

EXPLANATION OF H.R. XXXX, TO ENACT CERTAIN LAWS RELATING TO TRADEMARKS AND OTHER INTELLECTUAL PROPERTY AS SUBTITLES III AND IV OF TITLE 35, UNITED STATES CODE, AND TO REDESIGNATE TITLE 35 AS “PATENTS, TRADEMARKS, AND OTHER INTELLECTUAL PROPERTY”

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BACKGROUND

The bill revises and restates certain laws relating to trademarks and other intellectual property and re-enacts those laws as subtitles III and IV of title 35, United States Code, and redesignates title 35 as “Patents, Trademarks, and Other Intellectual Property”.

The bill was prepared by the Office of the Law Revision Counsel as part of the Office’s ongoing responsibility under section 205(c) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b) to submit to the Committee on the Judiciary proposed bills for the enactment of positive law titles of the United States Code.

RESTATEMENT DOES NOT CHANGE MEANING OR EFFECT OF EXISTING LAW

The bill is a codification measure prepared in accordance with section 205(c) of House Resolution No. 988, 93d Congress as enacted into law by Public Law 93–544 (2 U.S.C. 285b). The purpose of the bill is to enact a restatement of certain existing law relating to trademarks and other intellectual property as subtitles III and IV of title 35, United States Code, and to redesignate title 35 as “Patents, Trademarks, and Other Intellectual Property”. The restatement of existing law does not change the meaning or effect of the existing law. The restatement consolidates various provisions that were enacted separately over a period of many years, reorganizing them, conforming style and terminology, modernizing obsolete language, and correcting drafting errors. These changes serve to remove ambiguities, contradictions, and other imperfections, but they do not change the meaning or effect of the existing law or impair the precedential value of earlier judicial decisions or other interpretations.

The courts have repeatedly held that the restatement of existing law in a bill such as this one does not change the meaning or effect of the existing law unless Congress explicitly expresses the intent to do so. See, e.g., the following:

Finley v. United States, 490 U.S. 545, 553–55 (1989).

Cass v. United States, 417 U.S. 72, 81–82 (1974).

Tidewater Oil Co. v. U.S., 409 U.S. 151, 161–62 (1972).

United States v. Cook, 384 U.S. 257, 260 (1966).

Fourco Glass Co. v. Transmirra Products Corp., 353 U.S. 222, 226–27 (1957).

Washington–Dulles Transportation, Ltd. v. Metropolitan Washington Airports Authority, 263 F.3d 371, 378–79 (4th Cir. 2001).

Atchison, Topeka and Santa Fe Railway Co. v. United States, 617 F.2d 485, 490–91 (7th Cir. 1980).

Trailer Marine Transport Corp. v. Federal Maritime Commission, 602 F.2d 379, 383 (D.C. Cir. 1979).

See also NORMAN J. SINGER & J.D. SHAMBIE SINGER, SUTHERLAND STATUTES AND STATUTORY CONSTRUCTION, §§ 28.10, 28.11 (7th ed. 2009).

DISPOSITION TABLE

The table below shows a disposition for provisions affected by the bill.

Disposition Table

Former United States Code Section	Disposition
15 U.S.C. 1051	35 U.S.C. 601
15 U.S.C. 1052	35 U.S.C. 602
15 U.S.C. 1053	35 U.S.C. 603
15 U.S.C. 1054	35 U.S.C. 604
15 U.S.C. 1055	35 U.S.C. 605
15 U.S.C. 1056	35 U.S.C. 606
15 U.S.C. 1057	35 U.S.C. 607
15 U.S.C. 1058	35 U.S.C. 608
15 U.S.C. 1059	35 U.S.C. 609
15 U.S.C. 1060	35 U.S.C. 610
15 U.S.C. 1061	35 U.S.C. 611
15 U.S.C. 1062	35 U.S.C. 612
15 U.S.C. 1063	35 U.S.C. 613
15 U.S.C. 1064	35 U.S.C. 614
15 U.S.C. 1065	35 U.S.C. 615
15 U.S.C. 1066	35 U.S.C. 616
15 U.S.C. 1067, 1068	35 U.S.C. 617

Disposition Table—Continued

Former United States Code Section	Disposition
15 U.S.C. 1069	35 U.S.C. 618
15 U.S.C. 1070	35 U.S.C. 619
15 U.S.C. 1071	35 U.S.C. 620
15 U.S.C. 1072	35 U.S.C. 621
15 U.S.C. 1091	35 U.S.C. 631
15 U.S.C. 1092	35 U.S.C. 632
15 U.S.C. 1093	35 U.S.C. 633
15 U.S.C. 1094	35 U.S.C. 634
15 U.S.C. 1095	35 U.S.C. 635
15 U.S.C. 1096	35 U.S.C. 636
15 U.S.C. 1111	35 U.S.C. 651
15 U.S.C. 1112 (less proviso)	35 U.S.C. 652
15 U.S.C. 1112 (proviso)	35 U.S.C. 653
15 U.S.C. 1113	35 U.S.C. 653
15 U.S.C. 1114	35 U.S.C. 654
15 U.S.C. 1115	35 U.S.C. 655
15 U.S.C. 1116	35 U.S.C. 656
15 U.S.C. 1117	35 U.S.C. 657
15 U.S.C. 1118	35 U.S.C. 658
15 U.S.C. 1119	35 U.S.C. 659
15 U.S.C. 1120	35 U.S.C. 660
15 U.S.C. 1121	35 U.S.C. 661
15 U.S.C. 1121a	Previously transferred to 15 U.S.C. 1121(b).
15 U.S.C. 1122	35 U.S.C. 503
15 U.S.C. 1123	35 U.S.C. 662
15 U.S.C. 1124	35 U.S.C. 663
15 U.S.C. 1125(a) through (c)(1)	35 U.S.C. 664
15 U.S.C. 1125(c)(2)	35 U.S.C. 501
15 U.S.C. 1125(c)(3) through (d)	35 U.S.C. 664
15 U.S.C. 1126	35 U.S.C. 665
15 U.S.C. 1127 (1st through 5th pars.)	35 U.S.C. 501
15 U.S.C. 1127 (6th par. 1st sentence)	35 U.S.C. 501
15 U.S.C. 1127 (6th par. last sentence)	35 U.S.C. 503
15 U.S.C. 1127 (7th par. 1st sentence)	35 U.S.C. 501
15 U.S.C. 1127 (7th par. last sentence)	35 U.S.C. 503
15 U.S.C. 1127 (8th par.)	35 U.S.C. 501
15 U.S.C. 1127 (9th par.)	Repealed as unnecessary because of 35 U.S.C. 3(a)(1).
15 U.S.C. 1127 (10th through 20th pars.)	35 U.S.C. 501
15 U.S.C. 1127 (21st par.)	Repealed as unnecessary. Provided that references to certain Acts of Congress mean the Acts as amended.
15 U.S.C. 1127 (22d through 24th pars.)	35 U.S.C. 501
15 U.S.C. 1127 (25th par.)	Repealed as unnecessary because of 1 U.S.C. 1.
15 U.S.C. 1127 (last par.)	35 U.S.C. 502
15 U.S.C. 1128	Previously repealed.
15 U.S.C. 1129	Previously transferred to 15 U.S.C. 8131.
15 U.S.C. 1141	35 U.S.C. 801
15 U.S.C. 1141a	35 U.S.C. 802
15 U.S.C. 1141b	35 U.S.C. 803
15 U.S.C. 1141c	35 U.S.C. 804
15 U.S.C. 1141d	35 U.S.C. 805
15 U.S.C. 1141e	35 U.S.C. 806
15 U.S.C. 1141f	35 U.S.C. 807
15 U.S.C. 1141g	35 U.S.C. 808
15 U.S.C. 1141h	35 U.S.C. 809
15 U.S.C. 1141i	35 U.S.C. 810
15 U.S.C. 1141j	35 U.S.C. 811
15 U.S.C. 1141k	35 U.S.C. 812
15 U.S.C. 1141l	35 U.S.C. 813
15 U.S.C. 1141m	35 U.S.C. 814
15 U.S.C. 1141n	35 U.S.C. 815
15 U.S.C. 8101	35 U.S.C. 901
15 U.S.C. 8111(a) through (b)(2)	35 U.S.C. 902
15 U.S.C. 8111(b)(3)	35 U.S.C. 903
15 U.S.C. 8112	35 U.S.C. 901

