

Discussion Draft No. 1

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EXPLANATION OF H.R. XXXX, TO ENACT CERTAIN LAWS RELATING TO TRADEMARKS AND OTHER INTELLECTUAL PROPERTY AS SUBTITLES III AND IV OF TITLE 35, UNITED STATES CODE, AND TO REDESIGNATE THAT TITLE AS “PATENTS, TRADEMARKS, AND OTHER INTELLECTUAL PROPERTY”

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BACKGROUND

The bill revises and restates certain laws relating to trademarks and other intellectual property and enacts those provisions as subtitles III and IV of title 35, United States Code, and redesignates that title as “Patents, Trademarks, and Other Intellectual Property”.

The bill was prepared by the Office of the Law Revision Counsel as part of the Office’s ongoing responsibility under section 205(c) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b), “[t]o prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States”.

CONFORMITY WITH ORIGINAL INTENT

The bill was prepared in accordance with the standard for codification legislation set forth in section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b(1)), which provides that the restatement of existing law shall conform to “the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections”.

To reflect the emergence of intellectual property law as a distinct field of law, the bill consolidates the Lanham Act, governing trademarks, and various other provisions of law relating to intellectual property with the patents title. To restate these various provisions of law as a cohesive unit, it is necessary to make minor changes in the organization of the title. In addition, the bill eliminates obsolete language and corrects errors in the law. The changes in existing law made by the bill are purely technical in nature and do not

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impair the precedential value of earlier judicial decisions or other interpretations.

The following authorities are relevant to an interpretation of the general intent of codification legislation:

- Finley v. United States*, 490 U.S. 545, 553–555 (1989).
- Tidewater Oil Co. v. U.S.*, 409 U.S. 151, 161, 162 (1972).
- Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 222, 227 (1957).
- United States v. Sisco*, 262 U.S. 165, 168 (1923).
- United States v. Ryder*, 110 U.S. 729, 740 (1884).
- McDonald v. Hovey*, 110 U.S. 619, 628 (1884).
- Smythe v. Fiske*, 23 Wall. 374, 382 (1874).
- Stewart v. Kahn*, 11 Wall. 493, 502 (1871).
- Atchison, Topeka and Santa Fe Railway Co. v. United States*, 617 F. 2d 485, 490, 491 (7th Cir. 1980).
- Trailer Marine Transport Corp. v. Federal Maritime Commission*, 602 F. 2d 379, 383 nt. 18, 387–389 (D.C. Cir. 1979).
- NORMAN J. SINGER, SUTHERLAND STATUTORY CONSTRUCTION, §§ 28.10, 28.11 (6th ed. 2002).

DISPOSITION TABLE

The table below shows a disposition for each section of the United States Code affected by the bill. Where the disposition column shows a title 35 citation, it means the provision of law classified to the former United States Code section in title 15, “Commerce and Trade”, is being restated and enacted as part of title 35 by section 6 of the bill. The provision is also included in the Schedule of Laws Repealed in section 9 of the bill.

Disposition Table

Former United States Code Section	Disposition
1051	601
1052	602
1053	603
1054	604
1055	605
1056	606
1057	607
1058	608
1059	609
1060	610
1061	611
1062	612
1063	613
1064	614
1065	615
1066	616
1067, 1068	617
1069	618
1070	619
1071	620
1072	621
1091	631
1092	632
1093	633
1094	634
1095	635
1096	636
1111	651
1112 (less proviso)	652
1112 (proviso)	653
1113	653
1114(1)(a), (b)	501(11)
1114 (less 1)(a), (b))	654
1115	655
1116	656

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Disposition Table—Continued

Former United States Code Section	Disposition
1117	657
1118	658
1119	659
1120	660
1121	661
1121a	Previously transferred to 15 U.S.C. 1121(b).
1122	503
1123	662
1124	663
1125	664
1126	665
1127 (1st to 4th pars.)	501
1127 (5th par.)	Repealed as unnecessary. See definition of “person” in 1 U.S.C. 1.
1127 (6th par. 1st sentence)	501
1127 (6th par. last sentence)	503
1127 (7th par. 1st sentence)	501
1127 (7th par. last sentence)	503
1127 (8th to 21st pars.)	501
1127 (22d par.)	Repealed as unnecessary. Provided that references to certain Acts of Congress mean the Acts as amended.
1127 (23d to 25th pars.)	501
1127 (26th par.)	Repealed as unnecessary because of 1 U.S.C. 1.
1127 (last par.)	502
1128	901
1128 note (Pub. L. 108–447, div. B, title II, provisos under heading “National Intellectual Property Law Enforcement Coordination Council”).	901
1129	902
1141	801
1141a	802
1141b	803
1141c	804
1141d	805
1141e	806
1141f	807
1141g	808
1141h	809
1141i	810
1141j	811
1141k	812
1141l	813
1141m	814
1141n	815

SECTION-BY-SECTION EXPLANATION

SECTION 1—TABLE OF CONTENTS

Section 1 of the bill provides a table of contents for the Act.

SECTION 2—PURPOSE; CONFORMITY WITH ORIGINAL INTENT

Section 2(a) of the bill provides that the purpose is to enact certain laws relating to trademarks and other intellectual property as subtitles III and IV of title 35, United States Code, and to redesignate title 35 as “Patents, Trademarks, and Other Intellectual Property”.

Section 2(b) of the bill provides a statement of intent with respect to the codification of existing law (see “Conformity With Original Intent” above).

SECTION 3—TITLE HEADING AND ANALYSIS

Section 3 of the bill amends the title heading and analysis to reflect the redesignation and new organization of title 35, United States Code.

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SECTION 4—SUBTITLE I OF TITLE 35, UNITED STATES CODE

Section 4 of the bill strikes the part heading for part I and inserts a new subtitle I heading.

