

MEMORANDUM

JUD.- Patents/trademarks jad

TO: Kevin
FROM: Joe
DATE: July 20, 1979
RE: Amending the Lanham Trademark Act
CC: Mary J., Linda

Nels asked me to meet with some representatives from Century 21 real estate company a couple of months ago about a problem that they were having over the use of their trademark. Some states (including Indiana) have real estate boards which have passed regulations prohibiting the use of trademarks in larger print than the names of the real estate agents.

Many independent agents feel that the use of a logo like Century 21 and the agents name in smaller letters attracts customers more effectively than merely the agent's name. The Century 21 people cite a provision in the Lanham Trademark Act (15 U.S.C. 1127) which says the Act is "to protect registered marks used in (interstate) commerce from interference by State, or territorial legislation." Cranston has introduced a bill, S. 1343 which spells out clearly that State real estate boards cannot dictate the design of a registered mark. This bill would allow State boards to say what kind of real estate signs can be used and where, but they could not tell Century 21 offices how they could use their logo on the signs.

ok
As you can imagine, this is a big issue with Century 21 in Indiana. They have written to me and asked Bayh to cosponsor S. 1343 (presently there are no cosponsors and the bill is referred to full Judiciary). From what I have read on this matter this bill seems legitimate, but I am afraid that if we cosponsor, they will expect Bayh to move this through the Committee and I am not sure how hard that would be.

I should add that I have not talked to anyone yet on the other side. I have attached a copy of the Century 21 letter to me and Cranston's remarks on introduction of the bill.

Attachments