§ H.R. 9041

TITLE I----THE PRINCIPAL REGISTER

SEC.. 2. Trade--marks used in commerce shall be registered in the following manner:
(a) By filing in the Patent Office--
(1) a written application, verified by the applicant, in such form as may be prescribed by the Commissioner;
(2) a drawing of the trade--mark; and
(3) such number of specimens or facsimiles of the trade--mark as actually used as may be required by the Commissioner.
(b) By paying into the Patent Office the sum of $15.
(c) By complying with such rules or regulations, not inconsistent with law, as may be prescribed by the Commissioner.
(d) If the applicant is not domiciled in the United States he shall designate by a written document filed in the Patent Office some person resident in the United States on whom may be served notices or process in proceedings affecting the trade--mark.

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MARKS REGISTRABLE

SEC. 3. No mark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration as a trade--mark on account of its nature unless it--
(a) Consists of or comprises immoral, deceptive, or scandalous matter;
(b) Consists of or comprises the flag or cost of arms or other insignia of the United States, or of any State or municipality, or any foreign nation, or any simulation thereof;
(c) Consists of or comprises the portrait or signature of a living individual unless by his written consent, or the name, portrait, or signature of any deceased President of the United States during the life of his widow, if any, unless by her written consent;
(d) Consists of or comprises a mark which so resembles a trade--mark previously registered by another as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers;
(e) Consists of a mark which when applied to the goods of the applicant has merely a descriptive or geographical meaning or is merely the name of an individual;
(f) Except as expressly excluded in paragraphs (a), (b), (c), and (d) of this section, nothing herein shall

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prevent the registration of any mark used by the applicant as a trade--mark in commerce which has become distinctive of the applicant's goods.

SERVICE MARKS REGISTRABLE

SEC. 4. Subject to the same provisions relating to the registration of trade--marks, so far as they may be applicable, any person, firm, corporation, union, or agricultural or other

association may register any trade name or device, including union labels and the marks of associations, used in commerce upon or in relation to specific goods or specific service, in the same manner and with the same effect, and when registered they shall be entitled to the protection provided herein in the case of trade--marks used in connection with goods. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trade--marks.

COLLECTIVE AND ASSOCIATION MARKS REGISTRABLE

SEC. 5. Collective marks and the marks of associations including marks used by States, provinces or municipalities, shall be registrable under this Act.

USE BY RELATED COMPANIES

SEC. 6. Where the trade--mark sought to be registered is used by subsidiary or related companies, the application shall so state, and such use shall be deemed exclusive; and

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use of registered trade--marks by companies subsidiary or related to the registrant shall not affect the validity of such trade--mark or of its registration.

DISCLAIMERS

SEC. 7. The Commissioner may require unregistrable matter to be disclaimed but such disclaimer shall not prejudice or affect the applicant's rights in the disclaimed matter then or thereafter existing, nor shall such disclaimer prejudice or affect applicant's rights of registration on another application of later date if, in the period intervening between the disclaimer and the later application, the disclaimed matter has become distinctive of the applicant's goods.

DURATION

SEC. 8. Each certificate of registration shall remain in force for twenty years and shall be effective throughout the United States.

RENEWAL

SEC. 9. Certificates of registration may be renewed for like periods of twenty years from the end of the expiring period on payment of the renewal fees required by this Act on application of the registrant, and such application may be made at any time within six months before the expiration of the period for which the certificate of registration was issued or renewed.

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ASSIGNMENT

SEC. 10. A registered trade--mark shall be assignable either with or without the goodwill of the business. Assignments shall be by instruments in writing duly acknowledged. Assignments executed in a foreign country may be acknowledged in accordance with the laws of that country or by a diplomatic or consular officer of the United States. Acknowledgment shall be prima facie evidence of the execution of the assignment and when recorded in the Patent Office, the record shall be prima facie evidence of execution. An assignment shall be void as against any subsequent purchaser for a valuable consideration without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase. The Commissioner shall keep a record of assignments.