SECTION 5—SUBTITLE II OF TITLE 35, UNITED STATES CODE

Section 5 of the bill strikes the part heading and analysis for part II and inserts a new subtitle II heading and analysis.

SECTION 6—ENACTMENT OF SUBTITLES III AND IV OF TITLE 35, UNITED STATES CODE

Section 6 of the bill enacts certain laws relating to trademarks and other intellectual property as subtitles III and IV of title 35, United States Code. For each section of subtitles III and IV, the source provision citations, along with any revision notes, are set out below.

Subtitle III—Trademarks

PART A—GENERAL PROVISIONS

Chap.		Sec.
51. General Provisions		501

PART B—DOMESTIC REGISTRATION

61. Principal Register	601
62. Supplemental Register	631
63. Practice, Procedure, and Prohibitions	651

PART C—INTERNATIONAL REGISTRATION

81. International Register	801
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PART A—GENERAL PROVISIONS

CHAPTER 51—GENERAL PROVISIONS

Sec.	
501. Definitions.	
502. Purposes of subtitle.	
503. Applicability to the United States and to States.	

SECTION 501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501 (matter before (1)).	15 U.S.C. 1127 (1st par.).	July 5, 1946, ch. 540, title X, § 45 (1st to 5th, 8th to 18th, 20th to 23d, 26th pars.), 60 Stat. 443; Pub. L. 87-772, § 21, Oct. 9, 1962, 76 Stat. 774; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 98-620, title I, § 103, Nov. 8, 1984, 98 Stat. 3335; Pub. L. 100-667, title I, § 134, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 103-465, title V, § 521, Dec. 8, 1994, 108 Stat. 4981; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(A)], Nov. 29, 1999, 113 Stat. 1501A-583.
501(1)	15 U.S.C. 1127 (18th par. cl. (1) (1st-3d sentences), cl. (2)).	
501(2)	15 U.S.C. 1127 (8th par. related to “applicant”).	
501(3)	15 U.S.C. 1127 (14th par.).	
501(4)	15 U.S.C. 1127 (15th par.).	
501(5)	15 U.S.C. 1127 (20th par.).	
501(6)	15 U.S.C. 1127 (3d par.).	

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SECTION 501—Continued

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501(7)	15 U.S.C. 1127 (23d par.).	
501(8)	15 U.S.C. 1127 (19th par.).	July 5, 1946, ch. 540, title X, § 45 (19th par.), as added Pub. L. 104–98, § 4, Jan. 16, 1996, 109 Stat. 986.
501(9)	15 U.S.C. 1127 (24th par.).	July 5, 1946, ch. 540, title X, § 45 (24th, 25th pars.), as added Pub. L. 106–113, div. B, § 1000(a)(9) [title III, § 3005], Nov. 29, 1999, 113 Stat. 1501A–550.
501(10)	(no source).	
501(11)	15 U.S.C. 1114(1)(a), (b).	July 5, 1946, ch. 540, title VI, § 32(1)(a), (b), 60 Stat. 443; Pub. L. 87–772, § 17(1), Oct. 9, 1962, 76 Stat. 773.
501(12)	15 U.S.C. 1127 (25th par.).	
501(13)	15 U.S.C. 1127 (16th par.).	
501(14)	(no source).	
501(15)	(no source).	
501(16)(A)	15 U.S.C. 1127 (6th par. 1st sentence).	July 5, 1946, ch. 540, title X, § 45 (6th par. 1st sentence), as added Pub. L. 106–43, § 4(c), Aug. 5, 1999, 113 Stat. 219.
501(16)(B)	15 U.S.C. 1127 (7th par. 1st sentence).	July 5, 1946, ch. 540, title X, § 45 (7th par. 1st sentence), as added Pub. L. 102–542, § 3(d), Oct. 27, 1992, 106 Stat. 3568.
501(17)	15 U.S.C. 1127 (4th par. related to “principal register”).	
501(18)	15 U.S.C. 1127 (21st par.).	
501(19)	15 U.S.C. 1127 (8th par. related to “registrant”).	
501(20)	15 U.S.C. 1127 (10th par.).	
501(21)	15 U.S.C. 1127 (13th par.).	
501(22)	15 U.S.C. 1127 (4th par. related to “supplemental register”).	
501(23)	15 U.S.C. 1127 (11th par.).	
501(24)	15 U.S.C. 1127 (12th par.).	
501(25)	15 U.S.C. 1127 (2d par.).	
501(26)	15 U.S.C. 1127 (17th par.).	

Definitions of “domain name registrar”, “notice of allowance”, and “Official Gazette” are added for clarity and convenience.

The text of 15 U.S.C. 1127 (9th par.) is omitted as unnecessary because of 35 U.S.C. 3(a)(1).

Before paragraph (1), the words “the construction of” and “unless the contrary is plainly apparent from the context” are omitted as unnecessary.

In paragraph (1), the text of 15 U.S.C. 1127 (18th par., 1st subpar., last sentence) is omitted as unnecessary because of 15 U.S.C. 1127 (17th par.), restated as section 501(26) of the revised title.

In paragraphs (3)(B) and (4)(B), the words “labor organization” are substituted for “union” to conform to prevailing usage.

In paragraph (25), the words “and embraces” are omitted as unnecessary.

In paragraph (26)(B), the words “For purposes of this chapter” are omitted as unnecessary because the introductory language of this section provides that the term applies to the revised subtitle.

SECTION 502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
502	15 U.S.C. 1127 (last par.).	July 5, 1946, ch. 540, title X, § 45 (last par.), 60 Stat. 443; Pub. L. 87–772, § 21, Oct. 9, 1962, 76 Stat. 775; Pub. L. 106–43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

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In paragraph (1), the words “within the control of Congress” are omitted as unnecessary because of the definition of “commerce” in section 501 of the revised title.

