

109TH CONGRESS
1ST SESSION

H. R. 1689

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2005

Mr. FEENEY (for himself, Mr. WEXLER, Mr. SMITH of Texas, Mrs. BLACKBURN, Ms. HART, Mr. MEEK of Florida, Mr. BURTON of Indiana, Mr. ENGEL, Mr. BOYD, Ms. HARRIS, Mr. FOLEY, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. SHAW, Mr. KELLER, Mr. CRENSHAW, Mr. GREEN of Wisconsin, Mr. HOYER, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MODIFICATION OF PROHIBITION.**

4 Section 211 of the Department of Commerce and Re-
5 lated Agencies Appropriations Act, 1999 (as contained in
6 section 101(b) of division A of Public Law 105–277; 112
7 Stat. 2681–88) is amended—

1 (1) in subsection (a)(2)—

2 (A) by striking “by a designated national”;

3 and

4 (B) by inserting before the period “that
5 was used in connection with a business or as-
6 sets that were confiscated unless the original
7 owner of the mark, trade name, or commercial
8 name, or the bonafide successor-in-interest has
9 expressly consented”;

10 (2) in subsection (b), by striking “by a des-
11 ignated national or its successor-in-interest”;

12 (3) by redesignating subsection (d) as sub-
13 section (e);

14 (4) by inserting after subsection (c) the fol-
15 lowing:

16 “(d) Subsections (a)(2) and (b) of this section shall
17 apply only if the person or entity asserting the rights knew
18 or had reason to know at the time when the person or
19 entity acquired the rights asserted that the mark, trade
20 name, or commercial name was the same as or substan-
21 tially similar to a mark, trade name, or commercial name
22 that was used in connection with a business or assets that
23 were confiscated.”; and

24 (5) in subsection (e), as so redesignated, by
25 striking “In this section:” and all that follows

- 1 through “(2) The term” and inserting “In this sec-
- 2 tion, the term”.

