

.....
(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

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)),

1 is amended by striking subparagraphs (A) and (B) and
2 inserting the following:

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

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

7 “(ii) asserts any claim of actual or likely
8 damage or harm to the distinctiveness or rep-
9 utation of a mark, label, or form of advertise-
10 ment.”.

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