SECTION 503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503(a)(1)	15 U.S.C. 1127 (6th par. last sentence).	July 5, 1946, ch. 540, title X, § 45 (6th par. last sentence), as added Pub. L. 106–43, § 4(c), Aug. 5, 1999, 113 Stat. 220.
503(a)(2)	15 U.S.C. 1122(a).	July 5, 1946, ch. 540, title VI, § 40, as added Pub. L. 102–542, § 3(b), Oct. 27, 1992, 106 Stat. 3567; Pub. L. 106–43, § 4(b), Aug. 5, 1999, 113 Stat. 219.
503(b)(1)	15 U.S.C. 1127 (7th par. last sentence).	July 5, 1946, ch. 540, title X, § 45 (7th par. last sentence), as added Pub. L. 102–542, § 3(d), Oct. 27, 1992, 106 Stat. 3568.
503(b)(2)	15 U.S.C. 1122(b).	
503(c)	15 U.S.C. 1122(c).	

In subsections (a)(2) and (b)(2), the words “civil action” are substituted for “suit” for consistency in the revised title and with other titles of the United States Code.

In subsection (c), before paragraph (1), the words “(including remedies both at law and in equity)” are omitted as unnecessary. See Notes of Advisory Committee on Rules—1937 to Rule 2 of the Rules of Civil Procedure (28 U.S.C. App.).

PART B—DOMESTIC REGISTRATION

Chap.		Sec.
61. Principal Register		601
62. Supplemental Register		631
63. Practice, Procedure, and Prohibitions		651

CHAPTER 61—PRINCIPAL REGISTER

Sec.	
601.	Request for registration.
602.	Marks registrable on principal register; concurrent registration.
603.	Service marks registrable.
604.	Collective marks and certification marks registrable.
605.	Use by related companies.
606.	Disclaimer of unregistrable matter.
607.	Certificates of registration.
608.	Duration.
609.	Renewal of registration.
610.	Assignment.
611.	Execution of acknowledgments and verifications.
612.	Examination and publication.
613.	Opposition to registration.
614.	Cancellation of registration.
615.	Incontestability of right to use mark under certain conditions.
616.	Interference.
617.	Determination by Trademark Trial and Appeal Board.
618.	Application of equitable principles in inter partes proceedings.
619.	Appeals to Trademark Trial and Appeal Board from decisions of examiners.
620.	Judicial review.
621.	Registration as constructive notice of claim of ownership.

SECTION 601

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
601	15 U.S.C. 1051.	July 5, 1946, ch. 540, title I, § 1, 60 Stat. 427; Pub. L. 87–772, § 1, Oct. 9, 1962, 76 Stat. 769; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100–667, title I, § 103, Nov. 16, 1988, 102 Stat. 3935; Pub. L. 105–330, title I, § 103, title II, § 201(a)(1), Oct. 30, 1998, 112 Stat. 3064, 3069; Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A–583; Pub. L. 107–273, div. C, title III, § 13207(b)(1), (2), Nov. 2, 2002, 116 Stat. 1906.

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In subsections (a)(3)(A) and (b)(3)(A), the word “juristic” is omitted as unnecessary.

In subsection (a)(4)(B), the words “rules or” are omitted as unnecessary.

SECTION 602

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
602	15 U.S.C. 1052.	July 5, 1946, ch. 540, title I, § 2, 60 Stat. 428; Pub. L. 87-772, § 2, Oct. 9, 1962, 76 Stat. 769; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 104, Nov. 16, 1988, 102 Stat. 3937; Pub. L. 103-182, title III, § 333(a), Dec. 8, 1993, 107 Stat. 2114; Pub. L. 103-465, title V, § 522, Dec. 8, 1994, 108 Stat. 4982; Pub. L. 105-330, title II, § 201(a)(2), (12), Oct. 30, 1998, 112 Stat. 3069, 3070; Pub. L. 106-43, § 2(a), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

SECTION 603

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
603	15 U.S.C. 1053.	July 5, 1946, ch. 540, title I, § 3, 60 Stat. 429; Pub. L. 100-667, title I, § 105, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

SECTION 604

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
604	15 U.S.C. 1054.	July 5, 1946, ch. 540, title I, § 4, 60 Stat. 429; Pub. L. 100-667, title I, § 106, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

In subsection (a), the words “a foreign country . . . or other governmental entity” are substituted for “nations . . . and the like” for clarity and consistency.

SECTION 605

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
605	15 U.S.C. 1055.	July 5, 1946, ch. 540, title I, § 5, 60 Stat. 429; Pub. L. 100-667, title I, § 107, Nov. 16, 1988, 102 Stat. 3938.

SECTION 606

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
606	15 U.S.C. 1056.	July 5, 1946, ch. 540, title I, § 6, 60 Stat. 429; Pub. L. 87-772, § 3, Oct. 9, 1962, 76 Stat. 769; Pub. L. 100-667, title I, § 108, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

Subsection (c) is restated to make clear that the words “if the disclaimed matter is distinctive or becomes distinctive of a good or service of the applicant or registrant” in paragraph (2) qualify only the words in that paragraph. That meaning is apparent in the section as originally enacted in 1946 (60 Stat. 429). The former Code provision reflects the amendment of the section in 1962 (76 Stat. 769), when the section was rewritten generally but with no indication by Congress of any intent to change the meaning of the section.

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SECTION 607

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
607	15 U.S.C. 1057.	July 5, 1946, ch. 540, title I, § 7, 60 Stat. 430; Aug. 17, 1950, ch. 733, 64 Stat. 459; Pub. L. 87-772, § 4, Oct. 9, 1962, 76 Stat. 769; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 109, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 105-330, title II, § 201(a)(3), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

In subsection (c)(2)(B)(iii)(I), the words “the person” are substituted for “he or she” to make clear that the provision refers to persons of any kind, not just individuals.

