 *abandonment. 'Use' means use made in the ordi-*
2 *nary course of trade, commensurate with the cir-*
3 *cumstances, and not made merely to reserve a*
4 *right in a mark; or*

5 “(2) *when any course of conduct of the*
6 *owner, including acts of omission as well as com-*
7 *mission, causes the mark to become the generic*
8 *name for the goods or services or otherwise to lose*
9 *its significance as a mark. Purchaser motivation*
10 *shall not be a test for determining abandonment*
11 *under this subparagraph.*

12 “*The term 'dilution' means the material reduction*
13 *of the distinctive quality of a famous mark through use*
14 *of the mark by another person, regardless of the pres-*
15 *ence or absence of (1) competition between the users of*
16 *the mark, or (2) likelihood of confusion, mistake, or de-*
17 *ception arising from that use.”*

18 *SEC. 39. The Trademark Act of 1946 is amended by*
19 *adding at the end thereof the following:*

20 “*SEC. 51. All certificates of registration based upon ap-*
21 *plications for registration pending in the Patent and Trade-*
22 *mark Office on the effective date of the Trademark Law Re-*
23 *vision Act of 1988 shall remain in force for a period of 10*
24 *years.”*

1 *SEC. 40. This Act and the amendments made by this*
2 *Act shall become effective on the date one year after the date*
3 *of enactment of this Act.*

Calendar No. 667

100TH CONGRESS
2D SESSION
S. 1883

A BILL

To amend the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes".

MAY 12 (legislative day, MAY 9), 1988
Reported with an amendment