

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

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Trademark Public Advisory Committee Quarterly Meeting

Legislative Update

Dana Robert Colarulli
Director, Office of Governmental Affairs
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Trademark Related Legislation (114th Congress)

S. 328 – “To amend the Trademark Act to provide for the registration of marks consisting of a flag, coat of arms, or other official insignia of the US or any State or local government” – Klobuchar (D-MN), Lee (R-UT), Schumer (D-NY). Would amend the Lanham Act to allow Federal, state, and local gov’ts to register trademarks consisting of their flag, coat of arms, and other official seals.

- Introduced on 2-2-15 and referred to Senate Judiciary Committee.

H.R. 684 – “To amend the Trademark Act of 1946 regarding the disparagement of Native American persons or peoples through marks that use the term redskin” – Honda (D-CA-17) and 26 original cosponsors.

- Introduced on 2-3-15 and referred to the House Judiciary Committee

H.R. 1627 & S. 757 – the “No Stolen Trademarks Honored In America Act” – Issa (R-CA-49); Nelson (D-FL) and Burr (R-NC). Would modify prohibition on recognition by US courts of certain rights relating to marks associated with confiscated businesses.

- Introduced on 3-25-15 and 3-17-15 and referred to House and Senate Judiciary Committees



Trademark Related Legislation (cont.)

H.R. 805 – “Domain Openness Through Continued Oversight Matters (DOTCOM) Act of 2015” – Shimkus (R-IL-15) and 13 original cosponsors. Would prohibit NTIA from relinquishing responsibility over the Internet domain name system until GAO submits a report to Congress on NTIA’s role.

- Introduced on 2-5-15 and referred to House Energy and Commerce Committee.
- Subcommittee hearing held on 5-13-15 on “Stakeholder Perspectives on the IANA Transition”
- Judiciary Subcommittee hearing held on 5-13-15 on “Stakeholder Perspectives on ICANN: The *.Sucks* Domain and Essential Steps to Guarantee Trust and Accountability in the Internet’s Operation”
- FY2016 CJS Appropriations bill prohibits funding for NTIA’s transition of Internet domain name functions to the global multistakeholder community.

H.R. 1832 – the “Innovation Protection Act” - Conyers (D-MI-13) and 8 original cosponsors. Would create a revolving fund for USPTO fee collections allowing the Agency to directly access funds.

- Introduced on 4-16-15 and referred to House Judiciary Committee.
- Similar language discussed pre-AIA

The Congressional Trademark Caucus

Bipartisan, Bicameral

Co-Chairs:

Senator Chuck Grassley (R-IA)

Senator Chris Coons (D-DE)

Congressman Randy Forbes (R-VA-4)

Congresswoman Suzan DelBene (D-WA-1)

Goals:

- Support Congressional committees with jurisdiction over IP, and consumer safety
- Increase awareness among Members, congressional staff, media and the public about the importance of trademark to global commerce
- Foster public policy dialogues on the roles of governments and brand owners in decreasing the presence of counterfeit goods in the domestic and international marketplace
- Emphasize trademark protections and enforcement in trade discussions between the U.S., foreign governments and world governing bodies



Congressional Snapshot (114th Congress)

- Among the past seven Congresses, between 39% and 59% of all substantive laws were passed in the last five months of their respective two-year terms; the average was 49%.
- So far during the 114th Congress, **23 bills*** have been signed into law (this includes a must pass Homeland Security appropriations bill, a Congressional Gold Medal, two technical corrections bills, three Federal building name designations, one bill clarifying an effective date, and one reappointment for the Smithsonian Board of Regents).

* As of 6/4/2015



Other Areas of Focus thus far in the 114th Congress

- **Patent Litigation Abuse Legislation**
 - USPTO carefully analyzing and providing technical assistance as requested on pending bills
 - Close contact with House and Senate staff
 - Multiple meetings with stakeholders and others in the Administration
- **Copyright Policy and Office Modernization Discussions**
 - Reps. Marino (R-PA-10) and Chu (D-CA-27) released discussion draft circulated 6/4/2015
- **USPTO Satellite Offices and Regional Engagement**
 - Continued interest from Capitol Hill
 - Increased opportunities for outreach, education and recruiting
 - Silicon Valley to open in October; Dallas shortly thereafter

Questions and Comments

Dana Robert Colarulli

Director, Office of Governmental Affairs

(571) 272-7300

Dana.Colarulli@USPTO.GOV



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