In subsection (f), the words “books, papers, or drawings” are omitted as unnecessary.

SECTION 608

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
608	15 U.S.C. 1058.	July 5, 1946, ch. 540, title I, § 8, 60 Stat. 431; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 97-247, § 8, Aug. 27, 1982, 96 Stat. 320; Pub. L. 100-667, title I, § 110, Nov. 16, 1988, 102 Stat. 3939; Pub. L. 105-330, title I, § 105, Oct. 30, 1998, 112 Stat. 3066; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B), (C)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(3), Nov. 2, 2002, 116 Stat. 1906.

In subsection (d), the word “Special” is omitted as unnecessary.

In subsection (e), the word “Director’s” is substituted for “Commissioner’s” to correct an error in the source provision. Section 4713 of title IV of section 1000(a)(9) of the Act of November 29, 1999 (Pub. L. 106-113, 113 Stat. 1501A-575), amended 35 U.S.C. 3. Subsection (a) of that section in part vested the powers and duties of the United States Patent and Trademark Office, previously vested in the Commissioner of Patents and Trademarks, in the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. Section 4732(b)(1)(B) of title IV (113 Stat. 1501A-583) amended the Act of July 5, 1946 (commonly known as “The Trademark Act of 1946”) (15 U.S.C. 1051 et seq.), generally by substituting “Director” for “Commissioner” and section 4732(b)(1)(C) in part identically amended section 8(e) of that Act (15 U.S.C. 1058(e)) but did not make a corresponding substitution of “Director’s” for “Commissioner’s”.

SECTION 609

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
609	15 U.S.C. 1059.	July 5, 1946, ch. 540, title I, § 9, 60 Stat. 431; Pub. L. 87-772, § 5, Oct. 9, 1962, 76 Stat. 770; Pub. L. 100-667, title I, § 111, Nov. 16, 1988, 102 Stat. 3939; Pub. L. 105-330, title I, § 106, Oct. 30, 1998, 112 Stat. 3067; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B), (C)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(4), Nov. 2, 2002, 116 Stat. 1907.

In subsection (d), the word “Director’s” is substituted for “Commissioner’s” to correct an error in the source provision. Section 4713 of title IV of section 1000(a)(9) of the Act of November 29, 1999 (Pub. L. 106-113, 113 Stat. 1501A-575), amended 35 U.S.C.

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3. Subsection (a) of that section in part vested the powers and duties of the United States Patent and Trademark Office, previously vested in the Commissioner of Patents and Trademarks, in the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. Section 4732(b)(1)(B) of title IV (113 Stat. 1501A–583) amended the Act of July 5, 1946 (commonly known as “The Trademark Act of 1946”) (15 U.S.C. 1051 et seq.), generally by substituting “Director” for “Commissioner” and section 4732(b)(1)(C) in part identically amended section 9(b) of that Act (15 U.S.C. 1059(b)) but did not make a corresponding substitution of “Director’s” for “Commissioner’s”.

SECTION 610

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
610	15 U.S.C. 1060.	July 5, 1946, ch. 540, title I, § 10, 60 Stat. 431; Pub. L. 87–772, § 6, Oct. 9, 1962, 76 Stat. 770; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100–667, title I, § 112, Nov. 16, 1988, 102 Stat. 3939; Pub. L. 105–330, title I, § 107, Oct. 30, 1998, 112 Stat. 3068; Pub. L. 106–43, § 6(a), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A–583; Pub. L. 107–273, div. C, title III, § 13207(b)(5), Nov. 2, 2002, 116 Stat. 1907.

In subsection (a)(4), the words “executed instrument” are substituted for “instruments in writing duly executed” to eliminate unnecessary words.

SECTION 611

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
611	15 U.S.C. 1061.	July 5, 1946, ch. 540, title I, § 11, 60 Stat. 432; Pub. L. 97–247, § 14(c), Aug. 27, 1982, 96 Stat. 321.

SECTION 612

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
612	15 U.S.C. 1062.	July 5, 1946, ch. 540, title I, § 12, 60 Stat. 432; Pub. L. 87–772, § 7, Oct. 9, 1962, 76 Stat. 770; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100–667, title I, § 113, Nov. 16, 1988, 102 Stat. 3940; Pub. L. 105–330, title I, § 104, Oct. 30, 1998, 112 Stat. 3066; Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A–583.

In subsection (b)(2), the words “a proceeding under section 617 of this title” are substituted for “such proceedings” for clarity.

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SECTION 613

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
613	15 U.S.C. 1063.	July 5, 1946, ch. 540, title I, § 13, 60 Stat. 433; Pub. L. 87-772, § 8, Oct. 9, 1962, 76 Stat. 771; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 93-600, § 1, Jan. 2, 1975, 88 Stat. 1955; Pub. L. 97-247, § 9(a), Aug. 27, 1982, 96 Stat. 320; Pub. L. 100-667, title I, § 114, Nov. 16, 1988, 102 Stat. 3940; Pub. L. 106-43, § 2(b), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

SECTION 614

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
614	15 U.S.C. 1064.	July 5, 1946, ch. 540, title I, § 14, 60 Stat. 433; Pub. L. 87-772, § 9, Oct. 9, 1962, 76 Stat. 771; Pub. L. 97-247, § 9(b), Aug. 27, 1982, 96 Stat. 320; Pub. L. 98-620, title I, § 102, Nov. 8, 1984, 98 Stat. 3335; Pub. L. 100-667, title I, § 115, Nov. 16, 1988, 102 Stat. 3940; Pub. L. 105-330, title II, § 201(a)(4), title III, § 301, Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 2(c), Aug. 5, 1999, 113 Stat. 218.

