

112TH CONGRESS
1ST SESSION

S. 603

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

MARCH 16, 2011

Mr. NELSON of Florida (for himself and Mr. BURR) 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—

8 (1) in subsection (a)(2)—

9 (A) by striking “by a designated national”;

10 and

1 (B) by inserting before the period “that
2 was used in connection with a business or as-
3 sets that were confiscated unless the original
4 owner of the mark, trade name, or commercial
5 name, or the bonafide successor-in-interest has
6 expressly consented”;

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

9 (3) by redesignating subsection (d) as sub-
10 section (e);

11 (4) by inserting after subsection (c) the fol-
12 lowing:

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

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

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