

graphs (a) and (b) of section 85 of this chapter, but which have been in bona fide use for not less than one year in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of \$15 has been paid to the Commissioner of Patents and such formalities as required by the said commissioner have been complied with: *Provided*, That trade-marks which are identical with a known trade-mark owned and used in interstate and foreign commerce, or commerce with the Indian tribes by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers, shall not be placed on this register. (As amended Apr. 11, 1930, c. 132, § 4, 46 Stat. 155.)

The amendment increased the fee from \$10 to \$15.

Section 7 of Act Apr. 11, 1930, c. 132, provided that § 4 of said Act, cited to the text, should "take effect on the 1st day of June."

#### ★ 122. Cancellation of registration.—

It has been suggested that this section would be clarified if "this register" in line 3 thereof should be changed to read, "the register provided by section 121 of this title."

★ 126. Application of other provisions.—The provisions of sections 95, 97 to 100, inclusive, and 107 (as to class [b] marks only) of this chapter and the provisions of section 131 of this chapter, are made applicable to marks placed on the register provided for by section 121 of this chapter. (Mar. 19, 1920, c. 104, 41 Stat. 635.)

This section has been reprinted to correct an error in the section as printed in the Code.

#### Chapter 4.—CHINA TRADE ACT.

★ Section 144. Incorporation; articles; business prohibited; subscription to stock.—

"successfully" in last line of subd. (b) (5) of this section should read "successively."

#### Chapter 5.—THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Section 178. Reports of foreign and interstate commerce and transportation.—[Repealed.]

This section was repealed by Act May 29, 1928, c. 901, § 1, 45 Stat. 980, 991, entitled "An Act to discontinue certain reports now required by law to be made to Congress," which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: \* \* \*

"105. Report of the Bureau of Foreign and Domestic Commerce on the commercial relations of the United States. (Statutes at Large, volume 18, page 352; title 15, section 178, United States Code.)"

#### 180. Annual statement of vessels.—

In the opinion of the Commissioner of Navigation, this section is obsolete as having been repealed by implication, and superseded by § 4 of Title 40.

189a. Sale of lists of foreign buyers, news bulletins, reports, etc.; charges; disposition of receipts.—The Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as "Miscellaneous receipts." (Apr. 29, 1926, c. 195, Title III, 44 Stat. 353.)

This section appears to be temporary legislation as it has been repealed in subsequent Appropriation Acts.

195. Transportation expenses of employees.—Employees of the bureau may be paid in lieu of all transportation expenses

not to exceed 7 cents per mile for the use of their own automobiles when used for necessary travel on official business. (Apr. 18, 1930, c. 184, Title III, § 1, 46 Stat. 198.)

This section appears to be temporary legislation as it has been repealed in subsequent Appropriation Acts.

#### FOREIGN COMMERCE SERVICE

197. Establishment; officers; grades.—There is hereby established in the Bureau of Foreign and Domestic Commerce of the Department of Commerce the Foreign Commerce Service of the United States (hereinafter referred to as the "foreign commerce service"), consisting of officers to be graded in the following order and to be known as commercial attachés, assistant commercial attachés, trade commissioners, and assistant trade commissioners. (Mar. 3, 1927, c. 365, § 1, 44 Stat. 1304.)

The Act cited to the text was entitled "An Act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes."

Section 8 of said Act provided as follows: "This Act shall take effect upon its enactment."

197a. Duties of officers.—Under the direction of the Secretary of Commerce (hereinafter referred to as the "Secretary"), the officers of the foreign commerce service shall—

- (a) Promote the foreign commerce of the United States;
- (b) Investigate and report upon commercial and industrial conditions and activities in foreign countries which may be of interest to the United States;
- (c) Perform such other duties as the Secretary may direct in connection with the promotion of the industries, trade, or commerce of the United States;
- (d) Make such inspections of the foreign commerce service as the Secretary may direct. (Mar. 3, 1927, c. 365, § 2, 44 Stat. 1304.)

See note to § 197.

197b. Appointment of officers; eligibility; compensation; promotions; assignments for duty; leaves of absence; allowances for quarters, heat, and light.—(a) The Secretary is authorized to appoint officers of the foreign commerce service, but only after eligibility has been determined by examinations held by the Civil Service Commission and the Department of Commerce in coordination, under regulations approved by the Civil Service Commission, except that the Secretary may, with the approval of the Civil Service Commission, appoint without such examination any person who, prior to March 3, 1927, has served, or has passed an examination for appointment, as commercial attaché, assistant commercial attaché, trade commissioner, division head, assistant trade commissioner, commercial agent, or special agent in the Bureau of Foreign and Domestic Commerce.

(b) The Secretary shall appoint each officer of the foreign commerce service to a grade specified in section 197 of this title, and to one of the following classes, and shall fix his compensation within the salary range specified for such class: Class 1, \$8,000 to \$10,000; class 2, \$1,000 to \$8,000; class 3, \$1,000 to \$6,000; class 4, \$3,000 to \$1,000; class 5, below \$3,000. In making appointments to a grade and class and in fixing compensation the Secretary shall take into consideration the examination and record of the officer and the post to which assigned, and the various commercial interests of the different sections of the country.

(c) The Secretary is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service officers of the foreign commerce service, but in so doing the Secretary shall take into consideration records of efficiency maintained under his direction.

(d) Any officer of the foreign commerce service may be assigned for duty in the United States for a period of not more