

118TH CONGRESS
1ST SESSION

S. 746

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

MARCH 9, 2023

Mr. MENENDEZ (for himself, Mr. RUBIO, Ms. CORTEZ MASTO, Mr. BRAUN, Mr. TILLIS, Mr. MARSHALL, Ms. HIRONO, and Mr. YOUNG) 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 inserting “or entity of the executive
5 branch” after “U.S. court”;

6 (B) by striking “by a designated national”;

7 and

8 (C) by inserting before the period at the
9 end the following: “that was used in connection
10 with a business or assets that were confiscated
11 unless the original owner of the mark, trade
12 name, or commercial name, or the bona fide
13 successor-in-interest has expressly consented”;

14 (2) in subsection (b)—

15 (A) by inserting “or entity of the executive
16 branch” after “U.S. court”; and

17 (B) by striking “by a designated national
18 or its successor-in-interest”;

19 (3) by redesignating subsection (d) as sub-
20 section (e);

21 (4) by inserting after subsection (c) the fol-
22 lowing:

23 “(d) Subsections (a)(2) and (b) of this section shall
24 apply only if the person or entity asserting the rights knew
25 or had reason to know at the time when the person or

1 entity acquired the rights asserted that the mark, trade
2 name, or commercial name was the same as or substan-
3 tially similar to a mark, trade name, or commercial name
4 that was used in connection with a business or assets that
5 were confiscated.”; and

6 (5) in subsection (e), as so redesignated, by
7 striking “In this section:” and all that follows
8 through “(2) The term” and inserting the following:
9 “In this section, the term”.

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