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Additionally, it should be noted for the record that the maintenance of the dams and weirs will be done in accordance with the Wilderness Act of 1964. It is not the intention of the author nor of the committee to allow for motorized vehicles to be used to maintain these structures.

I would like to commend the gentleman from California [Mr. DOOLITTLE] for his work on bringing this measure to the House. This is a good bill. It protects the interests of the constituents of the gentleman from California [Mr. DOOLITTLE] while at the same time it preserves the intent of the original law that created the Emigrant Wilderness area. I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this legislation sponsored by the gentleman from California [Mr. DOOLITTLE].

While the concept of dams in the wilderness area may raise concerns, this bill addresses some very unique circumstances. The 18 small dams and weirs at issue were in existence in 1975 at the time Congress designated the Emigrant Wilderness within the Stanislaus National Forest in California. The Forest Service has released a draft management plan that would provide for the continued maintenance of 7 of the 18 structures. The bill, however, directs that all 18 structures be repaired and maintained.

Initially, Mr. Speaker, the Forest Service opposed this legislation primarily because they were concerned about the added costs of repairing and maintaining of these facilities. In response to their testimony, the committee adopted a substitute to clarify that the maintenance and operation of these facilities shall be at private expense.

It is important to note, Mr. Speaker, that we are grandfathering preexisting uses and not providing a blanket exemption from the Wilderness Act in this legislation. This bill is about people with backpacks, not bulldozers, who will be involved in the repair and maintenance of these small structures. The legislation does not contemplate that motorized vehicles of any kind will be allowed in the wilderness area.

The small lakes created by these dams receive heavy use by recreationists, including fishermen. A positive aspect of this bill is that the recreational uses are more widely dispersed, rather than concentrated in fewer areas as would be the case if the dams were allowed to deteriorate.

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Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his comments. My colleague is indeed right; the maintenance chores will not be done by bulldozers but rather individuals with backpacks.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 1663, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bills just considered, H.R. 1663 and H.R. 1944.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

TRADEMARK LAW TREATY IMPLEMENTATION ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1661) to implement the provisions of the Trademark Law Treaty, as amended.

The Clerk read as follows:

H.R. 1661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trademark Law Treaty Implementation Act".

SEC. 2. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this Act, the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.), shall be referred to as the "Trademark Act of 1946".

SEC. 3. APPLICATION FOR REGISTRATION; VERIFICATION.

(a) APPLICATION FOR USE OF TRADEMARK.—Section 1(a) of the Trademark Act of 1946 (15 U.S.C. 1051(a)) is amended to read as follows:

"SECTION 1. (a)(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner, and such number of specimens or facsimiles of the mark as used as may be required by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, the goods in connection with which the mark is used, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify that—

"(A) the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be the owner of the mark sought to be registered;

"(B) to the best of the verifier's knowledge and belief, the facts recited in the application are accurate;

"(C) the mark is in use in commerce; and

"(D) to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

"(i) state exceptions to the claim of exclusive use; and

"(ii) shall specify, to the extent of the verifier's knowledge—

"(I) any concurrent use by others;

"(II) the goods on or in connection with which and the areas in which each concurrent use exists;

"(III) the periods of each use; and

"(IV) the goods and area for which the applicant desires registration.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.".

(b) APPLICATION FOR BONA FIDE INTENTION TO USE TRADEMARK.—Subsection (b) of section 1 of the Trademark Act of 1946 (15 U.S.C. 1051(b)) is amended to read as follows:

"(b)(1) A person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the goods in connection with which the applicant has a bona fide intention to use the mark, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify—

"(A) that the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be entitled to use the mark in commerce;

"(B) the applicant's bona fide intention to use the mark in commerce;

"(C) that, to the best of the verifier's knowledge and belief, the facts recited in the application are accurate; and

"(D) that, to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the

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goods of such other person, to cause confusion, or to cause mistake, or to deceive.

Except for applications filed pursuant to section 44, no mark shall be registered until the applicant has met the requirements of subsections (c) and (d) of this section.

''(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.''.

(c) CONSEQUENCE OF DELAYS.—Paragraph (4) of section 1(d) of the Trademark Act of 1946 (15 U.S.C. 1051(d)(4)) is amended to read as follows:

''(4) The failure to timely file a verified statement of use under paragraph (1) or an extension request under paragraph (2) shall result in abandonment of the application, unless it can be shown to the satisfaction of the Commissioner that the delay in responding was unintentional, in which case the time for filing may be extended, but for a period not to exceed the period specified in paragraphs (1) and (2) for filing a statement of use.''.

SEC. 4. REVIVAL OF ABANDONED APPLICATION.

Section 12(b) of the Trademark Act of 1946 (15 U.S.C. 1062(b)) is amended in the last sentence by striking ''unavoidable'' and by inserting ''unintentional''.

