

The **PRESIDING OFFICER**. The question is upon the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. **HENDERSON**. I move that the Senate request a conference with the House of Representatives upon the bill and amendment and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. **HENDERSON**, Mr. **WALSH**, and Mr. **POINDEXER** conferees on the part of the Senate.

MINIMUM WAGES IN THE DISTRICT OF COLUMBIA.

Mr. **KENYON**. I move that the Senate proceed to the consideration of House bill 12098.

Mr. **SHAFROTH**. Mr. President, I should like to have the title of the bill stated.

Mr. **KENYON**. The bill is what is known as the minimum-wage bill for the District of Columbia. It has passed the House and has been reported unanimously from the District of Columbia Committee of the Senate.

The **PRESIDING OFFICER**. The Senator from Iowa moves that the Senate proceed to the consideration of House bill 12098.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12098) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum-wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes.

The bill was reported to the Senate without amendment.

Mr. **KING**. Mr. President, I move that the Senate adjourn.

Mr. **MARTIN**. Mr. President, I hope the Senator will withdraw that motion. We ought to have an executive session. There are five or six hundred nominations here. They are routine, but they ought to be disposed of.

Mr. **FLETCHER**. There is a bill here also from the Commerce Committee that has no opposition. It has been recommended by the department. It is in pursuance of a convention that has been entered into.

The **PRESIDING OFFICER**. Does the Senator from Utah withdraw his motion?

Mr. **KING**. I will withhold it for a moment.

Mr. **MARTIN**. I want to have an executive session.

Mr. **JONES** of Washington. Mr. President, I want to suggest to the Senator that this bill has passed the House. It has been considered twice by the Senate Committee on the District of Columbia. That is, the Senate committee reported a Senate bill that is almost identical with this. I think about the only change is that in the Senate bill we provided for compensation to the board of \$5 a day for actual services, and expenses. That was left out of the House bill when the Senate committee reported it, and that is substantially the only difference between the two bills.

Mr. **KING**. Let me say to the Senator that there are one or two Senators, I know, who were speaking about some amendments. I have no objection to the bill being made the unfinished business, and I think we can pass it very quickly when we convene again.

Mr. **JONES** of Washington. I suggest that the bill has gotten out of the Committee of the Whole and is now in the Senate.

Mr. **KING**. I did not understand that.

The **PRESIDING OFFICER**. The bill is in the Senate and open to amendment.

Mr. **MARTIN**. Mr. President, as there seems to be some opposition to the bill and there are very few Senators present, I suggest that it be temporarily laid aside, without losing its place as the unfinished business. The Senator from Florida [Mr. **FLETCHER**] has an uncontested matter, which probably can be disposed of in a very few minutes. If that is agreeable to the Senator in charge of the bill, it will facilitate the business of the Senate.

Mr. **KENYON**. Mr. President, I will say that I made the motion in the absence of the Senator from Florida [Mr. **TRAMMELL**], who is in charge of the bill and who is here now. He and I are deeply interested in the bill. If it is satisfactory to him that it be temporarily laid aside and not lose its place as the unfinished business and not lose its present place on the calendar, I have no objection.

Mr. **TRAMMELL**. Mr. President, under the circumstances that will be agreeable, with the understanding that the bill is not to lose its position as the unfinished business, but is merely temporarily laid aside.

The **PRESIDING OFFICER**. The Senator from Florida and the Senator from Iowa ask unanimous consent that the bill may be temporarily laid aside and made the unfinished business. Is there objection? The Chair hears none, and it is so ordered.

Mr. **KING**. I withdraw my motion, Mr. President.

PROTECTION OF TRADE-MARKS.

Mr. **FLETCHER**. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 4889.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4889) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Commissioner of Patents shall keep a register of all marks communicated to him by the international bureaus provided for by the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires in the Argentine Republic, August 20, 1910, in connection with which the fee of \$50 gold for the international registration established by Article II of that convention has been paid, which register shall show a facsimile of the mark; the name and residence of the registrant; the number, date, and place of the first registration of the mark, including the date on which application for such registration was filed and the term of such registration, a list of goods to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark.

SEC. 1. That whenever any person shall deem himself injured by the inclusion of a trade-mark on this register, he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question, and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the exclusive use of the mark at or since the date of his application for registration thereof, or that the mark is not used by the registrant, or has been abandoned, and the examiner shall so decide, the commissioner shall cancel the registration. Appeal may be taken to the commissioner in person from the decision of the examiner in charge of interferences.

SEC. 2. That any person who shall willfully and with intent to deceive, apply, annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, including words or other symbols, tending to falsely identify the origin of the merchandise, and shall then cause such merchandise to enter into interstate or foreign commerce, and any person who shall knowingly transport such merchandise, or cause or procure the same to be transported in interstate or foreign commerce, or commerce with Indian tribes, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to an action in equity for an injunction, at the suit of any person, firm, or corporation doing business in the locality falsely indicated as that of origin, or in the region in which said locality is situated, or at the suit of any association of such persons, firms, or corporations.

SEC. 3. That any person who shall without the consent of the owner thereof reproduce, counterfeit, copy, or colorably imitate any trade-mark on the register provided by this act, and shall affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

SEC. 4. That it shall be the duty of a registrant under this act to comply with the law of the country in which his original registration took place, in respect to giving notice to the public that the trade-mark is registered, in connection with the use of such trade-mark in the United States of America, and in any suit for infringement by a party failing to do this, no damages shall be recovered, except on proof that the defendant was duly notified of the infringement and continued the same after such notice.

SEC. 5. That the provisions of sections 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, and 29 of the act, approved February 20, 1905, entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States, or with Indian tribes, and to protect the same," as amended to date, are hereby made applicable to marks placed on the register provided for by section 1 of this act.

SEC. 6. That written or printed copies of any records, books, papers, or drawings belonging to the Patent Office and relating to trade-marks placed on the register provided for by this act, when authenticated by the seal of the Patent Office and certified by the commissioner thereof, shall be evidence in all cases wherein the originals could be evidence, and any person making application therefor, and paying the fee required by law shall have certified copies thereof.

SEC. 7. That the same fees shall be required for certified and uncertified copies of papers and for records, transfers, and other papers, under this act, as are required by law for such copies of patents and for recording assignments and other papers relating to patents.