Disposition Table—Continued

Former United States Code Section	Disposition
15 U.S.C. 8113	35 U.S.C. 904
15 U.S.C. 8114	35 U.S.C. 905
15 U.S.C. 8115(a)(1)	Repealed as obsolete. Repealed 15 U.S.C. 1128.
15 U.S.C. 8115(a)(2)	Repealed as obsolete. Provided that the Intellectual Property Enforcement Coordinator (“IPEC”), described in section 902 of the revised title, may use the services and personnel of the former National Intellectual Property Law Enforcement Coordination Council (“NIPLECC”) for a reasonable time in order to perform duties necessary to facilitate the transition of functions from the former NIPLECC to the IPEC.
15 U.S.C. 8115(b)	35 U.S.C. 906(a)
15 U.S.C. 8115(c)	35 U.S.C. 906(b)
15 U.S.C. 8116	Repealed as unnecessary. Authorized appropriation for each fiscal year of such sums as may be necessary to carry out title III of Public Law 110–403.
15 U.S.C. 8131	35 U.S.C. 1001

SECTION-BY-SECTION EXPLANATION

SECTION 1—TABLE OF CONTENTS

Section 1 of the bill provides a table of contents for the Act.

SECTION 2—PURPOSE; RESTATEMENT DOES NOT CHANGE MEANING OR EFFECT OF EXISTING LAW

Section 2(a) of the bill provides that the purpose is to enact certain laws relating to trademarks and other intellectual property as subtitles III and IV of title 35, United States Code, and to redesignate title 35 as “Patents, Trademarks, and Other Intellectual Property”.

Section 2(b)(1) of the bill provides that the restatement of existing law does not change the meaning or effect of the existing law (see the explanation above under the heading “Restatement Does Not Change Meaning or Effect of Existing Law”).

Section 2(b)(2) of the bill creates a rule of construction to provide that, notwithstanding the plain meaning rule or other rules of statutory construction, a change in wording made in the restatement of existing law serves to clarify the existing law, but not to change the meaning or effect of the existing law. The rule of construction applies whether or not a change in wording is explained by a revision note appearing in a congressional report accompanying the bill. The bill provides that if such a revision note does appear, a court is required to consider the revision note in interpreting the change.

SECTION 3—TITLE HEADING AND TABLE OF CONTENTS

Section 3 of the bill amends the title heading and table of contents to reflect the redesignation and new organization of title 35, United States Code.

SECTION 4—SUBTITLE I OF TITLE 35, UNITED STATES CODE

Section 4 of the bill strikes the heading for part I and inserts a new subtitle I heading.

SECTION 5—SUBTITLE II OF TITLE 35, UNITED STATES CODE

Section 5(a) of the bill strikes the heading and table of contents for part II and inserts a new subtitle II heading and table of contents and a new heading for division A.

Section 5(b) of the bill strikes the heading for part III and inserts a new heading for division B.

Section 5(c) of the bill strikes the heading for part IV and inserts a new heading for division C.

Section 5(d) of the bill strikes the heading for part V and inserts a new heading for division D.

SECTION 6—ENACTMENT OF SUBTITLES III AND IV OF TITLE 35, UNITED STATES CODE

Section 6 of the bill enacts certain laws relating to trademarks and other intellectual property as subtitles III and IV of title 35, United States Code. For each section of subtitles III and IV, the source provision citations, along with any revision notes, are set out below.

Subtitle III—Trademarks

Division A—General Provisions

Chap.		Sec.
	51. General Provisions	501

Division B—Domestic Registration

61. Principal Register	601
62. Supplemental Register	631
63. Practice, Procedure, and Prohibitions	651

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Division A—General Provisions

CHAPTER 51—GENERAL PROVISIONS

Sec.	
501.	Definitions.
502.	Purposes of subtitle.
503.	Applicability to the United States and to States.

SECTION 501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501 (matter before (1)).	15 U.S.C. 1127 (1st par.).	July 5, 1946, ch. 540, title X, § 45 (1st through 5th, 8th, 10th through 20th, 22d pars.), 60 Stat. 443; Pub. L. 87-772, § 21, Oct. 9, 1962, 76 Stat. 774; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 98-620, title I, § 103, Nov. 8, 1984, 98 Stat. 3335; Pub. L. 100-667, title I, § 134, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 103-465, title V, § 521, Dec. 8, 1994, 108 Stat. 4981; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(A)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 109-312, § 3(e), Oct. 6, 2006, 120 Stat. 1733.
501(1)	15 U.S.C. 1127 (18th par. less 1st subpar. last sentence).	
501(2)	15 U.S.C. 1127 (8th par. related to "applicant").	
501(3)	15 U.S.C. 1127 (14th par.).	
501(4)	15 U.S.C. 1127 (15th par.).	
501(5)	15 U.S.C. 1127 (19th par.).	
501(6)	15 U.S.C. 1127 (3d par.).	
501(7)	15 U.S.C. 1127 (22d par.).	
501(8)	15 U.S.C. 1125(c)(2)(B)	July 5, 1946, ch. 540, title VIII, § 43(c)(2), 60 Stat. 441; Pub. L. 100-667, title I, § 132, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 102-542, § 3(c), Oct. 27, 1992, 106 Stat. 3568; Pub. L. 104-98, § 3(a), Jan. 16, 1996, 109 Stat. 985; Pub. L. 106-43, §§ 3(a)(2), 5, Aug. 5, 1999, 113 Stat. 219, 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3002(a)], Nov. 29, 1999, 113 Stat. 1501A-545; Pub. L. 109-312, § 2(1), Oct. 6, 2006, 120 Stat. 1730.
501(9)	15 U.S.C. 1125(c)(2)(C)	
501(10)	15 U.S.C. 1127 (23d par.).	July 5, 1946, ch. 540, title X, § 45 (23d, 24th pars.), as added Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3005], Nov. 29, 1999, 113 Stat. 1501A-550.
501(11)	(no source).	
501(12)	15 U.S.C. 1125(c)(2)(A)	
501(13)	15 U.S.C. 1127 (24th par.).	
501(14)	15 U.S.C. 1127 (16th par.).	
501(15)	(no source).	
501(16)	(no source).	
501(17)(A)	15 U.S.C. 1127 (5th par.)	
501(17)(B)	15 U.S.C. 1127 (6th par. 1st sentence).	July 5, 1946, ch. 540, title X, § 45 (6th par. 1st sentence), as added Pub. L. 106-43, § 4(c), Aug. 5, 1999, 113 Stat. 219.
501(17)(C)	15 U.S.C. 1127 (7th par. 1st sentence).	July 5, 1946, ch. 540, title X, § 45 (7th par. 1st sentence), as added Pub. L. 102-542, § 3(d), Oct. 27, 1992, 106 Stat. 3568.
501(18)	15 U.S.C. 1127 (4th par. related to "principal register").	
501(19)	15 U.S.C. 1127 (20th par.).	

