

The original documents are located in Box 43, folder “4/16/76 S720 Renewal of American Legion Patent” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED

4/16/76

APR 16 1976

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: April 19

April 14, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

- S. 719 - Renewal of Sons of the American Legion Patent
- S. 720 - Renewal of American Legion Patent
- S. 721 - Renewal of American Legion Auxiliary Patent

*Posted 4/17/76
To Archives 4/19/76*

Attached for your consideration are three enrolled bills, sponsored by Senator McClellan, which would renew and extend patents for the badges of the American Legion, the Sons of the American Legion and the American Legion Auxiliary.

Additional background information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bills.

RECOMMENDATION

That you sign the enrolled bills at Tabs B, C and D.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APR 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 719 - Renewal of Sons of the American Legion patent
Sponsor - Sen. McClellan (D) Arkansas
- (2) S. 720 - Renewal of American Legion patent
Sponsor - Sen. McClellan (D) Arkansas
- (3) S. 721 - Renewal of American Legion Auxiliary patent
Sponsor - Sen. McClellan (D) Arkansas

Last Day for Action

April 19, 1976 - Monday

Purpose

To renew and extend patents for the badges of the American Legion, the Sons of the American Legion and the American Legion Auxiliary.

Agency Recommendations

Office of Management and Budget

Approval

Department of Commerce

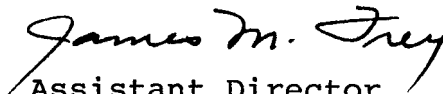
No objection

Discussion

Design patents were granted for the emblems and insignia on the badges of the American Legion in 1919 (patent No. 54,296), the American Legion Auxiliary in 1920 (patent No. 55,398) and the Sons of the American Legion in 1934 (patent No. 92,187). These patents have been renewed by an act of Congress approximately every 14 years when the statutory period for the protection of a patent normally ends. They were last extended in 1962 and would end on June 25, 1976.

The enrolled bills would renew and extend these three patents for an additional 14 years from the date of approval of the bills. This would permit the associations to continue the exclusive use of the identifying marks on the badges.

In its views letter on the enrolled bills, the Department of Commerce notes that "protection of these badges against abuse would more appropriately be a subject of the unfair competition and trademark laws rather than the patent laws..." and that "...a preferable alternative would be the enactment of general legislation protecting these badges which would not require periodic extensions." However, the Department does not object to approval of the bills.


Assistant Director
for Legislative Reference

Enclosures



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

APR 9 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning S. 719, S. 720, and S. 721, enrolled enactments

"Granting a renewal of patent numbered 92, 187 relating to the badge of the Sons of the American Legion;"

→ "Granting a renewal of patent numbered 54, 296 relating to the badge of the American Legion;" and

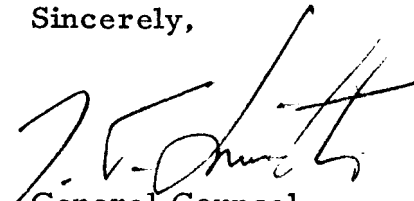
"Granting a renewal of patent numbered 55, 398 relating to the badge of the American Legion Auxiliary."

The above identified design patents have been subject to numerous extensions by Congress and were last extended by the Acts of Congress, approved June 25, 1962, Private Laws 437, 433 and 439, 87th Congress, 2nd Session (76 Stat. 1318, 1319).

In commenting to the House Judiciary Committee on identical legislation, this Department pointed out that protection of these badges against abuse would more appropriately be a subject of the unfair competition and trademark laws rather than the patent laws, or that a preferable alternative would be the enactment of general legislation protecting these badges which would not require periodic extensions. While this Department continues to believe these alternatives would be more appropriate, we do not object to Presidential approval of the enrolled bills.

Enactment of these enrolled bills would not involve the expenditure of any funds by this Department.

Sincerely,


General Counsel



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO. 2

Date: April 13

Time: 515pm

FOR ACTION:

David Lissy *DL*
Ted Marrs *DM*
Max Friedersdorf *MF*
Ken Lazarus *KL*
Paul Leach *PL*

cc (for information):

Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date

April 14

Time:

300pm

SUBJECT:

HHR19 - Renewal of Sons of the American Legion Patent
S. 720 - Renewal of American Legion patent
S. 721 - Renewal of American Legion Auxiliary patent

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Carroll 4/14

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

Date: April 13

Time: 515pm

FOR ACTION: David Lissy
 Ted Marrs
 Max Friedersdorf
 Ken Lazarus ✓
 Paul Leach

cc (for information): Jack Marsh
 Jim Cavanaugh
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 14

Time: 300pm

SUBJECT:

S.719 - Renewal of Sons of the American Legion Patent
 S.720 - Renewal of American Legion patent
 S.721 - Rnewal of American Legion Auxiliary patent

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 4/14/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
 For the President

THE WHITE HOUSE

WASHINGTON

April 14, 1976

MEMORANDUM FOR:

JIM CAVANAUGH.

