HR 95--1517

95TH CONGRESS 2d Session

HOUSE OF REPRESENTATIVES REPORT No.95--1517

CUSTOMS PROCEDURAL REFORM

AUGUST 17, 1978.----Ordered to be printed

Mr. ULLMAN, from the committee of conference, submitted the following

CONFERENCE REPORT
[To accompany H.R. 8149]*****JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

[7]
The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8149) to provide customs procedural reform, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

[16]

AMENDMENT NUMBERED 123 Section 42 of the Act of July 5, 1946, (15 U.S.C. 1124) prohibits the importation of merchandise which copies or simulates a registered trademark or which bears any mark or name calculated to induce belief that the merchandise is manufactured in the United States. Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) prohibits importation of goods bearing a trademark owned by a corporate or real citizen of the United States and registered in accordance with the 1946 Act, unless written consent of the trademark owner to the goods importation has been given.
The House bill would amend section 526 to permit the entry of imported trademark merchandise accompanying persons arriving in the United States. The trademark goods would have to be for the arriving person's personal use and within limitations of type and quantity to be specified by the Secretary of the Treasury in regulations. It also would modify section 42 to except from the general trademark restrictions merchandise which falls within the exception under amended section 526.

[17]
Senate amendment numbered 123 would require the following with respect to imported goods which violate the provisions of section 42 relating to merchandise which copies or simulates a registered trademark:
(a) Notification of the trademark owner when such goods are seized:

(b) Forfeiture to the Government of all such goods seized unless the trademark owner provides written consent to some other disposition of the goods, e.g., reexportation, entry after obliteration of the counterfeit trademark, etc.;
(c) Delivery of forfeited goods to a Federal, State or local government agency which needs the goods for an official purpose or to a charitable institution:
(d) Sale of the goods at public auction if, after 1 year. Customs cannot deliver the goods to a government agency or charity: the counterfeit trademarks on goods put up for auction would have to be obliterated where feasible, i.e., when to do so would not destroy the goods or be disproportionately expensive vis--a--vis the value of the goods; and
(e) Destruction of goods which are unsafe or a hazard to health. The House receded from its disagreement with the Senate amendment with amendments to clearly limit the Senate amendment to merchandise bearing a counterfeit mark as defined in section 45 of the Act of July 5, 1946 (the Lanham Act), as the amendment is intended solely to strengthen the remedies available to prevent the importation of merchandise bearing such a mark, and to require the obliteration of the counterfeit trademark where feasible in all cases before disposition of the merchandise by the Customs Service. The conferees intend that the Customs Service need do no more than publish a public notice of the availability of forfeited goods to State and local Government agencies and charitable institutions and allow a reasonable opportunity for response to the notice in order to meet its obligations to determine that these agencies or institutions have no need for such goods.

*****
96th Congress, 1st Session
To amend section 17 of the Act of July 5, 1946, as amended, entitled "An Act to provide for the registration and protection of trade--marks used in commerce to carry cut the provisions of certain international conventions, and for other purposes".

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 1979

Mr. KASTENMEIER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL
To amend section 17 of the Act of July 5, 1946, as amended, entitled "An Act to provide for the registration and protection of trade--marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes."