89TH CONGRESS
1ST SESSION

S. 729

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 1965

Mr. DODD 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 Commissioner of Patents, and for other purposes.

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, $70, and $5 for each claim in excess of ten filed originally or pending and under consideration at any other time during prosecution.

"2. On issuing each original patent, except in design cases, $70, and $10 for each claim in excess of ten.

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, $70, and $5 for each claim over and above the number of claims in the original patent.

"5. On filing each disclaimer, $15.

"6. On filing an appeal from the examiner to the Board of Appeals, $25; on filing a brief in connection with an appeal to the Board of Appeals, $25; and where an oral hearing is requested and not withdrawn, $25 at least thirty days before the scheduled date of hearing of the appeal.

"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) Subsection (a) of such section 41 is further amended by adding at the end thereof the following additional numbered items:

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

"13. After the motion period has expired and the times for taking testimony have been set, each applicant to an interference shall pay a fee of $100.

"14. Upon filing every brief on final hearings before the Board of Patents Interference Examiners except a reply brief, $100."

(c) Section 41, title 35, United States Code, is amended by adding at the end thereof the following new 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 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 (60 Stat. 437, as amended; 15 U.S.C. 1113), is amended to read as follows:

"SEC. 31. (a) The following fees shall be paid to the Commissioner of Patents under this Act:

"(1) On filing in each class each original application for registration and each application for renewal, $60; on filing in each class each application for renewal 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 opposition 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, $50.

"(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 the following item:

"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 of this Act.

(b) The amendments to items 1, 3, and 4 of section 41 (a) of title 35 of the United States Code shall not apply as to proceedings taken after the effective date of such amendments with respect to applications filed before the effective date of such amendments.

(c) The amendments to items 2 and 3 (b) of such section 41 (a) shall not apply as to any case in which the application has been allowed, or in which a patent was issued, prior to the effective date of such amendments.

(d) The fee prescribed in paragraph 13 of section 31 (a) of the Act of July 5, 1946 (60 Stat. 437, as amended; 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 the amendment made by this Act.

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