

FEDERAL TRADEMARK DILUTION  
ACT OF 1995

Mr. DOLE. Mr. President, I ask unanimous consent to proceed to the immediate consideration of H.R. 1295, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1295) to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, passage of this bill is part of our effort to improve intellectual property protection around the world. I hope that it will serve to improve trademark enforcement domestically and serve as a model for our trading partners overseas.

Along with the Anti-Counterfeiting and Consumer Protection Act of 1995, S. 1360, which recently passed the Senate and has already been the subject of a hearing and markup before the House Judiciary Committee's Subcommittee on Courts and Intellectual Property, this bill will help protect the good names, reputations for quality, and investments of American companies from IBM to Ben & Jerry's.

Although no one else has yet considered this application, it is my hope that this antidilution statute can help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others.

I thank our House colleagues for their work on this bill. It is a pleasure to work with Chairman MOORHEAD and the House subcommittee on these matters. I commend, in particular, Representative SCHROEDER for her outstanding work on this measure. Our House colleagues have announced their intention not to seek reelection next fall. Their leadership and judgment will be greatly missed.

When we in the Senate last considered and passed a similar bill to provide an injunctive remedy against the dilution of the effectiveness of distinctive marks, we did so as part of more comprehensive trademark revision legislation in 1988. Since that time the dilution of well-known marks has become a greater problem both domestically and, especially, internationally.

We intend for this legislation to strengthen the hand of our international negotiators from the Office of the U.S. Trade Representative and the Department of Commerce as they press for bilateral and multilateral agreements to secure greater protection for the world famous marks of our U.S. companies. Foreign countries should no longer argue that we do not protect our marks from dilution, nor seek to excuse their own inaction against practices that are destructive of the distinctiveness of U.S. marks within their borders.

I am delighted that bill now includes express reference to fair use, news reporting, and news commentary. I continue to believe, as our House colleagues also affirm, that parody, satire, editorial, and other forms of expression will remain unaffected by this legislation.

Finally, I want to acknowledge the strong support of the U.S. Patent and Trademark Office, the Department of Commerce, and that of the International Trademark Association and its many members. Without their efforts, we would not be in position to approve this legislation and send it to the President for his signature.

Mr. President, this was an example of Senator HATCH, myself, and others working in a bipartisan effort to get a major piece of legislation through. I thank the leader for his efforts in getting it through.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1295) was deemed read the third time and passed.

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EXECUTIVE SESSION

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EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 439.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at the appropriate place in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the nomination was considered and confirmed, as follows:

Jed S. Rakoff, of New York, to be U.S. District Judge for the Southern District of New York.

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LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me indicate that we have had a meeting all afternoon at the White House, and I will say, without violating our agreement on statements, afterward we had a good working session. We covered a lot of ground. We are going to meet to-

morrow morning. We are going to be there all day, and probably through the evening. We will determine then whether or not we will be here Sunday or Monday. I think it is fair to say that we had a constructive session where everybody, in my view—regardless of party, regardless of being from the White House, Democrats or Republicans, the House or the Senate—had one thing in mind: trying to move the process along to get a balanced budget over the next 7 years.

I think there is a recognition that most Americans, regardless of party, want us to do that. We are not there yet. We have a lot of work to do. But I would say that today has been a day of progress.

I would also say that it had been my hope earlier that we could work out an agreement where Federal employees could go back to work. A week ago today we passed a measure in the Senate by unanimous consent that, in effect, deemed all Federal employees "essential" and also guaranteed that they would be paid. That bill went to the House, but it has not been considered.

I was advised today by the majority leader in the House, Congressman ARMEY, and the speaker, Congressman GINGRICH, that if we would send to the House the same measure we passed last week, and the so-called Mideast Peace Facilitation Act, and a third provision with reference to expedited procedures, so that once an agreement is reached there will be some expedited procedure in the Senate so that we will be certain we get a disposition of it, that they would be able to take that up today, Friday, by unanimous consent in the House. That was their best judgment. And so I was in hopes that we could work that out on the Senate side.

I was advised at the White House by the distinguished Democratic leader, Senator DASCHLE, that they would have to object because of the expedited procedure language, which seems to me something we ought to be able to work out. If we want people to go back to work and we want to make certain they will be paid and we also want to pass another very important piece of legislation, we ought to be able to reach some agreement on how we are going to handle the bill if we have an agreement, or if we do not have an agreement, how would we handle the balanced budget amendment.

I will ask that the text of this be printed in the RECORD after I ask unanimous consent, which will be objected to. But we have just taken the Budget Act, reduced the time to 10 hours, open to amendment during that 10 hours. Otherwise, we kept the Byrd amendment, for example. So we hope that the Democratic leader will have an opportunity between now and tomorrow to maybe come back with a counteroffer, because we are ready to act, put people back to work, and my view is that it is a very important matter that should be attended to.