

112TH CONGRESS
2D SESSION

H. R. 6215

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2012

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Trademark Act of 1946 to correct an error
in the provisions relating to remedies for dilution.

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

1 **SECTION 1. REMEDIES FOR DILUTION.**

2 (a) IN GENERAL.—Section 43(c)(6) of the Act enti-
 3 tled “An Act to provide for the registration and protection
 4 of trademarks used in commerce, to carry out the provi-
 5 sions of certain international conventions, and for other
 6 purposes”, approved July 5, 1946 (commonly referred to
 7 as the “Trademark Act of 1946”; 15 U.S.C. 1125(c)(6)),
 8 is amended by striking subparagraphs (A) and (B) and
 9 inserting the following:

10 “(A) is brought by another person under
 11 the common law or a statute of a State; and

12 “(B)(i) seeks to prevent dilution by blur-
 13 ring or dilution by tarnishment; or

14 “(ii) asserts any claim of actual or likely
 15 damage or harm to the distinctiveness or rep-
 16 utation of a mark, label, or form of advertise-
 17 ment.”.

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall apply to any action commenced on or
 20 after the date of the enactment of this Act.

Passed the House of Representatives September 11,
 2012.

Attest:

KAREN L. HAAS,

Clerk.