

INTA PAC: 116th Congressional Session— Key IP Legislation

1) Trademark Office Modernization Act of 2020:

H.R. 6196: Introduced by: Representative Henry (Hank) Johnson (D-GA-4th), Representative Doug Collins (R-GA-9th), Representative Jerrold (Jerry) Nadler (D-NY-10th), Representative Martha Roby (R-AL-2nd).

S. 3449: Introduced by: Senator Thom Tillis (R-NC), Senator Christopher Coons (D-DE).

Bills introduced on March 11, 2020.

Bill Status: Introduced and referred to Judiciary Committees in both houses.

Bill Summary: This bill amends the Trademark Act of 1946 (Lanham Act) to provide for third-party submission of evidence relating to a trademark application. The bill also establishes expungement and ex-parte proceedings relating to the validity of marks, provides for a rebuttable presumption of irreparable harm in certain proceedings.

2) SHOP SAFE Act of 2020: “Stopping Harmful Offers on Platforms by Screening Against Fakes in E-commerce Act of 2020”:

H.R. 6058: Introduced by: Representative Jerrold (Jerry) Nadler (D-NY-10th), Representative Henry (Hank) Johnson (D-GA-4th), Representative Doug Collins (R-GA-9th), Representative Martha Roby (R-AL-2nd).

Bill introduced on March 2, 2020. No Senate-related bill.

Bill Status: Introduced and referred to House Judiciary Committee.

Bill Summary: This bill amends the Trademark Act of 1946 (Lanham Act) to provide for contributory liability for certain electronic commerce platforms for the use of a counterfeit mark by a third party on such platforms.

3) Trademark Licensing Protection Act of 2019:

S. 2439: Introduced by: Senator Angus King (I-ME), Senator James Lankford (R-OK), Senator John Cornyn (R-TX), Senator Kyrsten Sinema (D-AZ), Senator Michael Braun (R-IN), Senator Joe Manchin (D-WV), Senator Kevin Cramer (R-ND).

H.R. 4164: Introduced by: Representative Steve Chabot (R-1st-OH), Representative Henry Cuellar (D-TX-28th), Representative Doug Collins (R-GA-9th), Representative Lou Correa (D-CA-46th), Representative Ben Cline (R-6th-VA).

Senate Bill introduced on August 1, 2019.
House Bill introduced on August 28, 2019.

Bill Status: Introduced and referred to Judiciary Committees in both houses.

Bill Summary: This bill amends the Trademark Act of 1946 (Lanham Act) so that the licensing of a mark for use by a related company may not be construed as establishing an employment relationship between the owner of the mark, or an authorizing person, and either that related company or the employees of that related company.

4) FLAG Act – “Fair Licensing Access for Governments Act of 2019”:

H.R. 1999: Introduced by: Representative Hakeem Jeffries (D-NY-8th), Representative Martha Roby (R-AL-2nd).

S. 963: Introduced by: Senator Amy Klobuchar (D-MN), Senator Thom Tillis (R-NC), Senator Chuck Schumer (D-NY).

Bills introduced on April 1, 2019.

Bill Status: Introduced and referred to Judiciary Committees in both houses.

Bill Summary: This bill amends the Trademark Act of 1946 (Lanham Act) to provide for the registration of marks consisting of the flag, coat of arms, or other official insignia of the United States, any State or municipality, or any foreign nation.

5) Counterfeit Goods Seizure Act of 2019:

S. 2987: Introduced by: Senator Thom Tillis (R-NC), Senator Christopher Coons (D-DE), Senator Bill Cassidy (R-LA), Senator Mazie Hirono (D-HA).

Introduced on December 5, 2019.

Bill Status: Introduced and referred to Senate Finance Committee.

Bill Summary: This bill authorizes U.S. Customs and Border Protection to seize imported merchandise that infringes a design patent, and for other purposes.

Our Position: We support the bill, which will help stem the flood of counterfeit goods entering the United States, and thus help protect consumers and U.S. brand owners alike.

6) INFORM Consumers Act – “Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers Act”

S. 3431: Introduced by: Senator Bill Cassidy (R-LA), Senator Dick Durbin (D-IL), Senator David Perdue (R-GA).

Introduced on March 10, 2020.

Bill Status: Introduced and referred to Senate Commerce, Science and Transportation Committee.

Bill Summary: This bill requires online marketplaces to inform consumers about certain verified information regarding high-volume third-party sellers of consumer products

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