PUBLICATION

SEC. 11. Upon the filing of an application for registration and payment of the fees herein provided, the Commissioner shall cause an examination to be made and, if on such examination it shall appear that the applicant is entitled to registration, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office.

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OPPOSITION

SEC. 12. Any person who would be damaged by the registration of a trade--mark may file a verified notice of opposition in the Patent Office stating the grounds therefor within thirty days after the publication in the Official Gazette of the trade--mark sought to be registered. For good cause shown, the time for filing notice of opposition may be extended by the Commissioner. A notice of opposition may be verified by an authorized attorney.

CANCELATION

SEC. 13. Whenever any person is damaged by the registration of a trade--mark, he may, within five years from the date of registration, apply to cancel the registration thereof. If the registered trade--mark has been abandoned or its registration was obtained fraudulently, application for its cancelation may be made at anytime.

SEC. 14. After the period for cancelation of the registration of a trade--mark has expired, the exclusive right of the registrant to his trade--mark shall be incontestable.

INTERFERENCE

SEC. 15. Whenever application is made for the registration of a trade--mark which so resembles a trade--mark previously registered by another, or for the registration of

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which another has previously made application, as to be likely in the opinion of the Commissioner, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers, the Commissioner may declare that an interference exists.

SEC. 16. In every case of interference, opposition to registration, or petition to cancel a registered trade--mark, the Commissioner shall direct the examiner in charge of interferences to determine the issues according
to the rights of the parties and under rules prescribed by the Commissioner.

SEC. 17. Appeal may be taken to the Commissioner in person from the decision of the examiner of interferences.

SEC. 18. The Commissioner may refuse to register the opposed mark, may cancel the registration of a registered trade--mark, or may refuse to register both of two interfering marks, or may register the trade--mark for the person entitled thereto. Action shall be stayed for sixty days after final decision by the Commissioner to give time for the filing of the bill in equity hereinafter provided.

SEC. 19. Within sixty days after the decision of the Commissioner, any party to an opposition, cancelation, or interference may file a bill is equity in any court of the United States in the district of the residence or principal place of business of the adverse party, or, if there are two

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or more such parties, then is the district of the residence or principal place of business of any of them, or, if such party is not domiciled in the United States, then in the district of the residence of the representative designated as provided herein, or, if no representative is so designated, then in the District of Columbia. The court shall then issue its process, which may be served anywhere in the United States, to all parties to such proceeding, and shall thereupon have general jurisdiction of the controversy and of the parties.

SEC. 20. In all suits brought hereunder, the record of the Patent Office shall be admitted in whole or in part, on motion of either party, subject to such terms and conditions as to costs, expenses, and the further examination of witnesses as the court may impose, without prejudice, however, to the right of the parties to take further testimony. The testimony and exhibits or parts thereof of the record in the Patent Office when admitted shall have the same force and effect as if originally taken and produced in the suit.

SEC. 21. (a) The court may determine the right to registration, order the cancelation of registrations, restore canceled registrations, and otherwise rectify the register, and shall make and enter such orders and decrees as the case may require, including relief by way of injunction, damages, profits, costs, and otherwise.

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(b) In case of honest concurrent use or of other special circumstances which, in the opinion of the court, make it proper so to do, the court may permit more than one registration of the same mark or of similar trade--marks, for the same or like goods or services, subject to such conditions and limitations, if any, as to mode or place of use or otherwise as the court may think it right to impose.

SEC. 22. The provisions of section 4915 of the Revised Statutes shall not apply in trade--mark cases.

SEC. 23. In an ex parte case, appeal may be taken to the Commissioner in person from the decision of the examiner in charge of trade--marks and from the decision of the Commissioner to the United States Court of Customs and Patent Appeals. The practice on such appeals shall be assimilated to the practice in appeals by an applicant for a patent.