SECTION 501—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501(20)	15 U.S.C. 1127 (8th par. related to “registrant”).	
501(21)	15 U.S.C. 1127 (10th par.).	
501(22)	15 U.S.C. 1127 (13th par.).	
501(23)	15 U.S.C. 1127 (4th par. related to “supplemental register”).	
501(24)	15 U.S.C. 1127 (11th par.).	
501(25)	15 U.S.C. 1127 (12th par.).	
501(26)	15 U.S.C. 1127 (2d par.).	
501(27)	15 U.S.C. 1127 (18th par. 1st subpar. last sentence).	
501(28)	15 U.S.C. 1127 (17th par.).	

Definitions of “domain name registration authority”, “notice of allowance”, and “Official Gazette” are added for clarity and convenience.

Before paragraph (1), the words “the construction of” and “unless the contrary is plainly apparent from the context” are omitted as unnecessary.

In paragraphs (3)(B) and (4)(B), the words “labor organization” are substituted for “union” to conform to prevailing usage.

Definitions of “dilution by blurring”, “dilution by tarnishment”, and “famous” are included as paragraphs (8), (9), and (12) of this section to make clear that those definitions apply throughout the subtitle.

In paragraphs (8)(B) and (12)(B), the words “all relevant factors may be considered” are substituted for “the court may consider all relevant factors” to make clear that not only a court, but any finder of fact, may consider all relevant factors.

In paragraph (26), the words “and embraces” are omitted as unnecessary.

In paragraph (28)(B), the words “For purposes of this chapter” are omitted as unnecessary because the introductory language of this section provides that the term applies to the revised subtitle.

SECTION 502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
502	15 U.S.C. 1127 (last par.).	July 5, 1946, ch. 540, title X, § 45 (last par.), 60 Stat. 443; Pub. L. 87-772, § 21, Oct. 9, 1962, 76 Stat. 775; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

In paragraph (1), the words “within the control of Congress” are omitted as unnecessary because of the definition of “commerce” in section 501 of the revised title.

SECTION 503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503(a)(1)	15 U.S.C. 1127 (6th par. last sentence).	July 5, 1946, ch. 540, title X, § 45 (6th par. last sentence), as added Pub. L. 106-43, § 4(c), Aug. 5, 1999, 113 Stat. 219.
503(a)(2)	15 U.S.C. 1122(a).	July 5, 1946, ch. 540, title VI, § 40, as added Pub. L. 102-542, § 3(b), Oct. 27, 1992, 106 Stat. 3567; Pub. L. 106-43, § 4(b), Aug. 5, 1999, 113 Stat. 219.
503(b)(1)	15 U.S.C. 1127 (7th par. last sentence).	July 5, 1946, ch. 540, title X, § 45 (7th par. last sentence), as added Pub. L. 102-542, § 3(d), Oct. 27, 1992, 106 Stat. 3568.
503(b)(2)	15 U.S.C. 1122(b).	
503(c)	15 U.S.C. 1122(c).	

In subsection (c), before paragraph (1), the words “(including remedies both at law and in equity)” are omitted as unnecessary. See Notes of Advisory Committee on Rules—1937 to Rule 2 of the Rules of Civil Procedure (28 U.S.C. App.).

DIVISION B—DOMESTIC REGISTRATION

Chap.		Sec.
61. Principal Register		601
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CHAPTER 61—PRINCIPAL REGISTER

Sec.	
601.	Request for registration.
602.	Marks registrable on principal register; concurrent registration.
603.	Service marks registrable.
604.	Collective marks and certification marks registrable.
605.	Use by related companies.
606.	Disclaimer of unregistrable matter.
607.	Certificates of registration.
608.	Duration.
609.	Renewal of registration.
610.	Assignment.
611.	Execution of acknowledgments and verifications.
612.	Examination and publication.
613.	Opposition to registration.
614.	Cancellation of registration.
615.	Incontestability of right to use mark under certain conditions.
616.	Interference.
617.	Determination by Trademark Trial and Appeal Board.
618.	Application of equitable principles in inter partes proceedings.
619.	Appeals to Trademark Trial and Appeal Board from decisions of examiners.
620.	Judicial review.
621.	Registration as constructive notice of claim of ownership.

SECTION 601

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
601	15 U.S.C. 1051.	July 5, 1946, ch. 540, title I, § 1, 60 Stat. 427; Pub. L. 87-772, § 1, Oct. 9, 1962, 76 Stat. 769; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 103, Nov. 16, 1988, 102 Stat. 3935; Pub. L. 105-330, title I, § 103, title II, § 201(a)(1), Oct. 30, 1998, 112 Stat. 3064, 3069; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(1), (2), Nov. 2, 2002, 116 Stat. 1906.

In subsections (a)(4)(B) and (b)(5)(A), the words “rules or” are omitted as unnecessary.

In subsections (a)(4)(B) and (b)(5)(B), the word “regulations” is substituted for “rules” for consistency with subparagraph (A).

SECTION 602

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
602	15 U.S.C. 1052.	July 5, 1946, ch. 540, title I, § 2, 60 Stat. 428; Pub. L. 87-772, § 2, Oct. 9, 1962, 76 Stat. 769; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 104, Nov. 16, 1988, 102 Stat. 3937; Pub. L. 103-182, title III, § 333(a), Dec. 8, 1993, 107 Stat. 2114; Pub. L. 103-465, title V, § 522, Dec. 8, 1994, 108 Stat. 4982; Pub. L. 105-330, title II, § 201(a)(2), (12), Oct. 30, 1998, 112 Stat. 3069, 3070; Pub. L. 106-43, § 2(a), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 109-312, § 3(a), Oct. 6, 2006, 120 Stat. 1732.

The text of 15 U.S.C. 1052(f) (3d sentence) is restated as part of subsection (b)(5)(C) for clarity.

