89TH CONGRESS
1ST SESSION

S. 1228

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1965

Mr. TYDINGS (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To fix certain fees payable to the Patent Office, and for other purposes.

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

"1. On filing each application for an original patent, except in design cases, $75; in addition, on filing or on presentation at any other time, $10 for each claim which is in excess of ten.

"2. (a) For issuing each original patent, except in de-

FINAL ACTION

sign cases, $100; in addition, $10 for each claim which is in excess of ten.

"(b) For issuing each reissue patent, $100; in addition, $10 for each claim which is in excess of ten and also in excess of the number of claims of the original patent.

"3. In design cases:

"a. On filing each design application, $40.

"b. On issuing each design patent: For three years and six months, $10; for seven years, $20; and for fourteen years, $40.

"4. On filing each application for the reissue of a patent, $75; in addition, on filing or on presentation at any other time, $10 for each claim which is in excess of ten and also in excess of 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. On filing a brief in support of the appeal, $50.

"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 under section 255 or under section 256 of this title, $20.

"9. As available and if in print: For uncertified printed copies of specifications and drawings of patents (except

design patents), 50 cents per copy; for design patents, 20 cents per copy; the Commissioner may establish a charge not to exceed $1 per copy for patents in excess of twenty-five pages of drawings and specifications and for plant patents printed in color; special rates for libraries specified in section 13 of this title, $50 for patents issued in one year.

"10. For recording every assignment, agreement or other paper relating to the property in a patent or application, $10; when the document relates to more than one patent or application, $3 for each additional item.

"11. For each certificate, $2."

SEC. 2. Section 41 of title 35, United States Code, is further amended by adding the following subsections:

"(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.

"(d) Errors in payment of the above fees may be rectified in accordance with regulations of the Commissioner."

SEC. 3. 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 Patent Office under this Act:

"1. On filing each original application for registration of a mark in each class, $45.

"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 $10.

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

"4. On filing notice of opposition or application for cancellation, $50.

"5. On appeal from an examiner in charge of the registration of marks to the Trademark Trial and Appeal Board, $50.

"6. For issuance of a new certificate of registration following change of ownership of a mark or correction of a registrant's mistake, $20.

"7. For certificate of correction of registrant's mistake, $20.

"8. For certifying in any case, $2.

"9. For filing each disclaimer after registration, $20.

"10. For printed copy of registered mark, 15 cents.

"11. For recording every assignment, agreement, or

other paper relating to the property in a registration or application; $10; where the document relates to more than one application or registration, $3 for each additional item.

"12. On filing notice of claim of benefits of this Act for a mark to be published under section 12 (c) hereof, $20.

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

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

SEC. 4. (a) Section 266 of title 35, United States Code, is repealed.

(b) The chapter analysis of chapter 27 of title 35, United States Code, is amended by striking out the following item:

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

SEC. 5. (a) This Act shall take effect three months after its enactment.

(b) Items 1, 3, and 4 of section 41 (a) of title 35, United States Code, as amended by section 1 of this Act, do not apply in further proceedings in applications filed prior to the effective date of this Act.

(c) Item 2 of section 41 (a), as amended by section 1 of this Act, does not apply in cases in which the notice of allowance of the application was sent prior to the effective

date; and, in such cases, the fee due is the fee specified in this title prior to the effective date of this Act.

89TH CONGRESS
1ST SESSION

S. 1228

A BILL

To fix certain fees payable to the Patent Office, and for other purposes.

By Mr. TYDINGS

FEBRUARY 19, 1965

Read twice and referred to the Committee on the Judiciary

132