88TH CONGRESS
1ST SESSION

H. R. 8043

IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 1963

Mr. BELCHER introduced the following bill; which was referred to the Committee on the Judiciary

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 $5 for each claim in excess of twenty.

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FINAL ACTION

"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 in excess of twenty over and above the number of claims of the original patent.

"5. On filing each disclaimer, $20.

"6. On an appeal for the first time from the examiner to the Board of Appeals, $50. If the appeal is withdrawn prior to any consideration by the Board, or if an oral hearing is not requested prior to any consideration by the Board or if a request for an oral hearing is withdrawn more than thirty days before any consideration by the Board, $25 of the $50 fee shall be refunded.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, $20.

"8. For certificate of correction of applicant's mistake under section 255 of this title, $20.

"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 not exceeding six pages, $6; for each additional two pages or less, $2; for each additional patent or application included in one writing, where more than one is so included, $1 additional.

"11. For each certificate, $2."

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

"(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 of a mark in each class, $35.

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

"(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 opposition or application for cancellation, $25.

"(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, $1.

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

"(11) For printed copy of registered mark, 10 cents.

"(12) For recording every assignment or other paper not exceeding six pages, $6; for each additional two pages or less, $2; for each additional registration or application included, or involved in one writing where more than one is so included or involved, additional, $1.

"(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 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.

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