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APPENDIX

BILL H.R. 8190

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REMARKS: by Hon Robert N.Giaimo

Alternate Proposal by Connecticut Bar Association on H.R. 8190

EXTENSION OF REMARKS
OF

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 22, 1964

Mr. GIAIMO. Mr. Speaker, earlier today, during House debate on H.R. 8190, I made reference to an alterative proposal recommended by the Connecticut Bar Association and also to corroborating charts. These documents follow:

H.R. —

A bill to fix certain fees payable to the Commissioner of Patents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the items numbered 1 through 11 in subsection (a) of section 41 of title 35 of the United States Code are amended to read as follows:

"1. On filing each application for an original patent except in design cases, $60, and $5 for each claim in excess of twenty filed originally or pending and under consideration at any other time during prosecution.

"2. On issuing each original patent, except in design cases, $60, and $10 for each claim in excess of ten.

"3. In design cases:

"(A) On filing each design application, $20.

"(B) On issuing each design patent: for three years and six months, $10; for seven years, $20; and for fourteen years, $30.

"4. On every application for the reissue of a patent, $60, and $5 for each claim over and above the number of claims in the original patent.

"5. On filing each disclaimer, $15.

"6. On an appeal for the first time from the examiner to the Board of Appeals, $75. If the appeal is withdrawn prior to any consideration by the Board, or if an oral hearing is not requested prior to any consideration by the Board or if a request for an oral hearing is withdrawn more than thirty days before any consideration by the Board, $50 of the 75 fee shall be refunded.

"7. On filing each petition for the revival of an abandoned application for a patent or for the delayed payment of the fee for issuing each patent, $15.

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

"9. For uncertified printed copies of specifications and drawings of patents (except design patents), 50 cents per copy; for design patents, 20 cents per copy; special rates for libraries specified in section 13 of this title, $100 for patents issued in one year.

"10. For recording every assignment, agreement, or other paper, $20; for each additional patent or application included in one writing, where more than one is so included, $3 additional.

"11. For each certificate, $2."

(b) Such section is further amended by adding the following subsections:

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

"13. After the preliminary statements have been received and approved and the motion period has been set, each applicant to an Interference shall pay a fee of $100.

"14. Upon filing every brief on final hearing before the Board of Patent Interference Examiners, $100.

"(c) The fees prescribed by or under this section shall apply to any other Government department or agency, or officer thereof, except that the Commissioner may waive the payment of any fee for services or materials in cases of occasional or incidental requests

by a Government department or agency, or officer thereof."

SEC. 2. Section 31 of the Act of July 5, 1946, 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" (15 U.S.C. 1113) is amended to read as follows:

"(a) The following fees shall be paid to the Commissioner of Patents under this Act:

"(1) On filing each original application for registration and each application for renewal in each class, $30; on filing each application for renewal in each class after expiration of a registration, an additional fee of $5.

"(2) Before issuing each registration of a mark in each class, $25.

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

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

"(5) On filing notice of opposion or application for cancellation, $50.

"(6) On appeal from an examiner in charge of the registration of marks to the Trademark Trial and Appeal Board, $25.

"(7) For issuance of a new certificate of registration following change of ownership of a mark or correction of a registrant's mistake, $15.

"(8) For certificate of correction of registrant's mistake or amendment after registration, $15.

"(9) For certifying in any case, $2.

"(10) For filing each disclaimer after registration, $15.

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

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

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

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

"(c) The Commissioner may refund any sum paid by mistake or in excess."

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

(b) The table of sections at the beginning of chapter 27 of such title is amended by striking out

"266. Issue of patents without fees to Government employees."

SEC. 4. (a) Except as provided in the succeeding subsections of this section, the amendments and repeal made by this Act shall take effect three months after the date of enactment.

(b) The amendments to items 1, 3, and 4 of section 41(a) of title 35 of the United States Code shall not apply in further proceedings in applications filed prior to the effective date of such amendments.