REGISTRATION IS NOTICE

SEC. 24. Registration of a trade--mark under this Act is notice of the registrant's claim of ownership thereof.

TITLE II----THE SUPPLEMENTAL REGISTER

SEC. 25. In addition to the principal register, the Commissioner shall keep a continuation of the register provided in paragraph (b) of section 1 of the Act of March 19, 1920, entitled "As Act to give effect to certain provisions of the convention for the protection of trade--marks and commer--

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cial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes", to be called "the supplemental register". Any person engaged in commerce may apply for registration on the supplemental register of any mark being used or immediately intended to be used by the applicant, which distinguishes or is adapted to distinguish his goods or services. For the purposes of this section, such mark may include a trade--mark, symbol, label, package, configuration of goods, name, word, or phrase. The applicant shall file with the Commissioner a verified statement of the facts, a drawing, facsimile, or cut of the mark and shall pay into the Patent Office the sum of $5. Marks expressly excluded in paragraphs (a), (b), (c), and (d) of section 3 shall not be registered. The Commissioner shall make a prompt examination and, upon his determination that the mark is registrable, shall forthwith issue a certificate, which shall be evidence of the date of application and of the claim of the registrant to the mark.
Such marks shall not be published for or be subject to opposition but shall be published on registration and may be expunged from the register at any time on petition of any person damaged or if unused after two years from registration. Registration under this section shall not be filed in the Department of the Treasury or be used to stop

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importations. Registrations on the supplemental register shall remain in force for twenty years unless sooner canceled. Such registrations may not be renewed. The decision of the Commissioner in proceedings under this section shall not be appealable. Registration under this section or under the Act of March 19, 1920, shall not preclude re--registration under any other section of this Act or upon expiration under this section.

NOTICE OF REGISTRATION

SEC. 26. It shall be the duty of the registrant to accompany a trade--mark registered under the Act of February20, 1905, or under section 1 (b) of the Act of March 19, 1920, or under this Act, with the words "Registered in U.S. Patent Office" or "Reg. U.S. Pat. Off.", and in any suit for infringement under this Act by a registrant failing so to mark, no profits and no damages shall be recovered: Provided, however. That the foregoing requirement as to notice shall be deemed fulfilled in respect to goods of foreign origin if the marks thereon which are registered in the United States carry the words or indications of registration legally used or required to be used in the country of origin of the goods.

TITLE III----SEARCH FILE

SEC. 27. The Commissioner shall cause to be assembled for search purposes, in such form as he may determine,

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(a) all marks now registered or which may hereafter be registered or for which applications for registration are pending or which may be deposited as hereinafter provided, and (b) any other marks which the Commissioner may direct. Such collection of marks shall be open to public inspection at such times as the Commissioner may prescribe.

SEC. 28. To have available for search purposes a collection of marks, the Commissioner is authorized to form such a collection, and to that and to accept, file, and classify such marks.

SEC. 29. Any mark, including for the purposes of this section a trade--mark, symbol, package, configuration of goods, or any word, phrase, slogan, or label used for the purpose of identifying any merchandise or business, may be deposited in the Patent Office by filing one or more copies or representations thereof on a form to be furnished by the Commissioner and by paying into the Patent Office a fee of $2.

SEC. 30. Any mark deposited under the provisions of this section shall be marked as abandoned or canceled and may be removed from said collection at the end of five years following the date of deposit thereof unless before the expiration of the said five--year period the depositor shall file in the Patent Office an affidavit in such form as may be pre-

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scribed by the Commissioner to the effect that said mark is still in use.

SEC. 31. Deposit under this section shall have no legal effect except as evidence that at its date the depositor claimed a right to use the mark.

SEC. 32. It shall be unlawful to use any mark in commerce unless and until such mark has been deposited in accordance with this section.

