

Public Law 85-609

AN ACT

August 8, 1958
[H. R. 8826]

To amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, with respect to proceedings in the Patent Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946 (60 Stat. 427), is amended as follows:

(a) Section 17 (15 U. S. C. 1067) is amended by striking the words "the examiner in charge of interferences" and substituting in lieu thereof "a Trademark Trial and Appeal Board," and by adding the following paragraph at the end thereof:

"The Trademark Trial and Appeal Board shall include the Commissioner, the Assistant Commissioners, and such Patent Office employees, designated by the Commissioner and whose qualifications have been approved by the Civil Service Commission as being adequate for appointment to the position of examiner in charge of interferences. Each case shall be heard by at least three members of the Board, the members hearing such case to be designated by the Commissioner."

(b) Section 20 (15 U. S. C. 1070) is amended (1) by striking the words "Commissioner in person" and substituting in lieu thereof "Trademark Trial and Appeal Board"; (2) by striking the words "of interferences or"; and (3) by changing the word "fees" to "fee."

(c) Section 21 (15 U. S. C. 1071) is amended (1) by inserting after the word "Commissioner" first occurrence in the first sentence, the words "or the Trademark Trial and Appeal Board," and (2) by striking the word "Commissioner" in the proviso in the first sentence and substituting in lieu thereof "Trademark Trial and Appeal Board."

(d) Section 24 (15 U. S. C. 1092) is amended (1) by striking the words "examiner in charge of interferences, who" in the third sentence and substituting in lieu thereof "Trademark Trial and Appeal Board, which" and (2) by striking the word "examiner" in the fourth sentence and substituting in lieu thereof the word "Board".

(e) Section 31 (15 U. S. C. 1113) is amended (1) by striking the words "to the Commissioner" in the phrase "on appeal from an examiner in charge of the registration of marks to the Commissioner, \$25," and (2) by striking the phrase "on appeal from an examiner in charge of interferences to the Commissioner, \$25."

SEC. 2. The provisions of this Act shall be subject to Reorganization Plan No. 5 of 1950 (64 Stat. 1263).

SEC. 3. This Act shall take effect on approval; it shall apply to *ex parte* appeals taken to the Commissioner prior to the date of approval which have not been heard but shall not apply to any such appeal which has been heard or decided in which event further proceedings may be had as though this Act had not been passed; it shall apply to *inter partes* cases instituted prior to the date of approval which have not been heard by an examiner of interferences, but shall not apply to any such case which has been heard or decided by an examiner of interferences in which event further proceedings may be had as though this Act had not passed.

Approved August 8, 1958.

Trademark Trial
and Appeal Board,
15 USC 1051 et
seq.

Personnel.

Appeals to Com-
missioners.

Appeals to
courts.

Publication.

Fees and
charges.

5 USC 133z-15
note.

Effective date.
Applicability.