

Union Calendar No. 465

112TH CONGRESS
2^D SESSION

H. R. 6215

[Report No. 112-647]

To amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2012

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 10, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Trademark Act of 1946 to correct an error
in the provisions relating to remedies for dilution.

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. REMEDIES FOR DILUTION.**

4 (a) IN GENERAL.—Section 43(c)(6) of the Act enti-
5 tled “An Act to provide for the registration and protection
6 of trademarks used in commerce, to carry out the provi-
7 sions of certain international conventions, and for other
8 purposes”, approved July 6, 1946 (commonly referred to
9 as the “Trademark Act of 1946”; 15 U.S.C. 1125(c)(6)),
10 is amended by striking subparagraphs (A) and (B) and
11 inserting the following:

12 “(A) is brought by another person under
13 the common law or a statute of a State; and

14 “(B)(i) seeks to prevent dilution by blur-
15 ring or dilution by tarnishment; or

16 “(ii) asserts any claim of actual or likely
17 damage or harm to the distinctiveness or rep-
18 utation of a mark, label, or form of advertise-
19 ment.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply to any action commenced on or
22 after the date of the enactment of this Act.

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