SECTION 615

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
615	15 U.S.C. 1065.	July 5, 1946, ch. 540, title I, § 15, 60 Stat. 433; Pub. L. 87-772, § 10, Oct. 9, 1962, 76 Stat. 771; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 97-247, § 10, Aug. 27, 1982, 96 Stat. 320; Pub. L. 100-667, title I, § 116, Nov. 16, 1988, 102 Stat. 3941; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

SECTION 616

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
616	15 U.S.C. 1066.	July 5, 1946, ch. 540, title I, § 16, 60 Stat. 434; Pub. L. 87-772, § 11, Oct. 9, 1962, 76 Stat. 771; Pub. L. 97-247, § 11, Aug. 27, 1982, 96 Stat. 321; Pub. L. 100-667, title I, § 117, Nov. 16, 1988, 102 Stat. 3941; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

SECTION 617

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
617(a), (b)	15 U.S.C. 1067.	July 5, 1946, ch. 540, title I, § 17, 60 Stat. 434; Pub. L. 85-609, § 1(a), Aug. 8, 1958, 72 Stat. 540; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 96-455, § 1, Oct. 15, 1980, 94 Stat. 2024; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4716], Nov. 29, 1999, 113 Stat. 1501A-580; Pub. L. 107-273, div. C, title III, § 13203(a)(1), Nov. 2, 2002, 116 Stat. 1902.
617(c)	15 U.S.C. 1068.	July 5, 1946, ch. 540, title I, § 18, 60 Stat. 434; Pub. L. 100-667, title I, § 118, Nov. 16, 1988, 102 Stat. 3941; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

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In subsection (b), the amendment made by section 13203(a)(1) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1902) could not be executed because “Commissioner” did not appear in the source provision. However, the Deputy Director is included as a member of the Trademark Trial and Appeal Board to reflect the intent of Congress. The added reference is to the Deputy Director rather than the Deputy Commissioner to reflect the vesting of powers and duties in the Director and Deputy Director instead of the Commissioner and Deputy Commissioner.

In subsection (c)(1)(D), the words “principal register or supplemental register” are substituted for “register” for clarity.

SECTION 618

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
618	15 U.S.C. 1069.	July 5, 1946, ch. 540, title I, § 19, 60 Stat. 434; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100–667, title I, § 119, Nov. 16, 1988, 102 Stat. 3941.

SECTION 619

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
619	15 U.S.C. 1070.	July 5, 1946, ch. 540, title I, § 20, 60 Stat. 435; Pub. L. 85–609, § 1(b), Aug. 8, 1958, 72 Stat. 540.

SECTION 620

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
620	15 U.S.C. 1071.	July 5, 1946, ch. 540, title I, § 21, 60 Stat. 435; July 19, 1952, ch. 950, § 2, 66 Stat. 814; Pub. L. 85–609, § 1(c), Aug. 8, 1958, 72 Stat. 540; Pub. L. 87–772, § 12, Oct. 9, 1962, 76 Stat. 771; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 93–600, § 2, Jan. 2, 1975, 88 Stat. 1955; Pub. L. 97–164, title I, § 162(1), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98–620, title IV, § 414(b), Nov. 8, 1984, 98 Stat. 3363; Pub. L. 100–667, title I, § 120, Nov. 16, 1988, 102 Stat. 3942; Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A–583.

In subsection (b)(3), the words “shall file with the Director” are substituted for “shall file in the Patent and Trademark Office . . . directed to the Director” to eliminate unnecessary words.

SECTION 621

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
621	15 U.S.C. 1072.	July 5, 1946, ch. 540, title I, § 22, 60 Stat. 435.

CHAPTER 62—SUPPLEMENTAL REGISTER

Sec.

631. Supplemental register.
632. Publication and cancellation of marks.
633. Registration certificates for marks on principal and supplemental registers to be different.
634. Provisions of title applicable to registrations on supplemental register.
635. No preclusion of registration on principal register; no admission of nondistinctiveness.
636. Registration on supplemental register not used to stop importations.

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SECTION 631

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
631	15 U.S.C. 1091.	July 5, 1946, ch. 540, title II, § 23, 60 Stat. 435; Pub. L. 87-772, § 13, Oct. 9, 1962, 76 Stat. 773; Pub. L. 100-667, title I, § 121, Nov. 16, 1988, 102 Stat. 3942; Pub. L. 103-182, title III, § 333(b), Dec. 8, 1993, 107 Stat. 2114; Pub. L. 105-330, title II, § 201(a)(5), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(6), Nov. 2, 2002, 116 Stat. 1908.

SECTION 632

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
632	15 U.S.C. 1092.	July 5, 1946, ch. 540, title II, § 24, 60 Stat. 436; Pub. L. 85-609, § 1(d), Aug. 8, 1958, 72 Stat. 540; Pub. L. 87-772, § 14, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 122, Nov. 16, 1988, 102 Stat. 3943; Pub. L. 106-43, § 2(d), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

In subsection (a), the words “published for or be” are omitted as unnecessary.

SECTION 633

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
633	15 U.S.C. 1093.	July 5, 1946, ch. 540, title II, § 25, 60 Stat. 436.

SECTION 634

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
634	15 U.S.C. 1094.	July 5, 1946, ch. 540, title II, § 26, 60 Stat. 436; Pub. L. 100-667, title I, § 123, Nov. 16, 1988, 102 Stat. 3943; Pub. L. 105-330, title II, § 201(a)(6), Oct. 30, 1998, 112 Stat. 3070.

SECTION 635

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
635	15 U.S.C. 1095.	July 5, 1946, ch. 540, title II, § 27, 60 Stat. 436; Pub. L. 100-667, title I, § 124, Nov. 16, 1988, 102 Stat. 3943.

SECTION 636

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
636	15 U.S.C. 1096.	July 5, 1946, ch. 540, title II, § 28, 60 Stat. 436.