SEC. 5. DURATION OF REGISTRATION; CANCELLATION; AFFIDAVIT OF CONTINUED USE; NOTICE OF COMMISSIONER'S ACTION.

Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

''DURATION

''SEC. 8. (a) Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Commissioner for failure to comply with the provisions of subsection (b) of this section, upon the expiration of the following time periods, as applicable:

''(1) For registrations issued pursuant to the provisions of this Act, at the end of 6 years following the date of registration.

''(2) For registrations published under the provisions of section 12(c), at the end of 6 years following the date of publication under such section.

''(3) For all registrations, at the end of each successive 10-year period following the date of registration.

''(b) During the 1-year period immediately preceding the end of the applicable time period set forth in subsection (a), the owner of the registration shall pay the prescribed fee and file in the Patent and Trademark Office—

''(1) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce and such number of specimens or facsimiles showing current use of the mark as may be required by the Commissioner; or

''(2) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is not in use in commerce and showing that any such nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

''(c) The owner of the registration may make the submissions required by this section, or correct any deficiency in a timely filed submission, within a grace period of 6 months after the end of the applicable time period set forth in subsection (a). Such submission must be accompanied by a surcharge prescribed therefor. If any submission required by this section filed during the grace period is deficient, the deficiency may be corrected within the time prescribed after notification of the deficiency. Such submission must be accompanied by a surcharge prescribed therefor.

''(d) Special notice of the requirement for affidavits under this section shall be attached to each certificate of registration and notice of publication under section 12(c).

''(e) The Commissioner shall notify any owner who files 1 of the affidavits required by this section of the Commissioner's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

''(f) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.''.

SEC. 6. RENEWAL OF REGISTRATION.

Section 9 of the Trademark Act of 1946 (15 U.S.C. 1059) is amended to read as follows:

''RENEWAL OF REGISTRATION

''SEC. 9. (a) Subject to the provisions of section 8, each registration may be renewed for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the Commissioner. Such application may be made at any time within 1 year before the end of each successive 10-year period for which the registration was issued or renewed, or it may be made within a grace period of 6 months after the end of each successive 10-year period, upon payment of a fee and surcharge prescribed therefor. If any application filed during the grace period is deficient, the deficiency may be corrected within the time prescribed after notification of the deficiency, upon payment of a surcharge prescribed therefor.

''(b) If the Commissioner refuses to renew the registration, the Commissioner shall notify the registrant of the Commissioner's refusal and the reasons therefor.

''(c) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.''.

SEC. 7. RECORDING ASSIGNMENT OF MARK.

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

''ASSIGNMENT

''SEC. 10. (a) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing. In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted. Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the Patent and Trademark Office, the record shall be prima facie evidence of execution. An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the Patent and Trademark Office within 3 months after the date of the subsequent purchase or prior to the subsequent purchase. The Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

''(b) An assignee not domiciled in the United States shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.''.

SEC. 8. INTERNATIONAL CONVENTIONS; COPY OF FOREIGN REGISTRATION.

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

(1) in subsection (d)—

(A) by striking ''23, or 44(e) of this Act'' and inserting ''or 23 of this Act or under subsection (e) of this section''; and

(B) in paragraphs (3) and (4), by striking ''this subsection (d)'' and inserting ''this subsection''; and

(2) in subsection (e), by striking the second sentence and inserting the following: ''Such applicant shall submit, within such time period as may be prescribed by the Commissioner, a certification or a certified copy of the registration in the country of origin of the applicant.''.

SEC. 9. MISCELLANEOUS AMENDMENTS.

(a) CANCELLATION OF FUNCTIONAL MARKS.—Section 14(3) of the Trademark Act of 1946 (15 U.S.C. 1064(3)) is amended by inserting ''or is functional,'' before ''or has been abandoned''.

(b) INCONTESTABILITY DEFENSES.—Section 33(b) of the Trademark Act of 1946 (15 U.S.C. 1115(b)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) That the mark is functional; or''.

(c) REMEDIES IN CASES OF DILUTION OF FAMOUS MARKS.—

(1) INJUNCTIONS.—(A) Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking ''section 43(a)'' and inserting ''subsection (a) or (c) of section 43''.

(B) Section 43(c)(2) of the Trademark Act of 1946 (15 U.S.C. 1125(c)(2)) is amended in the first sentence by inserting ''as set forth in section 34'' after ''relief''.

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(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by striking "or a violation under section 43(a)," and inserting "a violation under section 43(a), or a willful violation under section 43(c),".

(3) DESTRUCTION OF ARTICLES.—Section 36 of the Trademark Act of 1946 (15 U.S.C. 1118) is amended in the first sentence—

(A) by striking "or a violation under section 43(a)," and inserting "a violation under section 43(a), or a willful violation under section 43(c),"; and

(B) by inserting after "in the case of a violation of section 43(a)" the following: "or a willful violation under section 43(c)".