TITLE IV----FEES AND CHARGES

SEC. 33. Fees payable to the Patent Office under this Act shall be as follows: On filing each original application for registration of a trade--mark $15; on each mark deposited, $2; on filing each application for renewal, $15; on filing notice of opposition or petition for cancelation or to expange, $10; on appeal from the examiner in charge of trade--marks to the Commissioner, $20; on appeal from the examiner in charge of interferences to the Commissioner, $20; for manuscript copies, for every one hundred words or fraction thereof, 10 cents; for each printed copy of registration and drawing. 10 cents; for comparing other copies, 5cents for every one hundred words or fraction thereof; for certifying in any case, additional, 75 cents; for each additional registration or application which may be included under a single certificate, 25 cents additional; for recording every assignment or other paper, $3; for each additional

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registration or application included, or involved in one writing where more than one is so included or involved, additional, 50 cents. The Commissioner is authorized to refund fees paid by mistake or in excess.

TITLE V----REMEDIES

SEC. 34. (a) Any act declared unlawful under section 1 hereof is an act of infringement. Any person who shall infringe in commerce any trade--mark registered under this Act shall be liable--
(1) To an injunction restraining infringement of such registered trade--mark;
(2) To pay the damages occasioned by the infringement;
(3) To pay all profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost or deduction claimed;
(4) If the court shall find that the damages or profits or both are either inadequate or excessive, the court, in its discretion, may decree the payment of such sum as the court shall find to be just, according to the circumstances of the case, such sum to constitute compensation and not a penalty;

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(5) To deliver up, on oath, upon such terms and conditions as the court may prescribe, all copies, counterfeits, or colorable imitations of the registered trade--mark, to be impounded during the pendency of the proceeding;

(6) To deliver up, an oath, for destruction, all copies, counterfeits, or colorable imitations of the registered trade--mark, and all plates, molds, matrices, or other means of making the same;
(7) To deliver up, on oath, for destruction, all printed matter containing any copies, counterfeits, or colorable imitations of the registered trade--mark, and all plates, molds, matrices, or other means of making the same; but when such printed matter is a catalog, or otherwise consists mainly of noninfringing matter, the objectionable contents thereof may be obliterated or otherwise removed as the court may direct;
(8) In all actions and suits under this Act, full costs shall be allowed and the court may award to the prevailing party a reasonable attorney's fee as part of the costs;
(9) Rules and regulations for practice and procedure under this section may be prescribed by the Supreme Court of the United States.
(b) Nothing in this Act shall entitle the registrant to interfere with or restrain the use by any person of the same trade--mark or of a similar trade--mark for the same

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or like goods or services when such person by himself or his predecessors in business has continuously used such trade--mark from a date prior to the use or registration, whichever is the earlier, by the registrant or his predecessors.

CRIMINAL OFFENSES

SEC. 35. To introduce or deliver for introduction or to receive in commerce any counterfeit of any registered trade--mark or knowingly to transport such counterfeit in commerce shall be a misdemeanor punishable by a fine not exceeding $1,000 or imprisonment not exceeding six months, or both such fine and imprisonment.

JOINDER OF ACTIONS

SEC. 36. The proceedings for an injunction, damages, and profits and those for the seizure of infringing trade--marks, plates, molds, matrices, or other means for making such infringing marks may be united in one action.

SEC. 37. Any court given jurisdiction under this Act may, in any action, suit, or proceeding, enter a judgment or decree enforcing the remedies herein provided. It shall be the duty of the clerks of said courts, upon the filing of any pleading in any action, suit, or proceeding under this Act, to give notice to the Commissioner, giving the title of the case and the numbers of the registrations, or of any deposit which maybe involved therein, and upon the entry of each judgment or decree to give notice thereof to the

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Commissioner; and for each such notice the clerk shall tax a fee of 50 cents as costs of suit. It shall be the duty of the Commissioner on receipt of each such notice to enter the same in the file wrapper of each registration so named.