The words “Department of Homeland Security” are substituted for “Department of the Treasury” because of 6:203(1), 551(d), 552(d), and 557 and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108-16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

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CHAPTER 63—PRACTICE, PROCEDURE, AND PROHIBITIONS

- Sec.
 651. Notice of registration; limitation on recovery of profits and damages in infringement action.
 652. Marks for multiple goods and services.
 653. Fees.
 654. Remedies for infringement.
 655. Registration on principal register as evidence of exclusive right to use mark.
 656. Injunctive relief.
 657. Recovery for violation of rights.
 658. Destruction of violative articles.
 659. Power of court over registration.
 660. Civil liability for false or fraudulent registration.
 661. Jurisdiction of Federal courts; prohibition of State and local requirements.
 662. Regulations for conduct of proceedings in Office.
 663. Prohibition of importation of goods bearing infringing marks or names.
 664. False designations of origin; false descriptions; dilution.
 665. United States registration based on foreign registration pursuant to international conventions.

SECTION 651

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
651	15 U.S.C. 1111.	July 5, 1946, ch. 540, title III, §29, 60 Stat. 436; Pub. L. 87-772, §15, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, §1 (related to the Trademark Act of 1946), 2, Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, §125, Nov. 16, 1988, 102 Stat. 3943.

SECTION 652

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
652	15 U.S.C. 1112 (less proviso).	July 5, 1946, ch. 540, title IV, §30 (less proviso), 60 Stat. 436; Pub. L. 87-772, §16, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, §1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, §126(1)-(3), Nov. 16, 1988, 102 Stat. 3943; Pub. L. 106-113, div. B, §1000(a)(9) [title IV, §4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

In subsection (a), the words “by regulation” are added because they more appropriately describe the method by which the Director may establish a classification.

SECTION 653

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
653(a) to (c)	15 U.S.C. 1113(a).	July 5, 1946, ch. 540, title V, §31, 60 Stat. 437; Pub. L. 85-609, §1(e), Aug. 8, 1958, 72 Stat. 540; Pub. L. 89-83, §3, July 24, 1965, 79 Stat. 260; Pub. L. 93-596, §1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 96-517, §5, Dec. 12, 1980, 94 Stat. 3018; Pub. L. 97-247, §3(f), Aug. 27, 1982, 96 Stat. 319; Pub. L. 97-256, title I, §103, Sept. 8, 1982, 96 Stat. 816; Pub. L. 102-204, §5(f)(1), Dec. 10, 1991, 105 Stat. 1640; Pub. L. 105-330, title II, §201(a)(7), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-113, div. B, §1000(a)(9) [title IV, §4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.
653(d)	15 U.S.C. 1112 (proviso).	July 5, 1946, ch. 540, title IV, §30 (proviso), 60 Stat. 436; Pub. L. 87-772, §16, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, §1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, §126(4), Nov. 16, 1988, 102 Stat. 3943; Pub. L. 106-113, div. B, §1000(a)(9) [title IV, §4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

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SECTION 653—Continued

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
653(e), (f)	15 U.S.C. 1113(b).	

In subsection (d), the words “by regulation” are omitted as surplus because they are used more appropriately in section 652(a) of the revised title.

SECTION 654

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
654	15 U.S.C. 1114 (less par. (1)(a), (b)).	July 5, 1946, ch. 540, title VI, § 32 (less par. (1)(a), (b)), 60 Stat. 437; Pub. L. 87-772, § 17, Oct. 9, 1962, 76 Stat. 773; Pub. L. 100-667, title I, § 127, Nov. 16, 1988, 102 Stat. 3943; Pub. L. 102-542, § 3(a) Oct. 27, 1992, 106 Stat. 3567; Pub. L. 105-330, title II, § 201(a)(8), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 4(a), Aug. 5, 1999, 113 Stat. 219; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3004], Nov. 29, 1999, 113 Stat. 1501A-549; Pub. L. 109-9, title II, § 202(b), Apr. 27, 2005, 119 Stat. 223.

In subsection (a), the text of 15 U.S.C. 1114(1) (last par.) is omitted as unnecessary because of sections 501(16) and 503(a)(1) and (b)(1) of the revised title.

In subsection (c), definitions of “periodical” and “plaintiff” are added for clarity and convenience.

SECTION 655

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
655	15 U.S.C. 1115.	July 5, 1946, ch. 540, title VI, § 33, 60 Stat. 438; Pub. L. 87-772, § 18, Oct. 9, 1962, 76 Stat. 774; Pub. L. 100-667, title I, § 128(a), (b), Nov. 16, 1988, 102 Stat. 3944; Pub. L. 105-330, title II, § 201(a)(9), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 107-273, div. C, title III, § 13207(b)(7), Nov. 2, 2002, 116 Stat. 1908.

SECTION 656

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
656	15 U.S.C. 1116.	July 5, 1946, ch. 540, title VI, § 34, 60 Stat. 439; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 98-473, title II, § 1503(1), Oct. 12, 1984, 98 Stat. 2179; Pub. L. 100-667, title I, § 128(c)-(e), Nov. 16, 1988, 102 Stat. 3945; Pub. L. 104-153, § 6, July 2, 1996, 110 Stat. 1388; Pub. L. 106-43, § 3(a)(1), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3003(a)(1), title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-548, 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(8)-(10), Nov. 2, 2002, 116 Stat. 1908.

In subsection (a)(3), the words “shall be operative and” are omitted as unnecessary.

In subsection (c)(3), the words “record the judgment or appeal in the registration file” are substituted for “endorse the same upon the file wrapper of the said registration or registrations and to incorporate the same as a part of the contents of said file wrapper” to eliminate unnecessary words and because paper files are being replaced by electronic files.

In subsection (d)(2), the words “pursuant to this subsection” are omitted as unnecessary because the rest of subsection (d) refers to “an order under this subsection”.

