

115TH CONGRESS
1ST SESSION

S. 259

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

Mr. NELSON (for himself, Mr. RUBIO, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

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. SHORT TITLE.**

4 This Act may be cited as the “No Stolen Trademarks
5 Honored in America Act”.

6 **SEC. 2. MODIFICATION OF PROHIBITION.**

7 Section 211 of the Department of Commerce and Re-
8 lated Agencies Appropriations Act, 1999 (as contained in

1 section 101(b) of division A of Public Law 105–277; 112
2 Stat. 2681–88) is amended—

3 (1) in subsection (a)(2)—

4 (A) by striking “by a designated national”;

5 and

6 (B) by inserting before the period “that
7 was used in connection with a business or as-
8 sets that were confiscated unless the original
9 owner of the mark, trade name, or commercial
10 name, or the bona fide successor-in-interest has
11 expressly consented”;

12 (2) in subsection (b), by striking “by a des-
13 igned national or its successor-in-interest”;

14 (3) by redesignating subsection (d) as sub-
15 section (e);

16 (4) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) Subsections (a)(2) and (b) of this section shall
19 apply only if the person or entity asserting the rights knew
20 or had reason to know at the time when the person or
21 entity acquired the rights asserted that the mark, trade
22 name, or commercial name was the same as or substan-
23 tially similar to a mark, trade name, or commercial name
24 that was used in connection with a business or assets that
25 were confiscated.”; and

1 (5) in subsection (e), as so redesignated, by
2 striking “In this section:” and all that follows
3 through “(2) The term” and inserting “In this sec-
4 tion, the term”.

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