PATENT, TRADEMARK AND COPYRIGHT BRIEFS

Legislation, Patents: According to the Washington Post (9/25/79), a major controversy is brewing over attempts to broaden the scope of the Plant Variety Protection Act.

Under S. 23 (introduced by Senator Frank Church (D-Idaho) on January 15th) and H. R. 999 (introduced by Representative E. de la Garza (D-Tex.) on January 18th), Section 144 of the Plant Variety Protection Act, 7 U.S.C. §2583, would be deleted. This section prohibits the patenting of new varieties of tomatoes, carrots, cucumbers, celery, peppers, and okra. The Post reports that scientists and others have voiced concern that essential genetic variety may be lost if the legislation passes.

S. 23 is pending before the Senate Committee on Agriculture, Nutrition and Forestry. H. R. 999 is pending before the House Agriculture committee.

Legislation, Patents: Representative Allen E. Ertel (D-Pa.) has introduced H. R. 5427 (the counterpart of S. 1215, 431 PTCJ A-4, D-1), a bill that would allow Government contractors to retain title to inventions made under Government contracts. Under the "Science and Technology Research and Development Utilization Policy Act," the contractor would take title except in those instances when Government ownership is necessary to protect the public health, safety, or welfare.

Introduced September 27th, H. R. 5427 was referred jointly to the Committees on Science and Technology and the Judiciary.

Trademarks, Infringement: The manufacturers of unauthorized iron-on transfers depicting the marks of the television shows "Starsky & Hutch" and "Charlie's Angels" have been found guilty of trademark infringement and unfair competition by the U.S. District Court of New Jersey. Judge Lacey also held that the right of publicity of the TV stars (owned by the plaintiff) had been infringed by the use of their likenesses. (Spelling-Goldberg Productions v. Schneider, 7/11/79)

Copyrights, Attorneys' Fees: Citing the defendants' "obstreperous conduct," "stonewalling," and contempt of a preliminary injunction, the U.S. District Court for Eastern Michigan awards attorneys' fees to a plaintiff whose copyrights associated with the rock group "KISS" have been infringed. (Aucoin Management, Inc. v. Neil's Fads, Inc., 9/28/79)

The defendants, wholesalers and retailers of iron-on transfers and imprinted T-shirts, defied a preliminary injunction ordering them to stop selling "unauthorized merchandise using plaintiff's copyrighted graphic artwork including the 'KISS' characters." Consequently, Judge Churchill rules that an award of attorneys' fees in the amount of $10,000 is "especially appropriate in the present case."

Seminars, Copyrights: The Journals Committee and the Copyright Committee of the Association of American Publishers, Inc. (AAP) are sponsoring a seminar/workshop on copyright matters of interest to journal publishers. The program will be presented November 12th at the offices of McGraw-Hill Book Company in New York City.

For additional information, contact Carol Risher at the Association of American Publishers, Inc., 1707 L Street, N.W., Suite 480, Washington, D.C. 20036. Telephone: (202) 293-2585.

ITC, Hearings: The U.S. International Trade Commission, on October 29th, will hear oral arguments on a presiding officer's recommendation that the importation of certain automatic crankpin grinders violates Section 337 of the Tariff Act of 1930, 19 U.S.C. §1337. Comments are also being sought from the public on issues of relief, bonding, and the public interest. The hearing will be held in Room 331 of the Commission's office at 701 E Street, N.W., Washington, D.C. (In re Certain Automatic Crankpin Grinders, No. 337-TA-60, 10/17/79)

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