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Subsection (d)(4) is rewritten to clarify that it is only the information described in subparagraphs (A) and (B) of paragraph (6) that is required to be contained in an application for a seizure order.

In subsection (d)(10)(A), the words “United States Bureau of Customs and Border Protection” are substituted for “United States Customs Service” because of subsection (b) of the Reorganization Plan Modification for the Department of Homeland Security (H. Doc. No. 108–32, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

SECTION 657

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
657	15 U.S.C. 1117.	July 5, 1946, ch. 540, title VI, § 35, 60 Stat. 439; Pub. L. 87–772, § 19, Oct. 9, 1962, 76 Stat. 774; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 93–600, § 3, Jan. 2, 1975, 88 Stat. 1955; Pub. L. 98–473, title II, § 1503(2), Oct. 12, 1984, 98 Stat. 2182; Pub. L. 100–667, title I, § 129, Nov. 16, 1988, 102 Stat. 3945; Pub. L. 104–153, § 7, July 2, 1996, 110 Stat. 1388; Pub. L. 106–43, § 3(b), Aug. 5, 1999, 113 Stat. 219; Pub. L. 106–113, div. B, § 1000(a)(9) [title III, § 3003(a)(2), (b)], Nov. 29, 1999, 113 Stat. 1501A–549; Pub. L. 107–273, div. C, title III, § 13207(a), (b)(11), Nov. 2, 2002, 116 Stat. 1906, 1908; Pub. L. 108–482, title II, § 202, Dec. 23, 2004, 118 Stat. 3916.

To improve organizational structure and make clear the relationship of the statutory damages provisions to the general provisions, former subsection (b) is incorporated in subsection (a) of the revised section.

In subsection (a)(4)(B), the word “complaint” is substituted for “claimant’s pleadings setting forth the claim for such entry” for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words “profits and damages under subsection (a)” are substituted for “actual damages and profits under subsection (a)” because subsection (a) includes provisions for treble profits and damages as well as for actual profits and damages.

In subsection (c), the words “profits and damages under subsection (a)” are substituted for “actual damages and profits” for consistency. See the preceding note.

In subsection (d), the words “for purposes of determining relief” are omitted as unnecessary.

SECTION 658

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
658	15 U.S.C. 1118.	July 5, 1946, ch. 540, title VI, § 36, 60 Stat. 440; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 98–473, title II, § 1503(3), Oct. 12, 1984, 98 Stat. 2182; Pub. L. 100–667, title I, § 130, Nov. 16, 1988, 102 Stat. 3945; Pub. L. 106–43, § 3(c), Aug. 5, 1999, 113 Stat. 219.

In subsection (a), the words “delivered up and” are omitted as unnecessary.

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SECTION 659

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
659	15 U.S.C. 1119.	July 5, 1946, ch. 540, title VI, § 37, 60 Stat. 440; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

SECTION 660

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
660	15 U.S.C. 1120.	July 5, 1946, ch. 540, title VI, § 38, 60 Stat. 440; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949.

SECTION 661

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
661(a)	15 U.S.C. 1121(a).	July 5, 1946, ch. 540, title VI, § 39(a), formerly § 39, 60 Stat. 440; Pub. L. 97-164, title I, § 148, Apr. 2, 1982, 96 Stat. 46; Pub. L. 97-296, Oct. 12, 1982, 96 Stat. 1316; Pub. L. 100-667, title I, § 131(a), Nov. 16, 1988, 102 Stat. 3946; Pub. L. 105-330, title II, § 201(a)(10), Oct. 30, 1998, 112 Stat. 3070.
661(b)	15 U.S.C. 1121(b).	July 5, 1946, ch. 540, title VI, § 39(b), formerly § 39a, as added Pub. L. 97-296, Oct. 12, 1982, 96 Stat. 1316; Pub. L. 100-667, title I, § 131(b), Nov. 16, 1988, 102 Stat. 3946.

In subsection (a), the words “and the United States Court of Appeals for the District of Columbia” following “the circuit courts of appeal of the United States” in section 39(a) of the Act of July 5, 1946 (ch. 540; 15 U.S.C. 1121(a)) are omitted because under 28 U.S.C. 41, the District of Columbia is included within the 13 judicial circuits of the United States. The word “and” before “the courts of appeals of the United States” is added for clarity.

SECTION 662

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
662	15 U.S.C. 1123.	July 5, 1946, ch. 540, title VI, § 41, 60 Stat. 440; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

The words “rules and” are omitted as unnecessary.

SECTION 663

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
663	15 U.S.C. 1124.	July 5, 1946, ch. 540, title VII, § 42, 60 Stat. 440; Pub. L. 95-410, title II, § 211(b), Oct. 3, 1978, 92 Stat. 903; Pub. L. 105-330, title II, § 201(a)(11), (12), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

In subsection (b), the words “Secretary of Homeland Security” are substituted for “Department of the Treasury” and “Secretary of the Treasury” because of 6 U.S.C. 203(1), 551(d), 552(d), and 557 and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108-16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

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In subsection (b)(1), before subparagraph (A), the words “in order to aid the officers of the customs in enforcing this prohibition” are omitted as unnecessary.

In subsection (b)(2), the words “each collector or other” are omitted as obsolete because the office of collector of customs was terminated not later than December 31, 1966, by Reorganization Plan No. 1 of 1965 (eff. May 25, 1965, 79 Stat. 1317 (5 U.S.C. App.)). Functions of the office were already vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1280 (5 U.S.C. App.)).

SECTION 664

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
664	15 U.S.C. 1125.	July 5, 1946, ch. 540, title VIII, § 43, 60 Stat. 441; Pub. L. 100-667, title I, § 132, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 102-542, § 3(c), Oct. 27, 1992, 106 Stat. 3568; Pub. L. 104-98, § 3(a), Jan. 16, 1996, 109 Stat. 985; Pub. L. 106-43, §§ 3(a)(2), 5, Aug. 5, 1999, 113 Stat. 219, 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3002(a)], Nov. 29, 1999, 113 Stat. 1501A-545.

