

rights divested hereunder are hereby transferred, effective the day of divestment, to the persons entitled to such copyrights: *Provided*, That all unpaid royalties or other income accrued in favor of the Attorney General under such licenses prior to the day of divestment shall be paid by the licensees to the Attorney General.

(d) All rights or interests vested in the Alien Property Custodian or the Attorney General under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] subsequent to December 17, 1941, arising out of prevesting contracts entered into with respect to copyrights, except—

(1) royalties or other income received by or accrued in favor of the Alien Property Custodian or the Attorney General under such contracts;

(2) rights or interests which have been returned or otherwise disposed of under this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix]; and

(3) rights or interests vested by vesting orders 128 (7 F.R. 7578), 13111 (14 F.R. 1730), 14349 (15 F.R. 1575), and 17366 (16 F.R. 2483),

are hereby divested as a matter of grace, effective the ninety-first day after the date of enactment of this section [Oct. 22, 1962], and the persons entitled to such rights or interests shall succeed thereto, subject to the right of the Attorney General to collect and receive all unpaid royalties or other income accrued in his favor under such prevesting contracts prior to the day of divestment.

(e) Nothing in this section shall be construed to transfer to a person entitled to a copyright divested hereunder the right of the Attorney General to sue for the infringement of such copyright during the period between (1) the vesting thereof or the vesting of rights and interests in a contract entered into with respect thereto, and (2) the day of divestment. The right to sue for infringement shall remain in the Attorney General.

(Oct. 6, 1917, ch. 106, § 41, as added Pub. L. 87-846, title II, § 206, Oct. 22, 1962, 76 Stat. 1115; amended Pub. L. 88-490, Aug. 26, 1964, 78 Stat. 607; Pub. L. 97-164, title I, § 161(9), Apr. 2, 1982, 96 Stat. 49; Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Subsec. (a). Pub. L. 97-164 substituted “Claims Court” for “Court of Claims”.

1964—Subsec. (a). Pub. L. 88-490 substituted “render judgment upon” for “report to the Congress concerning” and “two years after the date of enactment of this section [October 22, 1962]” for “one year after the date of the enactment of this Act”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under

section 171 of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Functions of Alien Property Custodian and Office of Alien Property Custodian, except those relating to property or interest in Philippines, are vested in Attorney General. See notes set out under section 6 of this Appendix.

§ 43. Divestment of trademarks

(a) “Trademarks” defined

As used in this section, the word “trademarks” includes trademarks, trade names, and the goodwill of the business to which a trademark or trade name is appurtenant.

(b) Effective date of divestment; rights of licensees; transfer of interests; payment of royalties to Attorney General

Trademarks vested in the Alien Property Custodian or the Attorney General under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] subsequent to December 17, 1941, which have not been returned or otherwise disposed of under this Act [said sections], except trademarks vested by vesting orders 284, as amended (7 Fed. Reg. 9754, 9 Fed. Reg. 1038), 2354 (8 Fed. Reg. 14635), 5592 (11 Fed. Reg. 1675), and 18805 (17 Fed. Reg. 4364), are hereby divested as a matter of grace, effective the ninety-first day after the day of enactment of this section [Oct. 23, 1962], and the persons entitled to such trademarks shall on that day succeed to the rights, privileges, and obligations arising therefrom, subject, however, to the rights of licensees under licenses issued by the Alien Property Custodian or the Attorney General in respect to such trademarks. The rights and interests remaining in the Attorney General under licenses issued by him or by the Alien Property Custodian in respect to trademarks divested hereunder are transferred, effective the day of divestment, to the persons entitled to such trademarks: *Provided*, That all unpaid royalties or other income accrued in favor of the Attorney General under such licenses prior to the day of divestment shall be paid by the licensees to the Attorney General.

(c) Prevesting contracts; exceptions; payment of royalties to Attorney General

All rights or interests vested in the Alien Property Custodian or the Attorney General under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] subsequent to December 17, 1941, arising out of prevesting contracts entered into with respect to trademarks, except—

(1) royalties or other income received by or accrued in favor of the Alien Property Custodian or the Attorney General under such contracts;

(2) rights or interests which have been returned or otherwise disposed of under this Act [said sections];

(3) rights or interests vested by vesting orders 284, as amended (7 Fed. Reg. 9754; 9 Fed. Reg. 1038), 2354 (8 Fed. Reg. 14635), 5592 (11 Fed. Reg. 1675), and 18805 (17 Fed. Reg. 4364),

are hereby divested as a matter of grace, effective the ninety-first day after the date of enact-

ment of this section [Oct. 23, 1962], and the persons entitled to such rights or interests shall succeed thereto, subject to the right of the Attorney General to collect and receive all unpaid royalties or other income accrued in his favor under such prevesting contracts prior to the day of divestment.

