

108TH CONGRESS
2D SESSION

S. 2373

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

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2004

Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. ALLEN, Mr. GRAHAM of Florida, Mr. ENSIGN, Mr. HOLLINGS, Mr. SANTORUM, Mr. LAUTENBERG, Mr. GRAHAM of South Carolina, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. KYL, and Mr. GREGG) introduced the following bill; which was read twice and 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
6 section 101(b) of division A of Public Law 105–277; 112
7 Stat. 2681–88) is amended—

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

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

5 (3) by redesignating subsection (d) as sub-
6 section (e);

7 (4) by inserting after subsection (c) the fol-
8 lowing:

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

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

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