SR 93--1399

CHANGING NAME OF PATENT OFFICE
DECEMBER 17, 1974.----Ordered to be printed

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

REPORT
[To accompany H.R. 7599] The Committee on the Judiciary, to which was referred the bill (H.R. 7599) to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the Patent and Trademark Office, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass. PURPOSE
The purpose of H.R. 7599 is to change the name of the Patent Office to "Patent and Trademark Office" and the title of the Commissioner of Patents to "Commissioner of Patents and Trademarks."

STATEMENT
H.R. 7599 was introduced at the request of the Department of Commerce. In changing the name of the Patent Office and the title of the Commissioner of Patents to include reference to trademarks the legislation would reflect the dual role of the Patent Office which administers both the patent law (title 35, United States Code) and the Trademark Act of 1946 (60 Stat. 427. 15 U.S.C. 1051. et seq.). The annual number of applications filed for trademark registration is now about 30,000 as compared to approximately 100,000 for patents. Although about 95 percent of the Patent Office budget is still devoted to patents, it is thought that the public would benefit from a "clarifica

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tion" of the name of the Office and the title of the Commissioner. Existing stocks of stationery would be used up and the cost of implementing the legislation is regarded as negligible.

COMMERCE DEPARTMENT STATEMENT
The communication from the Department of Commerce requesting introduction of this legislation contains the following statement of Purpose and Need:
The purpose of this bill is to effect a name change in the Patent Office and a corresponding change in the title of the Commissioner of Patents. The new name and title would be "Patent and Trademark Office" and "Commissioner of Patents and Trademarks," respectively.
This name change is needed in order to provide a more accurate description of the dual role of the Patent Office in administering the patent law and the Trademark Act of 1946. This dual responsibility is set forth in 35 U.S.C. 1 and section 1 of the Trademark Act of 1946, 60 Stat. 427, 15 U.S.C., 1051 et seq.
The Patent Office, which is one of the oldest government agencies, has been known by its present name at least since 1836. In its very early years the Office did not have any jurisdiction over trademark matters. The first Federal Trademark Act was passed in 1870 and subsequent trademark statutes were enacted by Congress in 1881, 1905, and 1920.
Administration of Federal trademark law was not a very significant function of the Patent Office, however, until the Trademark Act of 1946 (Lanham Act) came into effect. This act provided

added incentives for securing Federal registration for trademarks, and since 1946 Federal trademark law has become increasingly important. The number of applications for trademark registrations received in the Patent Office each year, while smaller than the number of patent applications, has become quite substantial----about 30,000 trademark applications per year compared with 100,000 patent applications. The major part (about 95 percent) of the Patent Office budget is still devoted to patents, since the expense involved in examining of patent applications, especially those involving complex technologies, is greater than the expense of examining trademark applications. But the interest of the general public in trademark protection today and the economic significance of trademarks may equal or exceed that of patents. For instance, the 1971 report of the Secretary of Commerce's Public Advisory Committee on Trademark Affairs stated. "It has been said that the value of trademarks registered in the Patent Office exceeds that of existing patents."

Members of the general public frequently are confused as to whether the Trademark Act is administered by the Patent Office, or by the Copyright Office in the Library of Congress, or by some other Government agency. The name "Patent Office" conveys the impression the agency's interest and

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expertise are limited to patent matters, while the fact the Patent Office also has responsibility for the quite different matters of protecting consumer and business interests under the Trademark Act.

The proposed legislation will effect the name change by changing a number of references to "Patent Office" and "Commissioner of Patents" in the patent and trademark laws to "Patent and Trademark Office" and "Commissioner of Patents and Trademarks."

The bill would provide for the marking of trademarked items with the words Registered in U.S. Patent and Trademark Office or "Reg. U.S. Pat. & Tm. Off." However, the old terms "Registered in U.S. Patent Office" and "Reg. U.S. Pat. Off." would remain acceptable. Also, the slightly longer new designation could cause no inconvenience to trademark owners because the symbol TM would still be available as under present law for giving notice of registration where brevity is desirable.

Because of the similarity of the present name and the new name, existing stationery, signs, etc., would continue in use until existing supplies were exhausted. Therefore, the expense of implementing the legislation would be negligible.

COST TO THE UNITED STATES

As noted above, the similarity of the present name of the Patent Office and title of the Commissioner to the new name and title permits the continued use of existing stationery, signs, etc. until they are exhausted and the cost of implementing this legislation would be negligible.

[Changes in existing law section OMITTED]

93d Congress, 1st Session

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1973

Mr. KASTENMEYER introduced the following bill: which was referred to the Committee on the Judiciary

To amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.