

108TH CONGRESS
2D SESSION

H. R. 4225

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2004

Mr. SMITH of Texas (for himself, Mr. WEXLER, Mr. KELLER, Mr. CRANE, Mr. CRENSHAW, Mr. HYDE, Mr. FEENEY, Mr. SHAW, Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Mr. MEEK of Florida, Mr. CUNNINGHAM, Mr. PAYNE, Mr. GREEN of Wisconsin, Mr. BONILLA, Ms. HART, Mr. KING of Iowa, Mr. CARTER, Mrs. BLACKBURN, Ms. HARRIS, Mr. BOYD, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PENCE, Ms. BERKLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. CANNON, Mr. FORBES, Mr. MARIO DIAZ-BALART of Florida, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

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. MODIFICATION OF PROHIBITION.**

4 Section 211 of the Department of Commerce and Re-
5 lated Agencies Appropriations Act, 1999 (as contained in

1 section 101(b) of division A of Public Law 105–277; 112
2 Stat 2681–88) is amended—

3 (1) in subsection (a), by striking “by a des-
4 ignated national”;

5 (2) in subsection (b), by striking “by a des-
6 ignated national or its successor-in-interest”;

7 (3) by redesignating subsection (d) as sub-
8 section (e);

9 (4) by inserting after subsection (c) the fol-
10 lowing:

11 “(d) Subsections (a)(2) and (b) of this section shall
12 apply only if the person or entity asserting the rights knew
13 or had reason to know at the time when the person or
14 entity acquired the rights asserted that the mark, trade
15 name, or commercial name was the same as or substan-
16 tially similar to a mark, trade name, or commercial name
17 that was used in connection with a business or assets that
18 were confiscated.”; and

19 (5) in subsection (e), as so redesignated, by
20 striking “In this section:” and all that follows
21 through “(2) The term” and inserting “In this sec-
22 tion, the term”.

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