

106TH CONGRESS
1ST SESSION

H. R. 1125

To amend the Trademark Act of 1946 to increase the penalties for infringing the rights pertaining to famous performing groups and to clarify the law pertaining to the rights of individuals who perform services as a group.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1999

Mr. KUCINICH (for himself and Mr. NORWOOD) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Trademark Act of 1946 to increase the penalties for infringing the rights pertaining to famous performing groups and to clarify the law pertaining to the rights of individuals who perform services as a group.

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. FALSE DESIGNATIONS OF ORIGIN, FALSE DE-**
4 **SCRIPTIONS, AND DILUTION.**

5 Section 43(a) of the Act entitled “An Act to provide
6 for the registration and protection of trade-marks used in
7 commerce, to carry out the provisions of certain inter-
8 national conventions, and for other purposes.”, approved

1 July 5, 1946 (commonly referred to as the “Trademark
2 Act of 1946) (15 U.S.C. 1125(a)), is amended by adding
3 at the end the following:

4 “(3) It shall not be a violation of this Act or the stat-
5 utes or common law of any State for an individual who
6 had been a member of a group under a common famous
7 name in commerce and subsequently terminated any rela-
8 tionship with such group to be able to represent, in any
9 promotions, advertisements, or performing of the same
10 services as those performed by such group during the time
11 such individual was a member of such group, or other
12 services, that such individual had formerly been a member
13 of such group performing under such famous name, if
14 such representations do not tend to deceive or confuse as
15 to the nature, characteristics, qualities, geographic origin,
16 sponsorship, or approval of his or her services with such
17 group.”.

18 **SEC. 2. TREBLE DAMAGES.**

19 Section 35(b) of the Trademark Act of 1946 (15
20 U.S.C. 1117(b)) is amended by inserting after “(15
21 U.S.C. 1116(d)),” the following: “or that consists of the
22 use of a famous name designating a performing group or
23 individual well known to the public of the United States,
24 whether or not such name is registered under this Act,”.

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