In subsection (a), the text of 15 U.S.C. 1125(a)(2) is omitted as unnecessary because of sections 501(16)(B) and 503(b)(1) of the revised title.

In subsection (c)(1), the words “Subject to paragraph (5)” are added for clarity. The word “commercial” is omitted as unnecessary because paragraph (5) states that this section does not apply to noncommercial use of a mark and for consistency because “commercial” is not used elsewhere in the section except in regard to commercial advertising or promotion.

SECTION 665

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
665	15 U.S.C. 1126.	July 5, 1946, ch. 540, title IX, § 44, 60 Stat. 441; Pub. L. 87-333, § 2, Oct. 3, 1961, 75 Stat. 748; Pub. L. 87-772, § 20, Oct. 9, 1962, 76 Stat. 774; Pub. L. 100-667, title I, § 133, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 105-330, title I, § 108, Oct. 30, 1998, 112 Stat. 3068; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(12), Nov. 2, 2002, 116 Stat. 1908.

In subsection (b)(1), the words “or may become” are omitted as unnecessary because “is” in the law is read to speak in the present tense as at any time at which the law is to be applied rather than as at the original date of enactment.

PART C—INTERNATIONAL REGISTRATION

Chap.		Sec.
	81. International Register	801

CHAPTER 81—INTERNATIONAL REGISTER

Sec.	
801.	Definitions.
802.	International applications based on United States applications or registrations.
803.	Certification of the international application.
804.	Restriction, abandonment, cancellation, or expiration of a basic application or basic registration.
805.	Request for extension of protection subsequent to international registration.
806.	Extension of protection of an international registration to the United States under the Madrid Protocol.

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- 807. Effect of filing a request for extension of protection of an international registration to the United States.
- 808. Right of priority for request for extension of protection to the United States.
- 809. Examination of and opposition to request for extension of protection; notification of refusal.
- 810. Effect of extension of protection.
- 811. Dependence of extension of protection to the United States on the underlying international registration.
- 812. Affidavits and fees.
- 813. Assignment of an extension of protection.
- 814. Incontestability.
- 815. Rights of extension of protection.

SECTION 801

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
801	15 U.S.C. 1141.	July 5, 1946, ch. 540, title XII, § 60, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1913.

SECTION 802

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
802	15 U.S.C. 1141a.	July 5, 1946, ch. 540, title XII, § 61, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1915.

SECTION 803

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
803	15 U.S.C. 1141b.	July 5, 1946, ch. 540, title XII, § 62, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1915.

SECTION 804

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
804	15 U.S.C. 1141c.	July 5, 1946, ch. 540, title XII, § 63, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1915.

SECTION 805

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
805	15 U.S.C. 1141d.	July 5, 1946, ch. 540, title XII, § 64, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1916.

SECTION 806

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
806	15 U.S.C. 1141e.	July 5, 1946, ch. 540, title XII, § 65, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1916.

SECTION 807

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
807	15 U.S.C. 1141f.	July 5, 1946, ch. 540, title XII, § 66, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1916.

SECTION 808

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
808	15 U.S.C. 1141g.	July 5, 1946, ch. 540, title XII, § 67, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1917.

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SECTION 809

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
809	15 U.S.C. 1141h.	July 5, 1946, ch. 540, title XII, §68, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1917.

SECTION 810

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
810	15 U.S.C. 1141i.	July 5, 1946, ch. 540, title XII, §69, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1918.

SECTION 811

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
811	15 U.S.C. 1141j.	July 5, 1946, ch. 540, title XII, §70, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1918.

SECTION 812

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
812	15 U.S.C. 1141k.	July 5, 1946, ch. 540, title XII, §71, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1919.

SECTION 813

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
813	15 U.S.C. 1141l.	July 5, 1946, ch. 540, title XII, §72, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1920.

SECTION 814

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
814	15 U.S.C. 1141m.	July 5, 1946, ch. 540, title XII, §73, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1920.

SECTION 815

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
815	15 U.S.C. 1141n.	July 5, 1946, ch. 540, title XII, §74, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1920.

Subtitle IV—Other Intellectual Property Provisions

Chap.		Sec.
91. Miscellaneous		901

CHAPTER 91—MISCELLANEOUS

- Sec. 901. National Intellectual Property Law Enforcement Coordination Council.
- 902. Cyberpiracy protection for individuals.

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SECTION 901

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
901	15 U.S.C. 1128. 15 U.S.C. 1128 note	Pub. L. 106–58, title VI, § 653, Sept. 29, 1999, 113 Stat. 480; Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, § 4741(b)(1)], Nov. 29, 1999, 113 Stat. 1501A–586. Pub. L. 108–447, div. B, title II, provisos under heading “National Intellectual Property Law Enforcement Coordination Council”, Dec. 8, 2004, 118 Stat. 2872.

SECTION 902

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
902	15 U.S.C. 1129.	Pub. L. 106–113, div. B, § 1000(a)(9) [title III, § 3002(b)], Nov. 29, 1999, 113 Stat. 1501A–548.

SECTION 7—CONFORMING CROSS-REFERENCES

Section 7 of the bill makes conforming cross-references to titles of the United States Code that have been enacted into positive law. These amendments are necessary because of the restatement of the source provisions in section 6.

SECTION 8—TRANSITIONAL AND SAVINGS PROVISIONS

Section 8 of the bill contains transitional and savings provisions.

SECTION 9—REPEALS

Section 9 of the bill repeals provisions replaced by the bill, along with unnecessary and obsolete provisions (see “Disposition Table” above).