

§ 580p. “Woodsy Owl” and “Smokey Bear” characters and names; definitions

As used in this Act—

(1) the term “Woodsy Owl” means the name and representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan, “Give a Hoot, Don’t Pollute”, originated by the Forest Service of the United States Department of Agriculture;

(2) the term “Smokey Bear” means the name and character “Smokey Bear” originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and the Advertising Council.¹

(3) the term “Secretary” means the Secretary of Agriculture.

(Pub. L. 93-318, §1, June 22, 1974, 88 Stat. 244.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 93-318, June 22, 1974, 88 Stat. 244, which enacted sections 580p, 580p-1, 580p-3, and 580p-4 of this title and section 711a of Title 18, Crimes and Criminal Procedure, and amended section 580p-2 of this title and section 711 of Title 18. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 488b-3 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

§ 580p-1. Property of the United States

The following are hereby declared the property of the United States:

(1) The name and character “Smokey Bear”.

(2) The name and character “Woodsy Owl” and the associated slogan, “Give a Hoot, Don’t Pollute”.

(Pub. L. 93-318, §2, June 22, 1974, 88 Stat. 245.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 488b-4 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

§ 580p-2. Deposit of fees collected under regulations relating to “Smokey Bear”; availability

The Secretary of Agriculture shall deposit into a special account to be available for furthering the nationwide forest-fire prevention campaign all fees collected under regulations promulgated by him relating to “Smokey Bear”.

(May 23, 1952, ch. 327, §3, 66 Stat. 92; Pub. L. 93-318, §7, June 22, 1974, 88 Stat. 245.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 488a of Title 31 prior to the general revision and enactment of

¹ So in original. The period probably should be a semicolon.

Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1974—Pub. L. 93-318 struck out “under the provisions of section 711 of title 18” after “relating to ‘Smokey Bear’.”

§ 580p-3. Use of royalty fees; special account

(a) The Secretary may establish and collect use or royalty fees for the manufacture, reproduction, or use of the name or character “Woodsy Owl” and the associated slogan, “Give a Hoot, Don’t Pollute”, as a symbol for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

(b) The Secretary shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering the “Woodsy Owl” campaign.

(Pub. L. 93-318, §3, June 22, 1974, 88 Stat. 245.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 93-318, June 22, 1974, 88 Stat. 244, which enacted sections 580p, 580p-1, 580p-3, and 580p-4 of this title and section 711a of Title 18, Crimes and Criminal Procedure, and amended section 580p-2 of this title and section 711 of Title 18. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 488b-5 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

§ 580p-4. Injunction against unauthorized manufacture, use, or reproduction

(a) Whoever, except as provided by rules and regulations issued by the Secretary, manufactures, uses, or reproduces the character “Smokey Bear”, or the name “Smokey Bear”, or a facsimile or simulation of such character or name in such a manner as suggests “Smokey Bear” may be enjoined from such manufacture, use, or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(b) Whoever, except as provided by rules and regulations issued by the Secretary, manufactures, uses, or reproduces the character “Woodsy Owl”, the name “Woodsy Owl”, or the slogan “Give a Hoot, Don’t Pollute”, or a facsimile or simulation of such character, name, or slogan in such a manner as suggests “Woodsy Owl” may be enjoined from such manufacture, use, or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(Pub. L. 93-318, §4, June 22, 1974, 88 Stat. 245.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 488b-6 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.