(c) The amendment to item 2 of such section shall not apply in cases in which the notice of allowance of the application was sent, or in which a patent was issued, prior to the effective date of such amendment.

(d) The fee prescribed in paragraph 13 of of section 31(a) of the Act of July 5, 1946 (15 U.S.C. 1113), as amended by this Act shall apply only in the case of registrations issued and registrations published under the provisions of section 12(c) of that Act (15 U.S.C. 1062(c)) on or after the effective date of such amendment.

Annual major volume assumptions (1962 basis)

Patent filing, original patent	83,000 applications with average of 2 claims over 10 and 2 independent claims over 1.
Patent issue, original patent	52,000 patents, with average of 3.6 pages of specifications and 2 sheets of drawings.
Design filing	5,000 design applications.
Design issue	3,000 design patents: 5 percent for 3½ years; 10 percent for 7 years; 85 percent for 14 years.
Patent appeals	10,000 appeals: 30 percent considered with oral hearing; 10 percent considered without oral hearing; 60 percent withdrawn.
Recording patent assignments	80,000 items (patent, application, or any other paper) involved in 60,000 writings.
Trademark filing	23,500 applications.
Trademark issue (original)	17,024.
Trademark affidavit	15,000 affidavits.
Trademark renewals issued	3,133.
Recording trademark assignments	13,200 items (trademark registration or any other paper) involved in 3,300 writings.
Patent copies	11,436,000.
Trademark copies	308,000.
Patent maintenance	1st fee, 22,470 patents (50 percent of 1957 issuances of 44,939); 2d fee, 10,643 patents (25 percent of 1953 issuances of 42,571); 3d fee, 4,567 patents (15 percent of 1949 issuances of 30,446).
Patent interferences	640 (approximately), 10-year average, 1950-59.
Certification copies and title reports	90,599 (1961 basis).
Trademark oppositions and cancellations	1,185 (1961 basis).
Patent filing, original patent	4,315 applications with average of 28 (27.45) claims (1950, 1953, 1954) basis.
Patent issue, original patent	9,105 patents, with average of 16 (15.75) claims (1950, 1953, 1954) basis.

Fee income comparison based on attached volume assumption

Description	Present fee	H.R. 8190	Alternative (suggested) bill	Description	Present fee	H.R. 8190	Alternative (suggested) bill
Patent filing fee	[1] $2,490,000	[2] $6,042,000	[2] $5,152,620	Trademark affidavit fee	None	$150,000	$150,000
Patent issue fee	[1] 1,560,000	[2] 6,188,000	[2] 3,666,000	Trademark opposition and cancellation fees	$29,640	29,640	59,280
Patent copies	2,859,000	2,859,000	5,718,000	Drawings and corrections	[4] 61,908	[4] 61,908	[4] 61,908
Trademark filing fee	587,500	822,500	705,000	Subscription service for copies	[4] 28,522	[4] 28,522	[4] 28,522
Trademark issue fee	None	None	503,925	Reproduction of records	[4] 722,368	[4] 722,368	[4] 722,368
Patent appeal fees	250,000	500,000	400,000	Special service on orders	[4] 96,639	[4] 96,639	[4] 96,639
Patent assignment fees	190,000	1,600,000	1,260,000	Classified lists of patents	[4] 7,955	[4] 7,955	[4] 7,955
Design filing fees	[3] 93,908	100,000	100,000	Other fees (approximately 40 in number) less than 10,000 each	[4] 79,444	[4] 79,444	[4] 79,444
Design issue fees	None	84,000	84,000				
Certification of copies and title reports fees	90,599	90,599	181,198	Total	9,192,135	19,757,375	19,390,459
Trademark copies	30,800	30,800	61,600	Maintenance fees (estimated)	None	2,872,850	None
Patent interference fees	None	None	256,000				
Trademark assignment fees	14,850	264,000	95,700				

[1] Excluding extra claims.
[2] Including extra claims.
[3] 1961 basis, including extended terms.
[4] 1961 basis.