

the appropriations account ‘Joint Economic Committee’ under the heading ‘JOINT ITEMS’ shall be paid from the Senate appropriations account for ‘Salaries, Officers and Employees’.

“(b) This section shall apply to pay periods beginning on or after October 1, 2000.”

**§ 1025. Printing of monthly publication by Joint Economic Committee entitled “Economic Indicators”; distribution**

The Joint Economic Committee is authorized to issue a monthly publication entitled “Economic Indicators”, and a sufficient quantity shall be printed to furnish one copy to each Member of Congress; the Secretary and the Sergeant at Arms of the Senate; the Clerk, Sergeant at Arms, and Chief Administrative Officer of the House of Representatives; two copies to the libraries of the Senate and House, and the Congressional Library; seven hundred copies to the Joint Economic Committee; and the required number of copies to the Superintendent of Documents for distribution to depository libraries; and the Superintendent of Documents is authorized to have copies printed for sale to the public.

(June 23, 1949, ch. 237, 63 Stat. 264; Pub. L. 104-186, title II, § 217, Aug. 20, 1996, 110 Stat. 1747.)

CODIFICATION

Section was not enacted as a part of the Employment Act of 1946 which comprises this chapter.

“Joint Economic Committee” substituted in text for “Joint Committee on the Economic Report” to conform to act June 18, 1956, ch. 399, § 2, 70 Stat. 290. See section 1024(a) of this title.

AMENDMENTS

1996—Pub. L. 104-186 substituted “Chief Administrative Officer” for “Doorkeeper”.

**§ 1026. Repealed. Pub. L. 94-136, title VI, § 601, Nov. 28, 1975, 89 Stat. 742**

Section, Pub. L. 92-210, § 4, Dec. 22, 1971, 85 Stat. 753; Pub. L. 93-34, May 14, 1973, 87 Stat. 72, created the President’s National Commission on Productivity and authorized appropriations for its operation through June 30, 1973. Thereafter, the Commission’s name was changed to the National Commission on Productivity and Work Quality by Pub. L. 93-311, June 8, 1974, 88 Stat. 236 and appropriations were authorized to continue operations through November 30, 1975, by Pub. L. 94-42, § 2, June 28, 1975, 89 Stat. 232, and Pub. L. 94-100, § 2, Oct. 1, 1975, 89 Stat. 483. See section 2401 et seq. of this title.

**CHAPTER 22—TRADEMARKS**

**SUBCHAPTER I—THE PRINCIPAL REGISTER**

- Sec. 1051. Application for registration; verification.
- 1052. Trademarks registrable on principal register; concurrent registration.
- 1053. Service marks registrable.
- 1054. Collective marks and certification marks registrable.
- 1055. Use by related companies affecting validity and registration.
- 1056. Disclaimer of unregistrable matter.
- 1057. Certificates of registration.
- 1058. Duration, affidavits and fees.
- 1059. Renewal of registration.
- 1060. Assignment.
- 1061. Execution of acknowledgments and verifications.

- Sec. 1062. Publication.
- 1063. Opposition to registration.
- 1064. Cancellation of registration.
- 1065. Incontestability of right to use mark under certain conditions.
- 1066. Interference; declaration by Director.
- 1067. Interference, opposition, and proceedings for concurrent use registration or for cancellation; notice; Trademark Trial and Appeal Board.
- 1068. Action of Director in interference, opposition, and proceedings for concurrent use registration or for cancellation.
- 1069. Application of equitable principles in inter partes proceedings.
- 1070. Appeals to Trademark Trial and Appeal Board from decisions of examiners.
- 1071. Appeal to courts.
- 1072. Registration as constructive notice of claim of ownership.

**SUBCHAPTER II—THE SUPPLEMENTAL REGISTER**

- 1091. Supplemental register.
- 1092. Publication; not subject to opposition; cancellation.
- 1093. Registration certificates for marks on principal and supplemental registers to be different.
- 1094. Provisions of chapter applicable to registrations on supplemental register.
- 1095. Registration on principal register not precluded.
- 1096. Registration on supplemental register not used to stop importations.