SEC. 10. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect—

(1) on the date that is 1 year after the date of the enactment of this Act, or

(2) upon the entry into force of the Trademark Law Treaty with respect to the United States,

whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] will each control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1661, the Trademark Law Treaty Implementation Act. The Trademark Law Treaty Implementation Act, popularly known as TLT, sets a ceiling on certain filing and renewal requirements which its member nations may not exceed. Here in the United States, it removes some of the procedural hurdles to processing trademark applications and renewals thereby streamlining the process for the users.

Additionally, the bill we are considering today contains a minor housekeeping amendment which seeks to harmonize the remedy provisions passed last year as part of the trademark dilution statute, with the other remedy provisions of the Latham Act. There is no opposition to the bill as amended, and it is supported by the International Trademark Association and the American Intellectual Property Law Association.

I urge my colleagues to vote in favor of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise on behalf of the gentleman from New York [Mr. NADLER] and include his statement for the RECORD.

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 1661, the Trademark Law Treaty Implementation Act, a measure recently passed out of the House Judiciary Committee with unanimous support.

This act, a long awaited implementation of a treaty entered into previously, is supported without objection. The import of this measure is that it would put the United States squarely behind the important goal of international uniformity of trademark registration requirements, a goal which, when achieved, will redound to the overwhelming benefit of Americans, who are by far lead producers of trademarks in the world.

I and the other Democrats on the Judiciary Committee strongly support this measure. I commend Chairman COBLE, ranking member BARNEY FRANK, and the other members and staff of the Intellectual Property Subcommittee for moving this legislation forward, and I urge its adoption today under suspension of the rules.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I thank my friend from American Samoa [Mr. FALEOMAVAEGA], and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 1661, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CALLING FOR UNITED STATES INITIATIVE SEEKING JUST AND PEACEFUL RESOLUTION OF SITUATION ON CYPRUS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 81) calling for a United States initiative seeking a just and peaceful resolution of the situation on Cyprus, as amended.

The Clerk read as follows:

H. CON. RES. 81

Whereas the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions;

Whereas the international community, the Congress, and United States administrations have called for an end to the status quo on Cyprus, considering that it perpetuates an unacceptable violation of international law and fundamental human rights affecting all the people of Cyprus, and undermines significant United States interests in the Eastern Mediterranean region;

Whereas the international community and the United States Government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus;

Whereas there are internationally acceptable means, including the demilitarization of Cyprus and the establishment of a multinational force, to ensure the security of both communities in Cyprus;

Whereas the House of Representatives has endorsed the objective of the total demilitarization of Cyprus;

Whereas during the past year tensions on Cyprus have dramatically increased, with violent incidents occurring along ceasefire lines at a level not reached since 1974;

Whereas recent events in Cyprus have heightened the potential for armed conflict in the region involving two North Atlantic Treaty Organization (NATO) allies, Greece and Turkey, which would threaten vital United States interests in the already volatile Eastern Mediterranean area and beyond;

Whereas a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security, and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey;

Whereas a lasting solution to the Cyprus problem would also strengthen peace and stability in the Eastern Mediterranean and serve important interests of the United States;

Whereas the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1092, adopted on December 23, 1996, with United States support;

Whereas the prospect of the accession by Cyprus to the European Union, which the United States has actively supported, could serve as a catalyst for a solution to the Cyprus problem:

Whereas President Bill Clinton has pledged that in 1997 the United States will "play a heightened role in promoting a resolution in Cyprus"; and

Whereas united States leadership will be a crucial factor in achieving a solution to the Cyprus problem, and increased United States involvement in the search for this solution will contribute to a reduction of tensions on Cyprus; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms its view that the status quo on Cyprus is unacceptable and detrimental to the interests of the United States in the Eastern Mediterranean and beyond;

(2) considers lasting peace and stability on Cyprus could be best secured by a process of complete demilitarization leading to the withdrawal of all foreign occupation forces, the cessation of foreign arms transfer to Cyprus, and providing for alternative internationally acceptable and effective security arrangements as negotiated by the parties;

(3) welcomes and supports the commitment by President Clinton to give increased attention to Cyprus and make the search for a solution a priority of United States foreign policy;

(4) encourages the President to launch an early substantive initiative, in close coordination with the United Nations, the European Union, and interested governments to promote a speedy resolution of the Cyprus problem on the basis of international law, the provisions of relevant United Nations Security Council resolutions, democratic principles, including respect for human rights, and in accordance with the norms and requirements for accession to the European Union;

(5) calls upon the parties to lend their full support and cooperation to such an initiative; and

(6) requests the President to report actions taken to give effect to the objectives set forth in paragraph (4) in the bimonthly report on Cyprus transmitted to the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr.

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