ENFORCEMENT OF INJUNCTION

SEC 38. Any injunction which may be granted restraining infringement of any registered trade--mark may be served anywhere in the United States and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other court having jurisdiction of the party enjoined. The clerk of the court or the judge granting the injunction, when requested to do so by the court before which application to enforce said injunction is made, shall transfer without delay to said court a certified copy of any necessary papers on which the injunction was granted that are on file in his office.

COURTS GIVEN JURISDICTION

SEC. 39. The District and Territorial Courts of the United States, the District Court of Puerto Rico, the District Court of the Virgin Islands, the District Court of the Canal Zone, and the District Court of the District of Columbia shall have original jurisdiction, and the Circuit Courts of Appeal of the United States and the United States Court of Appeals for the District of Columbia shall have appellate

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jurisdiction of all actions, suits, and proceedings under this Act, without regard to diversity or lack of diversity of the citizenship of the parties and irrespective of the amount in controversy, and the judgments of such appellate courts shall be final, except that they may be reviewed by the Supreme Court as provided by
sections 239 and 240 (U.S.C., title 28, secs. 346--347), respectively, of the Judicial Code.

TITLE VI----IMPORTATION FORBIDDEN OF GOODS BEARING INFRINGING MARKS OR NAMES, FALSE DESIGNATIONS OF ORIGIN, OR FALSE DESCRIPTION

SEC. 40. (a) Any merchandise, whatever may be its source or origin, which shall bear any registered trade--mark or any infringement thereof, except a mark registered under section 1 (b) of the Act of March 19, 1920, or in the supplemental register provided by this Act, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of the registrant to such importation or entry be first had and obtained or unless such offending mark be removed or obliterated; and, if brought into the United States in violation of the provisions of this section, any person selling, offering for sale, or dealing in such merchandise shall be amenable, at the suit of the registrant, to the liabilities for infringement provided in this Act and, in addition, be required to export

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or destroy such merchandise or to remove or obliterate such infringing trade--mark therefrom, and such merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this paragraph, the registrant may require a copy of the certificate of registration of his trade--mark to be recorded in books which shall be kept for this purpose in the Department of the Treasury,

under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.
(b) Any merchandise, whatever may be its source or origin, which shall bear the name or a simulation thereof of any domestic manufacture or manufacturer or trader, or of any manufacturer or trader located in any foreign country which by treaty, convention, or law affords similar privileges to citizens of the United States, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of such manufacturer or trader to such importation or entry be first had and obtained, or unless such offending name be removed or obliterated, and, if brought into the United States in violation of the provisions of this section, any person selling, offering for sale, or dealing in such merchandise may be

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enjoined from dealing therein and in addition be required to export or destroy such merchandise or to remove or obliterate such name therefrom, and the merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this paragraph, any such domestic or foreign manufacturer or trader may require a statement of his business or commercial name and the locality where his business is located and where his goods are manufactured to be recorded in books which shall be kept for this purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of such record to be transmitted to each collector or other proper officer of customs.
(c) The owner, importer, or consignee of merchandise refused entry or seized under paragraphs (a) and
(b) of this section may have relief against the registrant, manufacturer, or trader by a bill in equity or by a summary proceeding on petition in any court of original jurisdiction, in the district where such merchandise is held or where such registrant, manufacturer, or trader or a designated representative is an inhabitant or may be found, or, if the registrant is a foreigner and no such designation has been filed, then in the District of Columbia, and after such notice and

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upon such proceedings as the court may direct the court may determine whether the plaintiff or petitioner for any reason has the right to import such merchandise under the names or marks which it bears.
(d) A decree or order of such court for the plaintiff or petitioner, upon being certified to the collector of the port where the merchandise is held, shall be warrant to such collector to release the merchandise from arrest or seizure or forfeiture under this section.
(e) An order or decree for either party, whether interlocatory or final, shall be appealable, provided the petition for appeal is filed in thirty days, and the court making such order or decree may, in its discretion, suspend the operation thereof pending appeal.

