

(D) be accompanied by the fee prescribed by the Director; or

(2)(A) set forth the goods and services recited in the extension of protection on or in connection with which the mark is not in use in commerce;

(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

(C) be accompanied by the fee prescribed by the Director.

**(c) Deficient affidavit**

If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the holder of the international registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

**(d) Notice of requirement**

Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

**(e) Notification of acceptance or refusal**

The Director shall notify the holder of the international registration who files any affidavit required by this section of the Director's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

**(f) Designation of resident for service of process and notices**

If the holder of the international registration of the mark is not domiciled in the United States, the holder may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the holder does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.

(July 5, 1946, ch. 540, title XII, §71, as added Pub. L. 107-273, div. C, title III, §13402, Nov. 2, 2002, 116 Stat. 1919; amended Pub. L. 111-146, §3(d)(2), Mar. 17, 2010, 124 Stat. 68.)

AMENDMENTS

2010—Pub. L. 111-146 amended section generally. Prior to amendment, section related to required affidavits and fees, contents of affidavit, notification of Director's acceptance or refusal, and service of notice or process.

**§ 1141l. Assignment of an extension of protection**

An extension of protection may be assigned, together with the goodwill associated with the

mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

(July 5, 1946, ch. 540, title XII, §72, as added Pub. L. 107-273, div. C, title III, §13402, Nov. 2, 2002, 116 Stat. 1920.)

**§ 1141m. Incontestability**

The period of continuous use prescribed under section 1065 of this title for a mark covered by an extension of protection issued under this subchapter may begin no earlier than the date on which the Director issues the certificate of the extension of protection under section 1141i of this title, except as provided in section 1141n of this title.

(July 5, 1946, ch. 540, title XII, §73, as added Pub. L. 107-273, div. C, title III, §13402, Nov. 2, 2002, 116 Stat. 1920.)

**§ 1141n. Rights of extension of protection**

When a United States registration and a subsequently issued certificate of extension of protection to the United States are owned by the same person, identify the same mark, and list the same goods or services, the extension of protection shall have the same rights that accrued to the registration prior to issuance of the certificate of extension of protection.

(July 5, 1946, ch. 540, title XII, §74, as added Pub. L. 107-273, div. C, title III, §13402, Nov. 2, 2002, 116 Stat. 1920.)

**CHAPTER 23—DISSEMINATION OF TECHNICAL, SCIENTIFIC AND ENGINEERING INFORMATION**

Sec.	
1151.	Purpose of chapter.
1152.	Clearinghouse for technical information; removal of security classification.
1153.	Rules, regulations, and fees.
1153a.	Repealed.
1154.	Reference of data to armed services and other Government agencies.
1155.	General standards and limitations; preservation of security classification.
1156.	Use of existing facilities.
1157.	Relation to other provisions.

**§ 1151. Purpose of chapter**

The purpose of this chapter is to make the results of technological research and development more readily available to industry and business, and to the general public, by clarifying and defining the functions and responsibilities of the Department of Commerce as a central clearinghouse for technical information which is useful to American industry and business.

(Sept. 9, 1950, ch. 936, §1, 64 Stat. 823.)

**§ 1152. Clearinghouse for technical information; removal of security classification**

The Secretary of Commerce (hereinafter referred to as the "Secretary") is directed to establish and maintain within the Department of

Commerce a clearinghouse for the collection and dissemination of scientific, technical, and engineering information, and to this end to take such steps as he may deem necessary and desirable—

(a) To search for, collect, classify, coordinate, integrate, record, and catalog such information from whatever sources, foreign and domestic, that may be available;

(b) To make such information available to industry and business, to State and local governments, to other agencies of the Federal Government, and to the general public, through the preparation of abstracts, digests, translations, bibliographies, indexes, and microfilm and other reproductions, for distribution either directly or by utilization of business, trade, technical, and scientific publications and services;

(c) To effect, within the limits of his authority as now or hereafter defined by law, and with the consent of competent authority, the removal of restrictions on the dissemination of scientific and technical data in cases where consideration of national security permit the release of such data for the benefit of industry and business.

