

S 3449

TM Act of 2020

Congress: 116 (2019–2021, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Mar 11, 2020

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Mar 11, 2020)

Official Text: <https://www.congress.gov/bill/116th-congress/senate-bill/3449>

Sponsor

Name: Sen. Tillis, Thomas [R-NC]

Party: Republican • **State:** NC • **Chamber:** Senate

Cosponsors (1 total)

| Cosponsor | Party / State | Role | Date Joined |
|-----------------------------------|---------------|------|--------------|
| Sen. Coons, Christopher A. [D-DE] | D · DE | | Mar 11, 2020 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|--------------|
| Judiciary Committee | Senate | Referred To | Mar 11, 2020 |

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

| Bill | Relationship | Last Action |
|-------------|----------------|--|
| 116 HR 6196 | Identical bill | Dec 14, 2020: Placed on the Union Calendar, Calendar No. 530. |

Trademark Modernization Act of 2020 or the TM Act of 2020

This bill makes several changes to trademark law, such as by providing new mechanisms for opposing and canceling trademark registrations at the Patent and Trademark Office (PTO) and by making it easier to secure an injunction.

The bill authorizes a third party to submit evidence to the PTO to oppose an application for a federal trademark registration.

The bill establishes a procedure for any party to petition the PTO to expunge a registration for a trademark that has not been used in commerce. The bill also establishes a procedure for any party to petition the PTO to reexamine any trademark registration on such nonuse grounds.

The PTO may also initiate such an expungement or reexamination proceeding.

If a plaintiff has prevailed in court in asserting certain trademark rights, that plaintiff shall be entitled to a presumption that the plaintiff will suffer irreparable harm for purposes of determining whether the plaintiff is entitled to a permanent injunction. If a trademark plaintiff is seeking a preliminary injunction, that plaintiff is entitled to this presumption upon a court finding that the plaintiff is likely to succeed on the merits of the case. Under current law, a plaintiff must establish irreparable harm to secure an injunction.

The Government Accountability Office shall report to Congress on PTO efforts to address false and inaccurate claims in trademark registrations and applications.

Actions Timeline

- **Mar 11, 2020:** Introduced in Senate
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