TITLE VII----FALSE DESIGNATION OF ORIGIN AND FALSE DESCRIPTIONS FORBIDDEN

SEC. 41. (a) Any person who shall affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, or any false description or representation including words or other symbols tending falsely to describe or represent the same, and shall cause such merchandise to enter into commerce, and any person who shall knowingly cause or procure the same to be transported in commerce or shall knowingly deliver the same to

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any carrier to be transported, shall be liable to an action at law for damages and to a suit in equity for an injunction, at the suit of any person doing business in the locality falsely indicated as that of origin or in the region in which said locality is situated, or of any person who is or is likely to be damaged by the use of any false description or representation, or at the suit of any association of such persons.
(b) Any article marked or labeled in contravention of the provisions of this section shall not be imported into the United States or admitted to entry at any customhouse of the United States. The owner, importer, or consignee of merchandise refused entry in any customhouse under this section may have any recourse by protest or appeal that is given under the customs revenue laws or may have the remedy given by this Act in cases involving merchandise refused entry or seized.

TITLE VIII----INTERNATIONAL CONVENTIONS

SEC. 42. (a) Persons national of, or domiciled in, or having a bona fide and effective business or commercial establishment in any country, which is party to the International Convention for the Protection of Industrial Property, concluded at Paris on March 20, 1883, or to any subsequent revision thereof, as well as to any convention between American Republics concerning the protection of trade--marks and trade names and the repression of unfair competi-

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tion, to which the United States is also a party, shall be entitled to the benefits and subject to the provisions of this Act except as provided in the following paragraphs of this section.
(b) No registration of a trade--mark in the United States by a person described in paragraph (a) of this section shall be perfected until such trade--mark has been registered in the country of origin of the applicant, except when such country makes no such requirement of nationals or residents of the United States of America or the applicant alleges use in commerce.
For the purposes of this section, the country of origin of the applicant is the country in which he has a bona fide and effective industrial or commercial establishment and, in the case of associations, the country in which the association has its domicile or its principal office.
(c) An application for registration of a trade--mark under sections 2 or 25 of this Act filed by a person described in paragraph (a) of this section who has previously duly filed an application for registration of the same trade--mark in one of the countries described in

paragraph (a) shall be accorded the same force and effect as would be accorded to the same application if filed in the United States on the same date on which the application was first filed in such foreign country: Provided. That--

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(1) the application in the United States is filed within six months from the date on which the application was first filed in the foreign country;
(2) the application conforms as nearly as practicable to the requirements of this Act, but use in commerce need not be alleged;
(3) the applicant files a certified copy of the application filed in the foreign country: And provided further. That--
(4) the rights acquired by third parties before the day of the first application in the foreign country shall in no way be affected by the registration obtained on the application under this paragraph; and
(5) nothing in this paragraph shall entitle the foreign applicant to sue for infringement of his trade--mark prior to the date on which his trade--mark was registered in this country unless the registration is based on use in commerce.
(d) A trade--mark duly registered in the country of origin of the foreign applicant and not registrable under section 3 of this Act may be registered in the supplemental register herein provided. The application shall be accompanied by a certified copy of the registration in the country of origin of the applicant.

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(e) A foreign owner of a trade--mark registered in the United States who has not applied for renewal of his registration as provided in section 9 of this Act may file application for renewal within three months after expiration of his registration on payment of an additional fee of $5.
(f) The registration of a trade--mark under the provisions of paragraphs (b), (c), and (d) of this section by a person described in paragraph (a) shall be independent of the registration in the country of origin and the duration, validity, or transfer in the United States of such registration shall be governed by the provisions of this Act.
(g) Trade names of persons described in paragraph (a) of this section used in commerce shall be protected in accordance with the provisions of this Act.
(h) All acts of unfair competition in commerce are declared to be unlawful and the provisions of section34 shall be applicable thereto.
(i) Citizens or residents of the United States shall have the same benefits as are granted by this section to persons described in paragraph (a) hereof.

