

## HR 6196

TM Act of 2020

**Congress:** 116 (2019–2021, Ended)

**Chamber:** House

**Policy Area:** Commerce

**Introduced:** Mar 11, 2020

**Current Status:** Placed on the Union Calendar, Calendar No. 530.

**Latest Action:** Placed on the Union Calendar, Calendar No. 530. (Dec 14, 2020)

**Official Text:** <https://www.congress.gov/bill/116th-congress/house-bill/6196>

### Sponsor

**Name:** Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]

**Party:** Democratic • **State:** GA • **Chamber:** House

### Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Collins, Doug [R-GA-9]	R · GA		Mar 11, 2020
Rep. Nadler, Jerrold [D-NY-10]	D · NY		Mar 11, 2020
Rep. Roby, Martha [R-AL-2]	R · AL		Mar 11, 2020
Rep. Cicilline, David N. [D-RI-1]	D · RI		Sep 11, 2020
Rep. Cline, Ben [R-VA-6]	R · VA		Sep 11, 2020
Rep. Deutch, Theodore E. [D-FL-22]	D · FL		Sep 11, 2020
Rep. Reschenthaler, Guy [R-PA-14]	R · PA		Sep 11, 2020
Rep. Jacobs, Chris [R-NY-27]	R · NY		Nov 24, 2020
Rep. Stanton, Greg [D-AZ-9]	D · AZ		Nov 24, 2020

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Dec 14, 2020

### Subjects & Policy Tags

**Policy Area:**

Commerce

### Related Bills

Bill	Relationship	Last Action
116 S 3449	Identical bill	Mar 11, 2020: Read twice and referred to the Committee on the Judiciary.

## 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.

In addition, the PTO Director shall have the authority to reconsider, modify, or set aside certain decisions made by the Trademark Trial and Appeal Board.

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

## Actions Timeline

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- **Dec 14, 2020:** Reported (Amended) by the Committee on Judiciary. H. Rept. 116-645.
- **Dec 14, 2020:** Placed on the Union Calendar, Calendar No. 530.
- **Sep 9, 2020:** Committee Consideration and Mark-up Session Held.
- **Sep 9, 2020:** Ordered to be Reported (Amended).
- **Mar 11, 2020:** Introduced in House
- **Mar 11, 2020:** Referred to the House Committee on the Judiciary.