SECTION 603

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
603	15 U.S.C. 1053.	July 5, 1946, ch. 540, title I, § 3, 60 Stat. 429; Pub. L. 100-667, title I, § 105, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

SECTION 604

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
604	15 U.S.C. 1054.	July 5, 1946, ch. 540, title I, § 4, 60 Stat. 429; Pub. L. 100-667, title I, § 106, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

In subsection (a), the words “a foreign country . . . or other governmental entity” are substituted for “nations . . . and the like” for clarity and for consistency in the subtitle.

SECTION 605

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
605	15 U.S.C. 1055.	July 5, 1946, ch. 540, title I, § 5, 60 Stat. 429; Pub. L. 100-667, title I, § 107, Nov. 16, 1988, 102 Stat. 3938.

SECTION 606

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
606	15 U.S.C. 1056.	July 5, 1946, ch. 540, title I, § 6, 60 Stat. 429; Pub. L. 87-772, § 3, Oct. 9, 1962, 76 Stat. 769; Pub. L. 100-667, title I, § 108, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

Subsection (c) is restated to make clear that the words “if the disclaimed matter is distinctive or becomes distinctive of a good or service of the applicant or registrant” in paragraph (2) qualify only the words in that paragraph. That meaning is apparent in the section as originally enacted in 1946 (60 Stat. 429). The former Code provision reflects the amendment of the section in 1962 (76 Stat. 769), when the section was rewritten generally but with no indication by Congress of any intent to change the meaning of the section.

SECTION 607

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
607	15 U.S.C. 1057.	July 5, 1946, ch. 540, title I, § 7, 60 Stat. 430; Aug. 17, 1950, ch. 733, 64 Stat. 459; Pub. L. 87-772, § 4, Oct. 9, 1962, 76 Stat. 769; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 109, Nov. 16, 1988, 102 Stat. 3938; Pub. L. 105-330, title II, § 201(a)(3), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Mar. 17, 2010, Pub. L. 111-146, § 3(a), 124 Stat. 66.

In subsection (c)(2)(B)(iii)(I), the words “the person” are substituted for “he or she” to make clear that the provision refers to persons of any kind, not just individuals.

In subsection (f), the word “record” is substituted for “records, books, papers, or drawings” to eliminate unnecessary words and to make clear that all forms of records are included.

SECTION 608

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
608	15 U.S.C. 1058.	July 5, 1946, ch. 540, title I, § 8, 60 Stat. 431; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 97-247, § 8, Aug. 27, 1982, 96 Stat. 320; Pub. L. 100-667, title I, § 110, Nov. 16, 1988, 102 Stat. 3939; Pub. L. 105-330, title I, § 105, Oct. 30, 1998, 112 Stat. 3066; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B), (C)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(3), Nov. 2, 2002, 116 Stat. 1906; Mar. 17, 2010, Pub. L. 111-146, § 3(d)(1), 124 Stat. 67.

SECTION 609

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
609	15 U.S.C. 1059.	July 5, 1946, ch. 540, title I, § 9, 60 Stat. 431; Pub. L. 87-772, § 5, Oct. 9, 1962, 76 Stat. 770; Pub. L. 100-667, title I, § 111, Nov. 16, 1988, 102 Stat. 3939; Pub. L. 105-330, title I, § 106, Oct. 30, 1998, 112 Stat. 3067; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B), (C)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(4), Nov. 2, 2002, 116 Stat. 1907.

In subsection (d), the word “Director’s” is substituted for “Commissioner’s” to correct an error in the source provision. Section 4713 of the Patent and Trademark Office Efficiency Act (113 Stat. 1501A-575) amended 35 U.S.C. 3. Subsection (a) of that section in part vested the powers and duties of the United States Patent and Trademark Office, previously vested in the Commissioner of Patents and Trademarks, in the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. Section 4732(b)(1)(B) of the Act (113 Stat. 1501A-583) amended the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1051 et seq.), generally by substituting “Director” for “Commissioner” and section 4732(b)(1)(C) in part identically amended section 9(b) of that Act (15 U.S.C. 1059(b)) but did not make a corresponding substitution of “Director’s” for “Commissioner’s”.

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SECTION 610

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
610	15 U.S.C. 1060.	July 5, 1946, ch. 540, title I, § 10, 60 Stat. 431; Pub. L. 87-772, § 6, Oct. 9, 1962, 76 Stat. 770; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 112, Nov. 16, 1988, 102 Stat. 3939; Pub. L. 105-330, title I, § 107, Oct. 30, 1998, 112 Stat. 3068; Pub. L. 106-43, § 6(a), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(5), Nov. 2, 2002, 116 Stat. 1907.

SECTION 611

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
611	15 U.S.C. 1061.	July 5, 1946, ch. 540, title I, § 11, 60 Stat. 432; Pub. L. 97-247, § 14(c), Aug. 27, 1982, 96 Stat. 321.

SECTION 612

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
612	15 U.S.C. 1062.	July 5, 1946, ch. 540, title I, § 12, 60 Stat. 432; Pub. L. 87-772, § 7, Oct. 9, 1962, 76 Stat. 770; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 113, Nov. 16, 1988, 102 Stat. 3940; Pub. L. 105-330, title I, § 104, Oct. 30, 1998, 112 Stat. 3066; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

In subsection (b)(2), the words “a proceeding under section 617 of this title” are substituted for “such proceedings” for clarity.

SECTION 613

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
613	15 U.S.C. 1063.	July 5, 1946, ch. 540, title I, § 13, 60 Stat. 433; Pub. L. 87-772, § 8, Oct. 9, 1962, 76 Stat. 771; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 93-600, § 1, Jan. 2, 1975, 88 Stat. 1955; Pub. L. 97-247, § 9(a), Aug. 27, 1982, 96 Stat. 320; Pub. L. 100-667, title I, § 114, Nov. 16, 1988, 102 Stat. 3940; Pub. L. 106-43, § 2(b), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 109-312, § 3(b), Oct. 6, 2006, 120 Stat. 1732.

SECTION 614

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
614	15 U.S.C. 1064.	July 5, 1946, ch. 540, title I, § 14, 60 Stat. 433; Pub. L. 87-772, § 9, Oct. 9, 1962, 76 Stat. 771; Pub. L. 97-247, § 9(b), Aug. 27, 1982, 96 Stat. 320; Pub. L. 98-620, title I, § 102, Nov. 8, 1984, 98 Stat. 3335; Pub. L. 100-667, title I, § 115, Nov. 16, 1988, 102 Stat. 3940; Pub. L. 105-330, title II, § 201(a)(4), title III, § 301, Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 2(c), Aug. 5, 1999, 113 Stat. 218; Pub. L. 109-312, § 3(c), Oct. 6, 2006, 120 Stat. 1732.

SECTION 615

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
615	15 U.S.C. 1065.	July 5, 1946, ch. 540, title I, § 15, 60 Stat. 433; Pub. L. 87-772, § 10, Oct. 9, 1962, 76 Stat. 771; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 97-247, § 10, Aug. 27, 1982, 96 Stat. 320; Pub. L. 100-667, title I, § 116, Nov. 16, 1988, 102 Stat. 3941; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Mar. 17, 2010, Pub. L. 111-146, § 3(b), 124 Stat. 67.