TITLE IX----CONSTRUCTION AND DEFINITIONS

SEC. 43. In the construction of this Act, unless plainly apparent from the context, the United States includes and embraces all territory which is under its jurisdiction and control. The word "commerce" means all commerce which

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may lawfully be regulated by Congress. The term "person" and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this Act includes a firm, corporation, or association, or any legal representatives or entity as well as a natural person. The terms "applicant" and "registrant" embrace the legal representatives and successors and assigns of such applicant or registrant. The term "Commissioner" means the Commissioner of Patents. The term "trade--mark" includes any mark so used as to distinguish the user's goods from the goods of others, and a trade--mark shall be deemed to be applied to an article when it is placed in any manner in or upon either the article or its container or display or to tags or labels or otherwise used in the advertisement or sale thereof. Words used in the singular include the plural, and vice versa.

The intent of this Act is to regulate commerce within the control of Congress by making actionable the deceptive and misleading use of trade--marks in such commerce; to protect persons engaged in such commerce against unfair competition; to prevent fraud and deception in such commerce by the use of copies, counterfeits, or colorable imitations of trade--marks registered in accordance with the terms of this Act; and to provide rights and remedies stipulated by treaties and conventions respecting trade--marks and unfair

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competition entered into between the United States and foreign nations.

TITLE X----REPEAL OF PREVIOUS ACTS

SEC. 44. This Act shall be in force and take effect sixty days after its enactment but it shall not affect appeals then pending in the Court of Customs and Patent Appeals, or any pending suit in equity brought under sections 4911 and 4915 of the Revised Statutes, as amended by the Act of March 2, 1927 (U.S.C., title 35, secs. 59 and 63). In all cases in which the time for appeal from a decision of the Commissioner of Patents had not expired at the time this Act takes effect, appeals and other proceedings, including bills in equity under sections 4911 and 4915 of the Revised Statutes, as amended by the Act of March 2, 1927 (U.S.C., title 35, secs. 59 and 63), may be taken under the statutes in force at the time of approval of this Act as if such statutes had not been amended, repealed, or declared inapplicable in trade--mark cases. All Acts and parts of Acts inconsistent herewith are hereby repealed, including the following, namely: The Act of Congress approved March 3, 1881, entitled "An Act to authorize the registration of trade--marks and protect the same"; the Act approved August 5, 1882, entitled "An Act relating to the registration of trade--marks"; the Act of February 20, 1905

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(U.S.C., title 15, secs. 81 to 109, inclusive), as amended, entitled "An Act to authorize the registration of trade--marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same"; the Act of March 19, 1920 (U.S.C., title 15, secs. 121 to 128, inclusive), entitled "An Act to give effect to certain provisions of the convention for the protection of trade--marks and commercial names made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes"; and sections 304 and 526 of the Tariff Act of 1922 (U.S.C., title 19,

secs. 141 to 143, inclusive), except that this repeal shall not affect the validity of registrations under said Acts, respectively, or rights or remedies thereunder. Registrants shall have the rights and remedies, and no more, that are provided by the Acts under which such registrations exist. These registrations may be canceled as provided in such statutes. Registrations under previous Acts shall continue in force and effect for the unexpired terms thereof but may not be renewed, and the marks so registered, if eligible, may be registered under this Act. Registrations under the Act of March 19, 1920, shall expire in twenty years from the date of registration.

SEC. 45. Section 4 of the Act of January 5, 1905 (U.S.C., title 36, sec. 4), as amended, entitled "An Act
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to incorporate the National Red Cross", and section 7 of the Act of June 15, 1916 (U.S.C., title 36, sec. 27), entitled "An Act to incorporate the Boy Scouts of America, and for other purposes", are not repealed or affected by this Act.

76th Congress, 1st Session IN THE HOUSE OF REPRESENTATIVES MARCH 3, 1939
Mr. LANHAM introduced the following bill; which was referred to the Committee on Patents

A BILL
To provide for the registration of trade--marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.