

## S 2968

Trademark Technical and Conforming Amendment Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** Jan 28, 2010

**Current Status:** Became Public Law No: 111-146.

**Latest Action:** Became Public Law No: 111-146. (Mar 17, 2010)

**Law:** 111-146 (Enacted Mar 17, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/2968>

### Sponsor

**Name:** Sen. Leahy, Patrick J. [D-VT]

**Party:** Democratic • **State:** VT • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Sessions, Jeff [R-AL]	R · AL		Jan 28, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Jan 29, 2010

### Subjects & Policy Tags

**Policy Area:**

Commerce

### Related Bills

Bill	Relationship	Last Action
111 HR 4515	Identical bill	<b>Jan 26, 2010:</b> Referred to the House Committee on the Judiciary.

**(This measure has not been amended since it was introduced. The summary of that version is repeated here.)**

Trademark Technical and Conforming Amendment Act of 2010 - Amends the Act commonly known as the Lanham Act to replace references to "registrant" with references to "owner" in provisions: (1) making a certificate of registration prima facie evidence of the validity, registration, ownership, and exclusive rights to use a mark; and (2) relating to a registrant's surrender, cancellation, or amendment of registration. Requires, in the event of a surrender, cancellation, or amendment, that an appropriate entry be made on the records of the United States Patent and Trademark Office (USPTO) and on the certificate of registration. (Current law allows, when the certificate is lost or destroyed, such an entry to be made on a certified copy of the certificate.)

Requires, when the USPTO makes a material mistake in a registration, that a certificate stating the fact and nature of the mistake be attached to each printed copy of the registration. (Current law requires that the certificate stating the mistake be attached to each printed copy of the registration certificate.)

Replaces references to "registrant" with references to "owner" in provisions relating to the incontestability of the right to use a mark under certain conditions.

Allows the holder of an international registration to appeal to the U.S. Court of Appeals for the Federal Circuit if the holder is dissatisfied with the decision of the Director or Trademark Trial and Appeal Board.

Modifies requirements regarding the duration of registrations and related affidavits and fees.

Requires a study and report to Congress on: (1) the extent to which small businesses may be harmed by litigation tactics by corporations attempting to enforce trademark rights beyond a reasonable interpretation of the scope of the rights granted to the trademark owner; and (2) the best use of federal government services to protect trademarks and prevent counterfeiting.

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## Actions Timeline

- **Mar 17, 2010:** Signed by President.
- **Mar 17, 2010:** Became Public Law No: 111-146.
- **Mar 5, 2010:** Presented to President.
- **Mar 3, 2010:** Mr. Johnson (GA) moved to suspend the rules and pass the bill.
- **Mar 3, 2010:** Considered under suspension of the rules. (consideration: CR H1079-1081)
- **Mar 3, 2010:** DEBATE - The House proceeded with forty minutes of debate on S. 2968.
- **Mar 3, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H1079-1080)
- **Mar 3, 2010:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H1079-1080)
- **Mar 3, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 3, 2010:** Cleared for White House.
- **Jan 29, 2010:** Message on Senate action sent to the House.
- **Jan 29, 2010:** Received in the House.
- **Jan 29, 2010:** Referred to the House Committee on the Judiciary.
- **Jan 28, 2010:** Introduced in Senate
- **Jan 28, 2010:** Passed/agreed to in Senate: Introduced in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent.(consideration: CR S349-351; text as passed Senate: CR S350-351)
- **Jan 28, 2010:** Introduced in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. (consideration: CR S349-351; text as passed Senate: CR S350-351)