SECTION 616

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
616	15 U.S.C. 1066.	July 5, 1946, ch. 540, title I, § 16, 60 Stat. 434; Pub. L. 87-772, § 11, Oct. 9, 1962, 76 Stat. 771; Pub. L. 97-247, § 11, Aug. 27, 1982, 96 Stat. 321; Pub. L. 100-667, title I, § 117, Nov. 16, 1988, 102 Stat. 3941; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

SECTION 617

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
617(a) through (d)	15 U.S.C. 1067.	July 5, 1946, ch. 540, title I, § 17, 60 Stat. 434; Pub. L. 85-609, § 1(a), Aug. 8, 1958, 72 Stat. 540; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 96-455, § 1, Oct. 15, 1980, 94 Stat. 2024; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4716], Nov. 29, 1999, 113 Stat. 1501A-580; Pub. L. 107-273, div. C, title III, § 13203(a)(1), Nov. 2, 2002, 116 Stat. 1902; Pub. L. 110-313, § 1(b), Aug. 12, 2008, 122 Stat. 3014.
617(e)	15 U.S.C. 1068.	July 5, 1946, ch. 540, title I, § 18, 60 Stat. 434; Pub. L. 100-667, title I, § 118, Nov. 16, 1988, 102 Stat. 3941; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

In subsection (b), the amendment made by section 13203(a)(1) of the 21st Century Department of Justice Appropriations Authoriza-

tion Act (Public Law 107–273, 116 Stat. 1902) could not be executed because “Commissioner” did not appear in the source provision. However, the amendment made by Pub. L. 110–313, § 1(b)(1)(A) recognized that the correct reference is to the Deputy Director rather than the Deputy Commissioner to reflect the vesting of powers and duties in the Director and Deputy Director instead of the Commissioner and Deputy Commissioner.

In subsection (e)(1)(D), the words “principal register or supplemental register” are substituted for “register” for clarity.

SECTION 618

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
618	15 U.S.C. 1069.	July 5, 1946, ch. 540, title I, § 19, 60 Stat. 434; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100–667, title I, § 119, Nov. 16, 1988, 102 Stat. 3941.

SECTION 619

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
619	15 U.S.C. 1070.	July 5, 1946, ch. 540, title I, § 20, 60 Stat. 435; Pub. L. 85–609, § 1(b), Aug. 8, 1958, 72 Stat. 540.

SECTION 620

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
620	15 U.S.C. 1071.	July 5, 1946, ch. 540, title I, § 21, 60 Stat. 435; July 19, 1952, ch. 950, § 2, 66 Stat. 814; Pub. L. 85–609, § 1(c), Aug. 8, 1958, 72 Stat. 540; Pub. L. 87–772, § 12, Oct. 9, 1962, 76 Stat. 771; Pub. L. 93–596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 93–600, § 2, Jan. 2, 1975, 88 Stat. 1955; Pub. L. 97–164, title I, § 162(1), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98–620, title IV, § 414(b), Nov. 8, 1984, 98 Stat. 3363; Pub. L. 100–667, title I, § 120, Nov. 16, 1988, 102 Stat. 3942; Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A–583; Mar. 17, 2010, Pub. L. 111–146, § 3(c), 124 Stat. 67; Sept. 16, 2011, Pub. L. 112–29, § 9(a), 125 Stat. 316.

In subsection (b)(3), the words “shall file with the Director a written notice of appeal” are substituted for “shall file in the United States Patent and Trademark Office a written notice of appeal directed to the Director” for clarity.

SECTION 621

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
621	15 U.S.C. 1072.	July 5, 1946, ch. 540, title I, § 22, 60 Stat. 435.

CHAPTER 62—SUPPLEMENTAL REGISTER

Sec.

631. Supplemental register.
 632. Publication and cancellation of marks.
 633. Registration certificates for marks on principal and supplemental registers to be different.
 634. Provisions of subtitle applicable to registrations on supplemental register.
 635. No preclusion of registration on principal register; no admission of nondistinctiveness.
 636. Registration on supplemental register not used to stop importations.

SECTION 631

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
631	15 U.S.C. 1091.	July 5, 1946, ch. 540, title II, § 23, 60 Stat. 435; Pub. L. 87-772, § 13, Oct. 9, 1962, 76 Stat. 773; Pub. L. 100-667, title I, § 121, Nov. 16, 1988, 102 Stat. 3942; Pub. L. 103-182, title III, § 333(b), Dec. 8, 1993, 107 Stat. 2114; Pub. L. 105-330, title II, § 201(a)(5), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(6), Nov. 2, 2002, 116 Stat. 1908.

SECTION 632

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
632	15 U.S.C. 1092.	July 5, 1946, ch. 540, title II, § 24, 60 Stat. 436; Pub. L. 85-609, § 1(d), Aug. 8, 1958, 72 Stat. 540; Pub. L. 87-772, § 14, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 122, Nov. 16, 1988, 102 Stat. 3943; Pub. L. 106-43, § 2(d), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 109-312, § 3(d), Oct. 6, 2006, 120 Stat. 1732.

In subsection (a), the words “published for or be” are omitted as unnecessary.

SECTION 633

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
633	15 U.S.C. 1093.	July 5, 1946, ch. 540, title II, § 25, 60 Stat. 436.

SECTION 634

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
634	15 U.S.C. 1094.	July 5, 1946, ch. 540, title II, § 26, 60 Stat. 436; Pub. L. 100-667, title I, § 123, Nov. 16, 1988, 102 Stat. 3943; Pub. L. 105-330, title II, § 201(a)(6), Oct. 30, 1998, 112 Stat. 3070.

SECTION 635

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
635	15 U.S.C. 1095.	July 5, 1946, ch. 540, title II, § 27, 60 Stat. 436; Pub. L. 100-667, title I, § 124, Nov. 16, 1988, 102 Stat. 3943.

SECTION 636

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
636	15 U.S.C. 1096.	July 5, 1946, ch. 540, title II, § 28, 60 Stat. 436.

The words “Department of Homeland Security” are substituted for “Department of the Treasury” because of sections 403(1), 1511(d), 1512(d), and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 203(1), 551(d), 552(d), and 557) and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108-16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

CHAPTER 63—PRACTICE, PROCEDURE, AND PROHIBITIONS

Sec.

- 651. Notice of registration; limitation on recovery of profits and damages in infringement action.
- 652. Classification of goods and services; marks for any or all of an applicant's goods or services.
- 653. Fees.
- 654. Remedies for infringement.
- 655. Registration on principal register as evidence of exclusive right to use mark.
- 656. Injunctive relief.
- 657. Recovery for violation of rights.
- 658. Destruction of violative articles.
- 659. Power of court over registration.
- 660. Civil liability for false or fraudulent registration.
- 661. Jurisdiction of Federal courts; prohibition of State and local requirements.
- 662. Regulations for conduct of proceedings in Office.
- 663. Prohibition of importation of goods bearing infringing marks or names.
- 664. False designations of origin; false descriptions; dilution.
- 665. United States registration based on foreign registration pursuant to international conventions.