(d) Publication of ownership list in Federal Register; effective date of divestment; succession to ownership of equivalent trademarks

The Attorney General shall within forty-five days after the date of enactment of this section [Oct. 23, 1962] publish in the Federal Register a list of trademarks which at the date of vesting in the Alien Property Custodian or Attorney General were owned by persons who were resident in or had their sole or primary seat in the area of Germany now in the Soviet Zone of Occupation or in the Soviet sector of Berlin or in German territory under provisional Soviet or Polish administration. Notwithstanding the provisions of subsection (b) of this section, the effective date of divestment of the trademarks so listed and published in the Federal Register shall be the date of publication in the Federal Register by the Secretary of State of a certification identifying the cases in which an equivalent trademark has been registered in the Federal Republic of Germany for a person residing or having its sole or primary seat in the Federal Republic of Germany or in the western sectors of Berlin. In those cases of an equivalent trademark certified by the Secretary of State, the person registered by the Federal Republic of Germany as owner of such equivalent trademark shall succeed to the ownership of the divested trademark in the United States.

(Oct. 6, 1917, ch. 106, §42, as added Pub. L. 87-861, §2, Oct. 23, 1962, 76 Stat. 1139.)

TRANSFER OF FUNCTIONS

Functions of Alien Property Custodian and Office of Alien Property Custodian, except those relating to property or interest in Philippines, are vested in Attorney General. See notes set out under section 6 of this Appendix.

§ 44. Motion picture prints, transfer of title

(a) Prints in custody of Library of Congress; exception

The Attorney General is authorized and directed to transfer to the Library of Congress the title to all prints of motion pictures now in the custody of the Library, which prints were vested in or transferred to the Alien Property Custodian or the Attorney General pursuant to this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] after December 17, 1941, except prints of motion pictures which are the subject of suits or claims under section 9(a) or section 32 of this Act [section 9(a) or section 32 of this Appendix].

(b) Prints in custody of Attorney General; exception; right of selection by Library of Congress; disposal of unselected prints by Attorney General

Subject to the right of selection by the Library of Congress, the authorization, direction, and exception contained in subsection (a) hereof shall apply with respect to such prints now in

the custody of the Attorney General. Prints not selected by the Library of Congress may be disposed of by the Attorney General in any manner he deems appropriate.

(c) Retention, reproduction, and disposal of prints by Library of Congress

With respect to all prints concerning which title is transferred to the Library of Congress pursuant to subsections (a) and (b) hereof, the Library shall have complete discretion to retain such prints and to reproduce copies thereof, or to dispose of them in any manner it deems appropriate.

(Oct. 6, 1917, ch. 106, §43, as added Pub. L. 87-861, §2, Oct. 23, 1962, 76 Stat. 1140.)

TRANSFER OF FUNCTIONS

Functions of Alien Property Custodian and Office of Alien Property Custodian, except those relating to property or interest in Philippines, are vested in Attorney General. See notes set out under section 6 of this Appendix.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1918

ACT MAR. 8, 1918, CH. 20, 40 STAT. 440

§§ 101 to 104. Omitted

CODIFICATION

Sections 101 to 104 were omitted as expired. See Termination note set out under sections 161 to 165 of this Appendix.

Section 101, act Mar. 8, 1918, ch. 20, §100, 40 Stat. 440, related to declaration of purpose of this act.

Section 102, act Mar. 8, 1918, ch. 20, §101, 40 Stat. 440, related to definitions.

Section 103, act Mar. 8, 1918, ch. 20, §102, 40 Stat. 441, related to territorial application of this act, jurisdiction of courts, and form of procedure.

Section 104, act Mar. 8, 1918, ch. 20, §103, 40 Stat. 441, related to protection of persons secondarily liable.

§§ 111 to 116. Omitted

CODIFICATION

Sections 111 to 116 were omitted as expired. See Termination note set out under sections 161 to 165 of this Appendix.

Section 111, act Mar. 8, 1918, ch. 20, §200, 40 Stat. 441, related to default judgments, affidavits and bonds, and attorneys for persons in service. See Default Judgment note set out under sections 161 to 165 of this Appendix.

Section 112, act Mar. 8, 1918, ch. 20, §201, 40 Stat. 442, related to stay of proceedings where military service affected conduct.

Section 113, act Mar. 8, 1918, ch. 20, §202, 40 Stat. 442, related to relief against fines and penalties on contracts, etc., while in service.

Section 114, act Mar. 8, 1918, ch. 20, §203, 40 Stat. 442, related to stay of execution of judgments, attachments, etc., against persons in service.

Section 115, act Mar. 8, 1918, ch. 20, §204, 40 Stat. 442, related to duration and terms of stay and to codefendants not in service.

Section 116, act Mar. 8, 1918, ch. 20, §205, 40 Stat. 443, related to exclusion of period of military service from time of statutes of limitation.

§§ 121 to 124. Omitted

CODIFICATION

Sections 121 to 124 were omitted as expired. See Termination note set out under sections 161 to 165 of this Appendix.