86TH CONGRESS
1ST SESSION

S. 494

IN THE SENATE OF THE UNITED STATES

JANUARY 17, 1959

Mr. DIRKSEN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To fix the 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 items numbered 1, 2, 3, 4, 8, 9, and 10, respectively, in subsection (a) of section 41 of title 35, United States Code, are amended to read as follows:

"1. On filing each application for an original patent, except in design cases, $40; in addition, $2 for each claim presented at any time which is in excess of five claims in the case.

"2. On issuing each original patent, except in design cases, $50, and $2 for each claim in excess of five.

EXPLANATION

"3. In design cases: For three years and six months, $20; for seven years, $30; for fourteen years, $40.

"4. On every application for the reissue of a patent, $40 and $2 for each claim in excess of five which is also over and above the number of claims of the original patent.

"8. For certificate of correction of applicant's mistake under section 255 or certificate under section 256 of this title, $15.

"9. For uncertified printed copies of specifications and drawings of patents (except design patents), 25 cents per copy; for design patents, 10 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 specification and for plant patents printed in color; special rate 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 not exceeding six pages, $10; for each additional two pages or less, $1; for each additional patent or application included in one writing, where more than one is so included, $1 additional."

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

"(c) The fees prescribed by or under this section 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. 3. Section 31 of the Act approved July 5, 1946 (ch. 540, 60 Stat. 427, U. S. C., title 15, sec. 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, $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, $10.

"5. On filing notice of opposition or application for cancellation, or for declaring an interference between an application and a prior issued registration, $25.

"6. On appeal from an examiner in charge of the registration of marks to the Commissioner, $25.

"7. On appeal from an examiner in charge of interferences to the Commissioner, $25.

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

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

"10. For certifying in any case, $1.

"11. For filing each disclaimer after registration, $15.

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

"13. For recording every assignment or other paper not exceeding six pages, $10; for each additional two pages or less, $1; for each additional registration or application included, or involved in one writing where more than one is so included or involved, additional, $1.

"14. 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 above.

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

SEC. 4. (a) This Act shall take effect three months after its enactment.

(b) Item 1 of section 41 (a) of title 35, as amended by this Act, does not apply in further proceedings in applications filed prior to the effective date.

(c) The amendment of item 2 of section 41 (a) of title 35 by 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 by item 2 prior to its amendment.

(d) The amendment of item 3 of section 41 (a) of title 35 applies in the case of applications for design patents filed prior to the effective date for one of the lower terms and which are amended after the effective date to one of the higher terms.

(e) Item 4 of section 41 (a) of title 35, as amended by this Act, does not apply in further proceedings in applications for reissues filed prior to the effective date.

(f) Item 3 of section 31 of the Trademark Act as amended by section 3 of this Act applies only in the case of registrations issued and registrations published under the provisions of section 12 (c) of the Trademark Act on or after the effective date.

SEC. 5. Section 266 of title 35, United States Code, is repealed.

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."

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