

119TH CONGRESS
2D SESSION

S. 4902

To amend the Trademark Act of 1946 to prohibit a private entity from registering a trademark that is used by the United States Government for the purposes of Department of Defense or Armed Forces awards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2026

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Trademark Act of 1946 to prohibit a private entity from registering a trademark that is used by the United States Government for the purposes of Department of Defense or Armed Forces awards, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Preservation of Rights
5 and Ownership of Traditional Emblems, Crests, and Trib-
6 utes Act” or the “PROTECT Act”.

1 **SEC. 2. REGISTRATION OF TRADEMARKS.**

2 (a) IN GENERAL.—Section 2 of the Act entitled “An
3 Act to provide for the registration and protection of trade-
4 marks used in commerce, to carry out the provisions of
5 certain international conventions, and for other purposes”,
6 approved July 5, 1946 (commonly known as the “Trade-
7 mark Act of 1946”) (15 U.S.C. 1052), is amended—

8 (1) by redesignating subsection (f) as sub-
9 section (g);

10 (2) by inserting after subsection (e) the fol-
11 lowing:

12 “(f) Is authorized, issued, or controlled by the Gov-
13 ernment for the purposes of Department of Defense or
14 Armed Forces awards, decorations, campaign and service
15 ribbons, or medals, except that such a mark may be reg-
16 istered at the discretion of the agency or department of
17 the Government that controls the official use of the
18 mark.”; and

19 (3) in subsection (g), as so redesignated—

20 (A) in the first sentence, by striking “and
21 (e)(5)” and inserting “(e)(5), and (f)”; and

22 (B) by adding at the end the following:

23 “Nothing in subsection (f) may be construed to
24 prohibit the continued use of a mark on or after
25 the date of enactment of the Preservation of
26 Rights and Ownership of Traditional Emblems,

1 Crests, and Tributes Act by any person or enti-
 2 ty, including a nonprofit organization, if that
 3 person or entity was using that mark before
 4 that date of enactment and that use was lawful
 5 before that date of enactment, except that, on
 6 and after that date of enactment, no person or
 7 entity other than an agency or department of
 8 the Government described in that subsection
 9 may register such a mark on the principal reg-
 10 ister.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 12 The Act entitled “An Act to provide for the registration
 13 and protection of trademarks used in commerce, to carry
 14 out the provisions of certain international conventions,
 15 and for other purposes”, approved July 5, 1946 (com-
 16 monly known as the “Trademark Act of 1946”) (15
 17 U.S.C. 1051 et seq.), is amended—

18 (1) in section 1(d)(1) (15 U.S.C. 1051(d)(1)),
 19 by striking “subsections (a) through (e) of section
 20 2” and inserting “subsections (a) through (f) of sec-
 21 tion 2”; and

22 (2) in section 26 (15 U.S.C. 1094), by striking
 23 “2(f)” and inserting “2(g)”.

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