

CONGRATULATIONS TO BETHESDA-CHEVY CHASE MEALS ON WHEELS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mrs. MORELLA. Mr. Speaker, it is with great pride that I rise today to recognize the outstanding work done by the Bethesda-Chevy Chase Meals on Wheels. On February 11, the organization will mark the one millionth meal delivered in more than 25 years of continuous service to those in need.

The remarkable commitment displayed by the B-CC program is best exemplified by some of the veterans who have been with the organization since its inception. Alfred Wellborn, Mary Bartels, and Ann-Marie Snyder, all have worked for, and supported, the B-CC Meals on Wheels since the beginning. They are the embodiment of perseverance and dedication.

There are many other unsung heroes of this institution. The burden of cost for deliveries rests on the shoulders of the volunteers, while the Christian Church provides office space for administrative duties. Many other area places of worship contribute by supplying volunteers and organizing routes, such as Chevy Chase Methodist Church, St. Dunstan's Church and St. John's Episcopal Church.

I salute the commitment displayed by these individuals and congratulate them heartily on their achievement. Furthermore, I join the Bethesda-Chevy Chase Meals on Wheels in their celebration of longevity and distinguished performance in service.

THE INTRODUCTION OF H.R. 3136, THE "TRADE DRESS PROTECTION ACT"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. COBLE. Mr. Speaker, I am pleased to introduce today the "Trade Dress Protection Act." This bill is intended to clarify the law with respect to the applicable legal standards for the protection of trade dress, which includes product designs and packaging.

Several years ago, Mr. Speaker, the Supreme Court, in the case *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763 (1992), held that trade dress which is inherently distinctive is protectable under federal trademark law without a showing that it has acquired secondary meaning. The Court, however, had no occasion to comment on the test that should be applied in determining whether trade dress is inherently distinctive.

Subsequent to the Court's decision in *Two Pesos*, a number of federal courts of appeals have issued conflicting and confusing opinions regarding the showing necessary to establish if trade dress is inherently distinctive. My bill is intended to provide the courts, as well as the U.S. Patent and Trademark Office, with guidance as to the relevant factors to consider in determining whether or not product designs or packaging are inherently distinctive. It has been drafted in conjunction with the Administration to make the registrability and protection

of trade dress as efficient as possible for both the applicant and the examiner.

The "Trade Dress Protection Act" addresses a number of other issues as well. Under U.S. trademark law, trade dress is not subject to protection if it is functional. However, the Trademark Act does not define the term "functional" and some courts still rely on widely discredited tests; for example, whether the trade dress in issue is an important ingredient to the commercial success of the product. My bill, Mr. Speaker, attempts to define the term "functional" in a manner consistent with prevailing case law and provides the courts and the PTO with a number of factors to consider when engaging in a functionality analysis.

The "Trade Dress Protection Act" also clarifies the law with respect to which party to a lawsuit bears the burden of proof on the issue of functionality. This issue has provoked a sharp split among the federal courts of appeals.

My bill also provides the PTO with a new statutory basis upon which it may refuse to register matter that, as a whole, is functional. The number of applications seeking registration of trade dress has increased markedly over the past few years, and my bill updates the Trademark Act to provide the PTO with the statutory tools necessary for it to carry out its mission.

Finally, my bill contains a number of technical amendments to the Trademark Act to correct drafting and other errors.

Due to the importance of the issues raised by this bill, the House Subcommittee on Courts and Intellectual Property, which I chair, will hold a hearing on the measure on February 12. My colleagues and I look forward to hearing the testimony of the scheduled witnesses and to advancing this legislation this session.

PRESIDENT LEE TENG-HUI CELEBRATES TEN YEARS IN OFFICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HINCHEY. Mr. Speaker, President Lee Teng-hui of the Republic of China assumed the office of the Presidency on January 13th, 1988, upon the sudden death of President Chiang Ching-kuo. On March 21st, 1990, Lee was elected in his own right by the National Assembly as eighth President of the Republic of China. On March 23rd, 1996, Lee won a landslide victory in the first direct presidential election in the history of China. President Lee was sworn in as the ninth President of the Republic of China on May 20, 1996.

In the past ten years, Taiwan has made remarkable progress in moving toward full-fledged democracy. Vigorous opposition parties compete in regular, fair, frequent elections, allowing Taiwan citizens an opportunity to determine the future of their nation. In fact, Taiwan has succeeded in developing full democratic representation at all levels of government throughout the island.

The right and responsibility to choose political representatives through the ballot box is guaranteed in the Republic of China Constitution. Taiwan's political leaders, from the lowest administrative officer to the highest office holder, must be accountable to the people.

The people of Taiwan will decide Taiwan's future with mainland China. The 21 million people in Taiwan have rejected the so-called "one country, two systems" approach advocated by the government on the mainland. In order for meaningful dialogue to begin between Taipei and Peking, President Lee Teng-hui has made it very clear that the two sides must first narrow the enormous differences between the standards of living and political systems.

On the matter of economic cooperation between the two sides, President Lee Teng-hui on January 7th explained Taiwan's "no haste, be patient" policy on investment in mainland China by saying that the policy is aimed at protecting Taiwan's entrepreneurs and Taiwan's overall interests.

In addition to advocating economic caution in dealings with mainland China, President Lee has repeatedly said that Taiwan, like all sovereign nations, must be given a place in the international community. Since mainland China has never stopped trying to have Taipei expelled from the world village, Taiwan must promote its "pragmatic diplomacy" more actively.

There is no question that Taiwan faces many challenges in the world. But Taiwan stands tall and firm as a beacon of freedom in the Far East. In addition, I would like to express admiration for Taiwan and President Lee Teng-hui for their skill in economic management. While other countries in Asia are suffering from plunging currency values, Taiwan has remained secure and stable.

In large measure, that is because of Taiwan's careful banking practices, and high foreign reserves. The Washington Post reports that Taiwan has been so confident of its fiscal management that it is prepared to use its vast financial resources to aid its Southeast Asian neighbors. As an indication of Taiwan's willingness to offer help to its troubled neighbors, high-level delegations, composed of government officials and business leaders, have been visiting the Philippines, Indonesia, Thailand, and Singapore.

Taiwan is a good neighbor in Asia and a responsible member of the international community.

On the occasion of President Lee's ten years in office, I wish him and his country much good fortune in the months and years ahead.

May the year of the Tiger be a good one for all my friends in Taiwan.

THE FEDERAL EMPLOYEES HEALTH CARE FREEDOM OF CHOICE ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. BURTON of Indiana, Mr. Speaker, I am pleased to join my colleague Congressman ARCHER in introducing today the Federal Employees Health Care Freedom of Choice Act. This is significant legislation because it will allow Federal employees the option to choose a Medicare savings account combined with a high deductible catastrophic policy under the Federal Employee Health Benefit [FEHB] Program. We believe that it is important that Federal employees have the same option that is