SECTION 651

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
651	15 U.S.C. 1111.	July 5, 1946, ch. 540, title III, § 29, 60 Stat. 436; Pub. L. 87-772, § 15, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, §§ 1 (related to the Trademark Act of 1946), 2, Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 125, Nov. 16, 1988, 102 Stat. 3943.

SECTION 652

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
652	15 U.S.C. 1112 (less proviso).	July 5, 1946, ch. 540, title IV, § 30 (less proviso), 60 Stat. 436; Pub. L. 87-772, § 16, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 126(1)-(3), Nov. 16, 1988, 102 Stat. 3943; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

In subsection (a), the words “by regulation” are added because they more appropriately describe the method by which the Director may establish a classification.

SECTION 653

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
653(a) through (c)	15 U.S.C. 1113(a).	July 5, 1946, ch. 540, title V, § 31, 60 Stat. 437; Pub. L. 85-609, § 1(e), Aug. 8, 1958, 72 Stat. 540; Pub. L. 89-83, § 3, July 24, 1965, 79 Stat. 260; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 96-517, § 5, Dec. 12, 1980, 94 Stat. 3018; Pub. L. 97-247, § 3(f), Aug. 27, 1982, 96 Stat. 319; Pub. L. 97-256, title I, § 103, Sept. 8, 1982, 96 Stat. 816; Pub. L. 102-204, § 5(f)(1), Dec. 10, 1991, 105 Stat. 1640; Pub. L. 105-330, title II, § 201(a)(7), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.
653(d)	15 U.S.C. 1112 (proviso).	July 5, 1946, ch. 540, title IV, § 30 (proviso), 60 Stat. 436; Pub. L. 87-772, § 16, Oct. 9, 1962, 76 Stat. 773; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 100-667, title I, § 126(4), Nov. 16, 1988, 102 Stat. 3943; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.
653(e), (f)	15 U.S.C. 1113(b).	

In subsection (d), the words “by regulation” are omitted as surplus because they are used more appropriately in section 652(a) of the revised title. The words “more than 1 class” are substituted for “a plurality of classes” for clarity.

In subsection (e), the words “Federal agency” are substituted for “department or agency of the Government, or any officer thereof” to eliminate unnecessary words and for consistency in the subtitle.

SECTION 654

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
654	15 U.S.C. 1114.	July 5, 1946, ch. 540, title VI, § 32, 60 Stat. 437; Pub. L. 87-772, § 17, Oct. 9, 1962, 76 Stat. 773; Pub. L. 100-667, title I, § 127, Nov. 16, 1988, 102 Stat. 3943; Pub. L. 102-542, § 3(a) Oct. 27, 1992, 106 Stat. 3567; Pub. L. 105-330, title II, § 201(a)(8), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 4(a), Aug. 5, 1999, 113 Stat. 219; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3004], Nov. 29, 1999, 113 Stat. 1501A-549; Pub. L. 109-9, title II, § 202(b), Apr. 27, 2005, 119 Stat. 223.

In subsection (a), the text of 15 U.S.C. 1114(1) (last par.) is omitted as unnecessary because of sections 501(17) and 503(a)(1) and (b)(1) of the revised title.

In subsection (c), definitions of “periodical” and “plaintiff” are added for clarity and convenience.

SECTION 655

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
655	15 U.S.C. 1115.	July 5, 1946, ch. 540, title VI, § 33, 60 Stat. 438; Pub. L. 87-772, § 18, Oct. 9, 1962, 76 Stat. 774; Pub. L. 100-667, title I, § 128(a), (b), Nov. 16, 1988, 102 Stat. 3944; Pub. L. 105-330, title II, § 201(a)(9), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 107-273, div. C, title III, § 13207(b)(7), Nov. 2, 2002, 116 Stat. 1908.

In subclause (II) of clauses (v) and (vi) of subsection (b)(3)(B), the word “geographic” is added for clarity.

SECTION 656

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
656	15 U.S.C. 1116.	July 5, 1946, ch. 540, title VI, § 34, 60 Stat. 439; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 98-473, title II, § 1503(1), Oct. 12, 1984, 98 Stat. 2179; Pub. L. 100-667, title I, § 128(c) through (e), Nov. 16, 1988, 102 Stat. 3945; Pub. L. 104-153, § 6, July 2, 1996, 110 Stat. 1388; Pub. L. 106-43, § 3(a)(1), Aug. 5, 1999, 113 Stat. 218; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3003(a)(1), title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-548, 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(8)-(10), Nov. 2, 2002, 116 Stat. 1908; Pub. L. 110-403, title I, § 102(b), Oct. 13, 2008, 122 Stat. 4258.

In subsection (a)(3), the words “shall be operative and” are omitted as unnecessary.

In subsection (c)(3)(B), the words “record the judgment or appeal in the registration file” are substituted for “endorse the same upon the file wrapper of the said registration or registrations and to incorporate the same as a part of the contents of said file wrapper”

to eliminate unnecessary and obsolete words and because paper files are being replaced by electronic files.

In subsection (d)(2), the words “pursuant to this subsection” are omitted as unnecessary because the rest of subsection (d) refers to “an order under this subsection”.

Subsection (d)(4) is rewritten to clarify that it is only the information described in subparagraphs (A) and (B) of paragraph (6) that is required to be contained in an application for a seizure order.

In subsection (d)(8)(B)(i), the word “subsection” is substituted for “section” to provide a reference to the pertinent provision.

In subsection (d)(10)(A), the words “U.S. Customs and Border Protection” are substituted for “United States Customs Service” because of 6 U.S.C. 211.

SECTION 657

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
657	15 U.S.C. 1117.	July 5, 1946, ch. 540, title VI, § 35, 60 Stat. 439; Pub. L. 87-772, § 19, Oct. 9, 1962, 76 Stat. 774; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 93-600, § 3, Jan. 2, 1975, 88 Stat. 1955; Pub. L. 98-473, title II, § 1503(2), Oct. 12, 1984, 98 Stat. 2182; Pub. L. 100-667, title I, § 129, Nov. 16, 1988, 102 Stat. 3945; Pub. L. 104-153, § 7, July 2, 1996, 110 Stat. 1388; Pub. L. 106-43, § 3(b), Aug. 5, 1999, 113 Stat. 219; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3003(a)(2), (b)], Nov. 29, 1999, 113 Stat. 1501A-549; Pub. L. 107-273, div. C, title III, § 13207(a), (b)(11), Nov. 2, 2002, 116 Stat. 1906, 1908; Pub. L. 108-482, title II, § 202, Dec. 23, 2004, 118 Stat. 3916; Pub. L. 110-403, title I, §§ 103, 104, Oct. 13, 2008, 122 Stat. 4259.

To improve organizational structure and make clear the relationship of the statutory damages provisions to the general provisions, former subsection (b) is incorporated in subsection (a) of the revised section.

In subsection (d)(1), the words “for purposes of determining relief” are omitted as unnecessary.

