HR 2288

81ST CONGRESS 2d. Session

HOUSE OF REPRESENTATIVES REPORT No. 2288

AMENDING THE STATUTE RELATING TO CERTIFICATES OF TRADE--MARK REGISTRATIONS JUNE 20, 1950.--Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WILLIS, from the Committee on the Judiciary, submitted the following

REPORT
[To accompany H.R. 8792]
The Committee on the Judiciary, to whom was referred the bill (H.R. 8792) to amend the statute relating to certificates of trademark registrations, having considered the same, report favorably thereon with amendment and recommend that the bill, as amended, do pass.
The amendment is as follows:

Page 1, line 10, before "the date" insert "the date of the first use of the mark."
The purpose of the amendment is to correct an error in drafting the bill which unintentionally omitted the supplied language which appears in existing law and which was not intended to be affected.

STATEMENT
Section 7 (a) of the Trade--Mark Act of 1946 (U.S.C., title 15, sec. 1057(a)) specifies the contents of the certificate of registration of a trade--mark. Physically, the certificate consists of a cover sheet which is a standard printed form with names filled in on the typewriter and an attached sheet which is different for each registration, the two being ribboned together and sealed. The attachment is printed by the Government Printing Office and copies are sold to the public for 10 cents each. The cover sheet and the printed sheet contain the various recitals required by section 7 (a) of the statute. The second sentence of section 7 (a) reads:
The certificate shall reproduce the drawing of the mark, contain the statement of the applicant and state that the mark is registered on the principal register under this Act, the date of the first use of the mark the date of the first use of the mark in

[2]
commerce, the particular goods or services for which it is registered, the number and date of the registration, the term thereof, the date on which the application for registration was received in the Patent Office, and any conditions and limitations that may be imposed in the grant of the registration.
Attention is directed to the italicized phrase. By reference to section 1 (a)(1). "The statement of the applicant" refers to a certain group of allegations. Section 1 (a)(1) specifies the requirements of an application for registration and states that the application papers must include, among other things-

a statement to the effect that the person making the verification believes himself, or the firm, corporation, or association in whose behalf he makes the verification, to be the owner of the mark sought to be registered, that the mark is in use in commerce, and that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive.

Section 7 (a) hence requires this statement to be included in the certificate of registration.

The purpose of the proposed bill is to cancel from section 7 (a) the words italicized in the quotation from this section, thereby rendering it unnecessary to include in the certificate the material refered to. Its presence in the application is sufficient and its inclusion in the certificate serves no legal purpose or any other useful purpose. The Government Printing Office has advised the Patent Office that the omission of the material now included will save over $10,000 a year in expenses. This estimate is based on the activity during fiscal year 1950.

The sole purpose of the bill is to obtain the cancellation of a useless requirement so as to effect a savings in costs to the Patent Office of over $10,000 per year.

[Changes in existing law section OMITTED]