**SUBCHAPTER III—GENERAL PROVISIONS**

- 1111. Notice of registration; display with mark; recovery of profits and damages in infringement suit.
- 1112. Classification of goods and services; registration in plurality of classes.
- 1113. Fees.
- 1114. Remedies; infringement; innocent infringement by printers and publishers.
- 1115. Registration on principal register as evidence of exclusive right to use mark; defenses.
- 1116. Injunctive relief.
- 1117. Recovery for violation of rights.
- 1118. Destruction of infringing articles.
- 1119. Power of court over registration.
- 1120. Civil liability for false or fraudulent registration.
- 1121. Jurisdiction of Federal courts; State and local requirements that registered trademarks be altered or displayed differently; prohibition.
- 1121a. Transferred.
- 1122. Liability of United States and States, and instrumentalities and officials thereof.
- 1123. Rules and regulations for conduct of proceedings in Patent and Trademark Office.
- 1124. Importation of goods bearing infringing marks or names forbidden.
- 1125. False designations of origin, false descriptions, and dilution forbidden.
- 1126. International conventions.
- 1127. Construction and definitions; intent of chapter.
- 1128. Repealed.
- 1129. Transferred.

**SUBCHAPTER IV—THE MADRID PROTOCOL**

- 1141. Definitions.
- 1141a. International applications based on United States applications or registrations.
- 1141b. Certification of the international application.
- 1141c. Restriction, abandonment, cancellation, or expiration of a basic application or basic registration.

Sec.	
1141d.	Request for extension of protection subsequent to international registration.
1141e.	Extension of protection of an international registration to the United States under the Madrid Protocol.
1141f.	Effect of filing a request for extension of protection of an international registration to the United States.
1141g.	Right of priority for request for extension of protection to the United States.
1141h.	Examination of and opposition to request for extension of protection; notification of refusal.
1141i.	Effect of extension of protection.
1141j.	Dependence of extension of protection to the United States on the underlying international registration.
1141k.	Duration, affidavits and fees.
1141l.	Assignment of an extension of protection.
1141m.	Incontestability.
1141n.	Rights of extension of protection.

## EFFECTIVE DATE

This chapter, act July 5, 1946, ch. 540, 60 Stat. 427, became effective one year from July 5, 1946, and repealed chapter 3 of this title as of that date. See notes under section 1051 of this title.

## PRIOR LAWS

The Trade-Mark Act of 1905 superseded the Trade-Mark Act of Mar. 3, 1881, ch. 138, 21 Stat. 502, entitled "An Act to authorize the registration of trade-marks and protect the same," and also act Aug. 5, 1882, ch. 393, 22 Stat. 298, entitled "An Act relating to the registration of trade marks". Former section 109 of this title repealed all inconsistent acts and parts of acts, except so far as they might apply to certificates of registration issued under the Trade-Mark Act of Mar. 3, 1881, ch. 138, and act Aug. 5, 1882, ch. 393.

## SUBCHAPTER I—THE PRINCIPAL REGISTER

## § 1051. Application for registration; verification

## (a) Application for use of trademark

(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Director, and such number of specimens or facsimiles of the mark as used as may be required by the Director.

(2) The application shall include specification of the applicant's domicile and citizenship, the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, the goods in connection with which the mark is used, and a drawing of the mark.

(3) The statement shall be verified by the applicant and specify that—

(A) the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be the owner of the mark sought to be registered;

(B) to the best of the verifier's knowledge and belief, the facts recited in the application are accurate;

(C) the mark is in use in commerce; and

(D) to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance

thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

(i) state exceptions to the claim of exclusive use; and

(ii) shall<sup>1</sup> specify, to the extent of the verifier's knowledge—

(I) any concurrent use by others;

(II) the goods on or in connection with which and the areas in which each concurrent use exists;

(III) the periods of each use; and

(IV) the goods and area for which the applicant desires registration.

(4) The applicant shall comply with such rules or regulations as may be prescribed by the Director. The Director shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.

## (b) Application for bona fide intention to use trademark

(1) A person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Director.

(2) The application shall include specification of the applicant's domicile and citizenship, the goods in connection with which the applicant has a bona fide intention to use the mark, and a drawing of the mark.

(3) The statement shall be verified by the applicant and specify—

(A) that the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be entitled to use the mark in commerce;

(B) the applicant's bona fide intention to use the mark in commerce;

(C) that, to the best of the verifier's knowledge and belief, the facts recited in the application are accurate; and

(D) that, to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive.

Except for applications filed pursuant to section 1126 of this title, no mark shall be registered until the applicant has met the requirements of subsections (c) and (d) of this section.

(4) The applicant shall comply with such rules or regulations as may be prescribed by the Director. The Director shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.

<sup>1</sup> So in original. The word "shall" probably should not appear.