HR 96--1419

96TH CONGRESS 2d Session

HOUSE OF REPRESENTATIVES REPORT No.96--1419

TRADEMARK TRIAL AND APPEAL BOARD AMENDMENTS

SEPTEMBER 26, 1980.----Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 4273]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4273) 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" having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

On page 2, line 3, delete "The" at the end thereof and lines 4 through 7, and substitute the following:

The Trademark Trial and Appeal Board shall include the Commissioner, the Deputy Commissioner, the Assistant Commissioners, and members appointed by the Commissioner. Employees of the Patent and Trademark Office and other persons, all of whom shall be competent in trademark law, shall be eligible for appointment as members.

STATEMENT

This bill could not be simpler or more noncontroversial. It simply makes two technical changes in the law governing the Trademark Office.

At the present time vacancies on the Trademark Trial and Appeal Board within the Patent and Trademark Office may be filled only by persons who are currently employed by the Office at the time they are promoted to the board. This bill simply permits the hiring of persons from outside the office to fill any vacancy which may occur. This will permit the hiring of the most qualified people to fill these

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jobs. At the present time no other civil service positions within the Patent and Trademark Office have this restriction on hiring from the outside.

The second change is the elimination of the requirements that the Civil Service Commission approve the qualifications of persons hired for these positions. This is also technical as it eliminates an anomaly in the law. At the present time no positions of GS----15 or lower----such as members of the trademark trial and appeal board----require such individual civil service commission approval. This is normally a procedure only for supergrade level officials. This Office of Personnel Management has no objection to this change.

There is also a Committee amendment. The purpose of this amendment is to make it clear that the bill does not preclude existing employees from being hired but merely permits outside persons to be hired as well.

OVERSIGHT STATEMENT
Oversight of the Patent and Trademark Office is the responsibility of the Committee on the Judiciary. During the First Session of the 96th Congress the Subcommittee on Courts. Civil Liberties and the Administration of Justice held hearings entitled, "General Oversight on the Patent. Trademark and Copyright Systems." They have been published as serial No. 15. Ninety--sixth Congress. The Committee and its Subcommittee intend to continue this oversight into the next Congress. No oversight statement has been received from the Committee on Government Operations regarding H.R. 4273.

NEW BUDGET AUTHORITY
In regard to clause 2(1) (3) (B) of rule XI of the House of Representatives, H.R. 4273 creates no new budget authority.

STATEMENT OF THE BUDGET COMMITTEE
No statement on H.R. 4273 has been received from the Committee on the Budget.

ESTIMATED COST OF THE LEGISLATION
It is estimated that there will be no additional costs to the United States due to the provisions of H.R. 4273.

INFLATIONARY IMPACT STATEMENT
H.R. 4273 will have no forsecable inflationary impact on prices or costs in the operation of the national economy.

COMMITTEE VOTE
H.R. 4273 was approved by the Committee on unanimous consent by the Judiciary on September 23, 1980, by a voice vote.

[Changes in existing law section OMITTED]

96th Congress. 1st Session
To amend the Lanham Act to provide the Federal Trade Commission shall not have any authority to apply for the cancellation of a registered trademark under such Act solely on the ground that the trademark has become the common descriptive name of an article or substance.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1979

MR. MAGUIRE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Lanham Act to provide that the Federal Trade Commission shall not have any authority to apply for the cancellation of a registered trademark under such Act solely on the ground that the trademark has become the common descriptive name of an article or substance.