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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To clarify that the licensing of a mark, and any control or exercise of control thereof for certain purposes, does not create an employment or principal-agent relationship, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CHABOT introduced the following bill; which was referred to the Committee on _____

A BILL

To clarify that the licensing of a mark, and any control or exercise of control thereof for certain purposes, does not create an employment or principal-agent relationship, and for other purposes.

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 “Trademark Licensing
5 Protection Act of 2018”.

1 **SEC. 2. LICENSING OF MARKS FOR USE BY RELATED COM-**
2 **PANIES.**

3 Title I of the Act entitled “An Act to provide for the
4 registration and protection of trademarks used in com-
5 merce, to carry out the provisions of certain international
6 conventions, and for other purposes”, approved July 5,
7 1946 (15 U.S.C. 1051 et seq.), commonly referred to as
8 the “Trademark Act of 1946” or the “Lanham Act” is
9 amended by adding after section 5 the following new sec-
10 tion:

11 “LICENSING OF MARKS FOR USE BY RELATED
12 COMPANIES

13 “SEC. 5A. (a) The licensing of a mark for use by
14 a related company, and any control or exercise of control
15 over thereof for the purpose of preserving the goodwill,
16 reputation, uniformity, or expectation of the public of the
17 nature and quality of goods or services associated with the
18 mark, may not be construed as establishing an employ-
19 ment or principal-agent relationship between the owner of
20 the mark and the related company.

21 “(b) For the purposes of this section, the term ‘em-
22 ployment or principal-agent relationship’ means any type
23 of joint employer relationship, single employer relation-
24 ship, alter ego relationship, successorship relationship, or
25 other employment-related or principal-agent liability sta-
26 tus or relationship.”.