(Sept. 9, 1950, ch. 936, § 2, 64 Stat. 823.)

#### § 1153. Rules, regulations, and fees

The Secretary is authorized to make, amend, and rescind such orders, rules, and regulations as he may deem necessary to carry out the provisions of this chapter, and to establish, from time to time, a schedule or schedules of reasonable fees or charges for services performed or for documents or other publications furnished under this chapter.

It is the policy of this chapter, to the fullest extent feasible and consistent with the objectives of this chapter, that each of the services and functions provided herein shall be self-sustaining or self-liquidating and that the general public shall not bear the cost of publications and other services which are for the special use and benefit of private groups and individuals; but nothing herein shall be construed to require the levying of fees or charges for services performed or publications furnished to any agency or instrumentality of the Federal Government, or for publications which are distributed pursuant to reciprocal arrangements for the exchange of information or which are otherwise issued primarily for the general benefit of the public.

(Sept. 9, 1950, ch. 936, § 3, 64 Stat. 823; Pub. L. 91-412, § 3(e), Sept. 25, 1970, 84 Stat. 864.)

#### AMENDMENTS

1970—Pub. L. 91-412 struck out provisos of first par. for deposit of moneys received for services and publications after Sept. 9, 1950, in a special account in the Treasury, to be available, subject to appropriation authorizations, for reimbursement of appropriations and for refunds to organizations and individuals entitled thereto, and making appropriations reimbursed by the special account available for original purposes. See section 1526 of this title.

#### § 1153a. Repealed. Pub. L. 91-412, § 3(f), Sept. 25, 1970, 84 Stat. 865

Section, act Oct. 22, 1951, ch. 533, title III, § 301, 65 Stat. 586, provided for reimbursement of appropriations. See section 1526 of this title.

#### § 1154. Reference of data to armed services and other Government agencies

The Secretary is directed to refer to the armed services all scientific or technical information, coming to his attention, which he deems to have an immediate or potential practical military value or significance, and to refer to the heads of other Government agencies such scientific or technical information as relates to activities within the primary responsibility of such agencies.

(Sept. 9, 1950, ch. 936, § 4, 64 Stat. 824.)

#### § 1155. General standards and limitations; preservation of security classification

Notwithstanding any other provision of this chapter, the Secretary shall respect and preserve the security classification of any scientific or technical information, data, patents, inventions, or discoveries in, or coming into, the possession or control of the Department of Commerce, the classified status of which the President or his designee or designees certify as being essential in the interest of national defense, and nothing in this chapter shall be construed as modifying or limiting any other statute relating to the classification of information for reasons of national defense or security.

(Sept. 9, 1950, ch. 936, § 5, 64 Stat. 824.)

#### § 1156. Use of existing facilities

##### (a) Available assistance

The Secretary may utilize any personnel, facilities, bureaus, agencies, boards, administrations, offices, or other instrumentalities of the Department of Commerce which he may require to carry out the purposes of this chapter.

##### (b) Cooperation of other agencies

The Secretary is authorized to call upon other departments and independent establishments and agencies of the Government to provide, with their consent, such available services, facilities, or other cooperation as he shall deem necessary or helpful in carrying out the provisions of this chapter, and he is directed to utilize existing facilities to the full extent deemed feasible.

(Sept. 9, 1950, ch. 936, § 6, 64 Stat. 824.)

#### § 1157. Relation to other provisions

Nothing in this chapter shall be construed to repeal or amend any other legislation pertaining to the Department of Commerce or its component offices or bureaus.

(Sept. 9, 1950, ch. 936, § 7, 64 Stat. 824.)

### CHAPTER 24—TRANSPORTATION OF GAMBLING DEVICES

Sec.	
1171.	Definitions.
1172.	Transportation of gambling devices as unlawful; exceptions; authority of Federal Trade Commission.
1173.	Registration of manufacturers and dealers.
1174.	Labeling and marking of shipping packages.
1175.	Specific jurisdictions within which manufacturing, repairing, selling, possessing, etc., prohibited; exceptions.