FROM:

MAX L. FRIEDERSDORF *M.L.*

SUBJECT:

S. 719 - Renewal of Sons of the American Legion Patent

S. 720 - Renewal of American Legion patent

S. 721 - Renewal of American Legion Auxiliary patent

The Office of Legislative Affairs concurs with the agencies
that the subject bills be signed.

Attachments

Date: April 13

Time: 515pm

FOR ACTION: David Lissy
Ted Marrs ✓
Max Friedersdorf
Ken Lazarus
Paul Leach

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 14

Time: 300pm

SUBJECT:

- S.719 - Renewal of Sons of the American Legion Patent
- S.720 - Renewal of American Legion patent
- S.721 - Rnewal of American Legion Auxiliary patent

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

The President should comment in signing that he would like to see these patents on a permanent basis but is pleased to take the limited action provided in view of the bill provided.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

James M. Cannon
For the President

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Date: April 13

Time: 515pm

FOR ACTION: David Lissy ✓
Ted Marrs
Max Friedersdorf
Ken Lazarus
Paul Leach

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 14

Time: 300pm

SUBJECT:

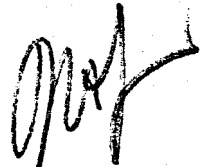
- S.719 - Renewal of Sons of the American Legion Patent
- S.720 - Renewal of American Legion patent
- S.721 - Rnewal of American Legion Auxiliary patent

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

4.13
Recommend Approved


PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

RENEWAL OF PATENT RELATING TO BADGE OF THE AMERICAN LEGION

MARCH 17, 1976.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. KASTENMEIER, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 4587]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4587), granting a renewal of patent No. 54,296 relating to the badge of the American Legion, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

On December 9, 1919, a design patent No. 54,296 was granted for the protection of the emblem and insignia of the American Legion. After the 14-year term, it expired December 9, 1933. The design patent was renewed by the act of August 2, 1935, and further extended by the acts of June 27, 1949 and June 25, 1962 (Private Law 87-439).

This legislation is a simple renewal and extension for a period of 14 years from the date of approval of this legislation. For over 50 years the Congress has been extending the statutory protection for symbols or badges of patriotic or religious associations enabling these associations to control the use of their identifying marks.

The suggestion has been put forth that protection of such badges against abuse would more appropriately be sought under the unfair competition and the trademark law rather than under the patent law. In the Committee's view, however, insufficient cause has been shown for departing from the precedents. The Committee accordingly recommends enactment of H.R. 4587.

COST AND RELATED MATTERS

Enactment of H.R. 4587 will entail no cost to the United States and will have no inflationary impact. The bill is not the subject of any statement from the House Committee on Government Operations.

VOTES

The Committee by voice vote ordered H.R. 4587 reported favorably without amendment at a public meeting held on March 16, 1976. No record vote was taken.



Calendar No. 110

94TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 94-116

RENEWAL OF PATENT RELATING TO BADGE OF THE AMERICAN LEGION

MAY 12 (legislative day, APRIL 21), 1975.—Ordered to be printed

Mr. McCLELLAN, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 720]

The Committee on the Judiciary, to which was referred the bill (S. 720) granting a renewal of patent No. 54,296 relating to the badge of the American Legion, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

STATEMENT

On December 9, 1919, a design patent No. 54,296 was granted for the protection of the emblem and insignia of the American Legion. After the 14-year term, it expired December 9, 1933. The design patent was renewed by the act of August 2, 1935, and further extended by the acts of June 27, 1949 and June 25, 1962 (Private Law 87-439).

This legislation is a simple renewal and extension for a period of 14 years from the date of approval of this legislation. For over 50 years the Congress has been extending the statutory protection for symbols or badges of patriotic or religious associations. The principal purpose of such legislation is to permit these associations to control the use of their identifying marks.

The committee is not aware of any reason for not following these precedents, and accordingly recommends the enactment of this legislation.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

Granting a renewal of patent numbered 54,296 relating to the badge of the
American Legion.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That a certain design
patent issued by the United States Patent Office of date of Decem-
ber 9, 1919, being patent numbered 54,296, is hereby renewed and
extended for a period of fourteen years from and after the date of
approval of this Act, with all the rights and privileges pertaining to
the same, being generally known as the badge of the American Legion.*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

April 7, 1976

Dear Mr. Director:

The following bills were received at the White House on April 7th:

- ✓ S. 719
- ✓ S. 720
- ✓ S. 721
- ✓ S. 804
- ✓ S. 832
- ✓ S. 2308
- ✓ S. 3108

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk



The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.

Dear Mr. Director:

The following bills were received at the White House on April 7th:

- ✓ S. 719
- ✓ S. 720
- ✓ S. 721
- ✓ S. 804
- ✓ S. 832
- ✓ S. 2308
- ✓ S. 3108

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.