SECTION 658

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
658	15 U.S.C. 1118.	July 5, 1946, ch. 540, title VI, § 36, 60 Stat. 440; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 98-473, title II, § 1503(3), Oct. 12, 1984, 98 Stat. 2182; Pub. L. 100-667, title I, § 130, Nov. 16, 1988, 102 Stat. 3945; Pub. L. 106-43, § 3(c), Aug. 5, 1999, 113 Stat. 219.

In subsection (a), the words “delivered up and” are omitted as unnecessary.

SECTION 659

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
659	15 U.S.C. 1119.	July 5, 1946, ch. 540, title VI, § 37, 60 Stat. 440; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

SECTION 660

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
660	15 U.S.C. 1120.	July 5, 1946, ch. 540, title VI, § 38, 60 Stat. 440; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949.

SECTION 661

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
661(a)	15 U.S.C. 1121(a).	July 5, 1946, ch. 540, title VI, § 39(a), formerly § 39, 60 Stat. 440; Pub. L. 97-164, title I, § 148, Apr. 2, 1982, 96 Stat. 46; Pub. L. 97-296, Oct. 12, 1982, 96 Stat. 1316; Pub. L. 100-667, title I, § 131(a), Nov. 16, 1988, 102 Stat. 3946; Pub. L. 105-330, title II, § 201(a)(10), Oct. 30, 1998, 112 Stat. 3070.
661(b)	15 U.S.C. 1121(b).	July 5, 1946, ch. 540, title VI, § 39(b), formerly § 39a, as added Pub. L. 97-296, Oct. 12, 1982, 96 Stat. 1316; Pub. L. 100-667, title I, § 131(b), Nov. 16, 1988, 102 Stat. 3946.

In subsection (a), the words “and the United States Court of Appeals for the District of Columbia” following “the circuit courts of appeal of the United States” in section 39(a) of the Act of July 5, 1946 (ch. 540; 15 U.S.C. 1121(a)) are omitted because under 28 U.S.C. 41, the District of Columbia is included within the 13 judicial circuits of the United States. The word “and” before “the courts of appeals of the United States” is added in the source provision for clarity (See 60 Stat. 440).

SECTION 662

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
662	15 U.S.C. 1123.	July 5, 1946, ch. 540, title VI, § 41, 60 Stat. 440; Pub. L. 93-596, § 1 (related to the Trademark Act of 1946), Jan. 2, 1975, 88 Stat. 1949; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583.

The words “rules and” are omitted as unnecessary.

SECTION 663

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
663	15 U.S.C. 1124.	July 5, 1946, ch. 540, title VII, § 42, 60 Stat. 440; Pub. L. 95-410, title II, § 211(b), Oct. 3, 1978, 92 Stat. 903; Pub. L. 105-330, title II, § 201(a)(11), (12), Oct. 30, 1998, 112 Stat. 3070; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220.

In subsection (b), the words “Secretary of Homeland Security” are substituted for “Department of the Treasury” and “Secretary of the Treasury” because of sections 403(1), 1511(d), 1512(d) and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 203(1), 551(d), 552(d), and 557) and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108-16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

In subsection (b)(1), before subparagraph (A), the words “in order to aid the officers of the customs in enforcing this prohibition” are omitted as unnecessary.

In subsection (b)(2), the words “each collector or other” are omitted as obsolete because the office of collector of customs was terminated not later than December 31, 1966, by Reorganization Plan No. 1 of 1965 (eff. May 25, 1965, 79 Stat. 1317 (5 U.S.C. App.)). Functions of the office were already vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1280 (5 U.S.C. App.)).

SECTION 664

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
664	15 U.S.C. 1125(a) through (c)(1), (c)(3) through (d).	July 5, 1946, ch. 540, title VIII, § 43(a) through (c)(1), (c)(3) through (d), 60 Stat. 441; Pub. L. 100-667, title I, § 132, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 102-542, § 3(c), Oct. 27, 1992, 106 Stat. 3568; Pub. L. 104-98, § 3(a), Jan. 16, 1996, 109 Stat. 985; Pub. L. 106-43, §§ 3(a)(2), 5, Aug. 5, 1999, 113 Stat. 219, 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3002(a)], Nov. 29, 1999, 113 Stat. 1501A-545; Pub. L. 109-312, § 2, Oct. 6, 2006, 120 Stat. 1730, 1731; Oct. 5, 2012, Pub. L. 112-190, § 1(a), 126 Stat. 1436.

In subsection (a), the text of 15 U.S.C. 1125(a)(2) is omitted as unnecessary because of sections 501(17)(C) and 503(b)(1) of the revised title.

In subsection (c)(1), the words “Subject to paragraph (2)” are added for clarity.

In subsection (d), the words “domain name registration authority” are substituted for “domain name authority” for consistency in the revised subtitle.

SECTION 665

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
665	15 U.S.C. 1126.	July 5, 1946, ch. 540, title IX, § 44, 60 Stat. 441; Pub. L. 87-333, § 2, Oct. 3, 1961, 75 Stat. 748; Pub. L. 87-772, § 20, Oct. 9, 1962, 76 Stat. 774; Pub. L. 100-667, title I, § 133, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 105-330, title I, § 108, Oct. 30, 1998, 112 Stat. 3068; Pub. L. 106-43, § 6(b), Aug. 5, 1999, 113 Stat. 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(1)(B)], Nov. 29, 1999, 113 Stat. 1501A-583; Pub. L. 107-273, div. C, title III, § 13207(b)(12), Nov. 2, 2002, 116 Stat. 1908.

In subsection (b)(1), the words “or may become” are omitted as unnecessary because “is” in the law is read to speak in the present tense as at any time at which the law is to be applied rather than as at the original date of enactment.

Division C—The Madrid Protocol

Chap.		Sec.
81. The Madrid Protocol		801

CHAPTER 81—THE MADRID PROTOCOL

Sec.	
801. Definitions.	
802. International applications based on United States applications or registrations.	
803. Certification of the international application.	
804. Restriction, abandonment, cancellation, or expiration of a basic application or basic registration.	
805. Request for extension of protection subsequent to international registration.	
806. Extension of protection of an international registration to the United States under the Madrid Protocol.	
807. Effect of filing a request for extension of protection of an international registration to the United States.	
808. Right of priority for request for extension of protection to the United States.	
809. Examination of and opposition to request for extension of protection; notification of refusal.	
810. Effect of extension of protection.	
811. Dependence of extension of protection to the United States on the underlying international registration.	
812. Duration, affidavits, and fees.	
813. Assignment of extension of protection.	
814. Incontestability.	
815. Rights of extension of protection.	

SECTION 801

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
801	15 U.S.C. 1141.	July 5, 1946, ch. 540, title XII, § 60, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1913.

In paragraph (1), the word “is” is substituted for “has been” for clarity because application for registration applies to all filings, not just those made before November 2, 2002.

In paragraph (7), the words “natural or juristic” are omitted as unnecessary because of the definition of “person” in section 501(17)(A)(i) of the revised title.

SECTION 802

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
802	15 U.S.C. 1141a.	July 5, 1946, ch. 540, title XII, § 61, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1915.

SECTION 803

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
803	15 U.S.C. 1141b.	July 5, 1946, ch. 540, title XII, § 62, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1915.

SECTION 804

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
804	15 U.S.C. 1141c.	July 5, 1946, ch. 540, title XII, § 63, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1915.

SECTION 805

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
805	15 U.S.C. 1141d.	July 5, 1946, ch. 540, title XII, § 64, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1916.

SECTION 806

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
806	15 U.S.C. 1141e.	July 5, 1946, ch. 540, title XII, § 65, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1916.

SECTION 807

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
807	15 U.S.C. 1141f.	July 5, 1946, ch. 540, title XII, § 66, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1916.

SECTION 808

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
808	15 U.S.C. 1141g.	July 5, 1946, ch. 540, title XII, § 67, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1917.

SECTION 809

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
809	15 U.S.C. 1141h.	July 5, 1946, ch. 540, title XII, § 68, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1917.

SECTION 810

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
810	15 U.S.C. 1141i.	July 5, 1946, ch. 540, title XII, § 69, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1918.

SECTION 811

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
811	15 U.S.C. 1141j.	July 5, 1946, ch. 540, title XII, § 70, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1918.

SECTION 812

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
812	15 U.S.C. 1141k.	July 5, 1946, ch. 540, title XII, § 71, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1919; Mar. 17, 2010, Pub. L. 111-146, § 3(d)(2), 124 Stat. 68.

SECTION 813

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
813	15 U.S.C. 1141l.	July 5, 1946, ch. 540, title XII, § 72, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1920.

SECTION 814

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
814	15 U.S.C. 1141m.	July 5, 1946, ch. 540, title XII, § 73, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1920.

SECTION 815

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
815	15 U.S.C. 1141n.	July 5, 1946, ch. 540, title XII, § 74, as added Pub. L. 107-273, div. C, title III, § 13402, Nov. 2, 2002, 116 Stat. 1920.

Subtitle IV—Other Intellectual Property Provisions

Chap.

Sec.

91. Coordination and strategic planning of Federal effort against counterfeiting and infringement 901
101. Miscellaneous 1001

CHAPTER 91—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

- Sec.
 901. Definitions.
 902. Intellectual Property Enforcement Coordinator.
 903. Intellectual Property Enforcement Advisory Committee.
 904. Joint strategic plan.
 905. Reporting.
 906. Effect of chapter.

SECTION 901

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
901(1), (2)	(no source).	
901(3)	15 U.S.C. 8112.	Pub. L. 110–403, title III, § 302, Oct. 13, 2008, 122 Stat. 4266.
901(4) through (6)	(no source).	
901(7)	15 U.S.C. 8101	Pub. L. 110–403, title III, § 3, Oct. 13, 2008, 122 Stat. 4257.

A definition of “counterfeiting” is added to distinguish the term, as used in this chapter in reference to counterfeiting of intellectual property, from other forms of counterfeiting.

A definition of “infringement” is added to distinguish the term, as used in this chapter in reference to infringement of an intellectual property right, from other forms of infringement.

In paragraph (3)(A), the word “both” is omitted as unnecessary. In paragraph (3)(B), the words “in particular” are omitted as unnecessary.

Definitions of “IPEC”, “IPE Advisory Committee”, and “joint strategic plan” are added for clarity and convenience.

SECTION 902

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
902	15 U.S.C. 8111(a) through (b)(2)	Pub. L. 110–403, title III, § 301(a) through (b)(2), Oct. 13, 2008, 122 Stat. 4264.

SECTION 903

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
903	15 U.S.C. 8111(b)(3)	Pub. L. 110–403, title III, § 301(b)(3), Oct. 13, 2008, 122 Stat. 4265.

In subsection (b)(2), before subparagraph (A), the words “Federal agencies” are substituted for “departments and agencies” for clarity, because all the entities that make up the advisory committee are part of the Federal Government, and for consistency in the subtitle. In subparagraph (F), the words “U.S. Customs and Border Protection” are substituted for “United States Customs and Border Protection” because of 6 U.S.C. 211. The words “U.S. Immigration and Customs Enforcement” are substituted for “United States Im-

migration and Customs Enforcement” to reflect the correct name of U.S. Immigration and Customs Enforcement.

SECTION 904

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
904	15 U.S.C. 8113	Pub. L. 110-403, title III, § 303, Oct. 13, 2008, 122 Stat. 4266.

In this section, the words “Federal agencies” are substituted for “Federal agencies and Departments” and “departments and agencies” for consistency because the departments and agencies involved are those that comprise the Intellectual Property Enforcement Advisory Committee.

In subsection (b)(2), the words “to be employed” are omitted as unnecessary.

In subsection (e)(2), the word “information” is substituted for “department or agency information” to eliminate unnecessary words.

In subsection (f), the words “Not later than December 31 of every 3d year beginning in 2018” are substituted for “Not later than 12 months after October 13, 2008, and not later than December 31 of every third year thereafter” to eliminate obsolete language.

SECTION 905

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
905	15 U.S.C. 8114	Pub. L. 110-403, title III, § 304, Oct. 13, 2008, 122 Stat. 4269.

In subsection (a), the words “beginning in 2009” are omitted as obsolete.

In subsection (b)(5), the words “Federal agencies” are substituted for “departments and agencies” for consistency because the departments and agencies are those that are represented on the Intellectual Property Enforcement Advisory Committee.

In subsection (b)(10), the words “Federal agencies” are substituted for “Federal agencies and Departments” for consistency in the subtitle.

SECTION 906

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
906(a)	15 U.S.C. 8115(b)	Pub. L. 110-403, title III, § 305(b), Oct. 13, 2008, 122 Stat. 4270.
906(b)	15 U.S.C. 8115(c)	Pub. L. 110-403, title III, § 305(c), Oct. 13, 2008, 122 Stat. 4270.

In subsection (a), before paragraph (1), the words “Except as provided in subsection (a)” are omitted as obsolete. The words “Federal agency” are substituted for “department or agency of the United States (including any independent agency)” for consistency in the subtitle.

In subsection (b)(1), the words “Federal agency” are substituted for agencies, department, or other entities” for consistency because the departments, agencies, or other entities are those that comprise the Intellectual Property Enforcement Advisory Committee.

CHAPTER 101—MISCELLANEOUS

Sec.
1001. Cybersquatting protection for individuals.

SECTION 1001

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1001	15 U.S.C. 8131.	Pub. L. 106–113, div. B, § 1000(a)(9) [title III, § 3002(b)], Nov. 29, 1999, 113 Stat. 1501A–548.

SECTION 7—CONFORMING CROSS-REFERENCES

Section 7 of the bill makes conforming cross-references in laws classified to various titles of the United States Code. These amendments are necessary because of the restatement of the source provisions in section 6 of the bill.

SECTION 8—TRANSITIONAL AND SAVINGS PROVISIONS

Section 8 of the bill contains transitional and savings provisions.

SECTION 9—REPEALS

Section 9 of the bill repeals provisions replaced by the bill, along with unnecessary and obsolete provisions (see “Disposition Table” above).