

Appropriation authorized.

SEC. 2. There is authorized to be appropriated the sum of \$100 for the perpetual care and upkeep of the monument and grave site by the trustees of Glenwood Cemetery, and the further sum of not to exceed \$400 for a suitable bronze and stone monument to mark the grave of the said Constantino Brumidi.

Approved June 30, 1950.

[CHAPTER 443]

AN ACT

To provide for the enlistment of aliens in the Regular Army.

June 30, 1950  
[S. 2269]

[Public Law 597]

Regular Army.  
Enlistment of aliens.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, with the approval of the Secretary of State, the Secretary of the Army, under such regulations as the Secretary of the Army may prescribe, is authorized until June 30, 1953, to accept original enlistments or reenlistments in the Regular Army for periods of not less than five years of not to exceed two thousand five hundred qualified unmarried male aliens (without dependents as defined in section 4 of the Act of June 16, 1942 (56 Stat. 361), as amended), who are not less than eighteen years of age or more than thirty-five years of age; and, with the approval of the Secretary of State to accept reenlistment of any such alien upon the expiration of his original term of enlistment for such period or periods as the Secretary of the Army may determine: *Provided,* That persons enlisted under the provisions of this Act shall be integrated into established units with citizen soldiers and not segregated into separate organizations for aliens.

37 U. S. C., Sup. III,  
§ 104 note.

SEC. 2. Provisions of law prohibiting the payment of any person not a citizen of the United States shall neither apply to aliens who enlist in the Regular Army under the provisions of section 1 of this Act nor to their dependents and beneficiaries.

Suspension of restriction.

SEC. 3. So much of section 2 of the Act approved August 1, 1894 (28 Stat., ch. 179, 216; 10 U. S. C. 625), as amended, as reads “; and in time of peace no person (except an Indian) who is not a citizen of the United States or who has not made legal declaration of his intention to become a citizen of the United States, shall be enlisted for the first enlistment in the Army” is hereby suspended until June 30, 1953, with respect to enlistments made under section 1 of this Act.

Permanent residence.

62 Stat. 281.  
8 U. S. C., Sup. III,  
§ 724a.

SEC. 4. Notwithstanding the periods set forth therein, the provisions of section 324A of the Nationality Act of 1940, as added by the Act of June 1, 1948 (Public Law 567, Eightieth Congress), are applicable to aliens enlisted or reenlisted pursuant to the provisions of this Act. Any alien enlisted or reenlisted pursuant to the provisions of this Act who subsequently enters the United States or an outlying possession thereof (including the Panama Canal Zone, but excluding the Philippine Islands) pursuant to military orders shall, if otherwise qualified for citizenship, and after completion of five or more years of military service, if honorably discharged therefrom, be deemed to have been lawfully admitted to the United States for permanent residence within the meaning of such section 324A.

Approved June 30, 1950.

[CHAPTER 444]

AN ACT

To provide for the extension of the term of certain patents of persons who served in the military or naval forces of the United States during World War II.

June 30, 1950  
[H. R. 4692]

[Public Law 598]

Extension of certain patents.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person

who served honorably in the military or naval forces of the United States at any time between December 7, 1941, and September 2, 1945—

(a) who is the inventor or discoverer of an invention or discovery for which a patent was granted to him prior to September 2, 1945, the original term of which had not expired prior to said date and which is still owned by him, or who was prior to said date and continuously thereafter the sole owner of a patent for an invention or discovery which had not expired prior to said date; and

(b) who, between December 7, 1941, and the date of the termination of his service but not later than the date of enactment of this Act, was not receiving income from said patent or patented invention or discovery; or whose income therefrom was substantially reduced as a result of his said service or because of the war, may obtain an extension of his patent for the term specified herein, upon application to the Commissioner of Patents within one year after the enactment of this Act and upon complying with the provisions of this Act. The period of extension of such patent shall be a further term from the expiration of the original term thereof equaling twice the length of the portion of his said service between the dates of December 7, 1941, and September 2, 1945, during which his patent was in force.

SEC. 2. (a) The application for extension shall be accompanied by a fee of \$30 and shall include a verified statement, accompanied by supporting evidence, of all facts necessary to obtain the extension. The application shall also include a statement of the names of all persons, firms, or corporations, if any, holding at the time of the passage of this Act, any right or interest in or under the patent.

Application, etc.

(b) In the case of a person, as described in section 1 of this Act, who dies, or has died, or who becomes insane or unable to act, which person owned an interest as described in this Act in said patent at the time of his death or at the time he was declared mentally incompetent or become unable to act, such application may be filed or proceeded with by his legal representative substantially as provided in section 4896 of the Revised Statutes of the United States, as amended (sec. 46, title 35, U. S. C.), with respect to proceedings in such cases for obtaining a patent.

SEC. 3. On the filing of such application the Commissioner of Patents shall cause an examination thereof to be made and, if on such examination it shall appear that such application conforms, or by amendment or supplement is made to conform, to the requirements of this Act, the Commissioner shall cause notice of such application to be published at least once in the Official Gazette. Any person who believes that he would be injured by such extension may within forty-five days from such publication oppose the same on the ground that any of the statements in the application for extension is not true in fact, which notice of opposition shall be verified. In all cases where notice of opposition is filed the Commissioner of Patents shall notify the applicant for extension thereof and set a day for hearing. If after such hearing the Commissioner of Patents is of the opinion that such extension should not be granted, he may deny the application therefor, stating in writing his reasons for such denial. Where an extension is refused the applicant therefor shall have the same remedy by appeal from the decision of the Commissioner to the United States Court of Customs and Patent Appeals as is now provided by law where an applicant for patent is dissatisfied with the decision of the Patent Office Board of Appeals. If no opposition to the grant of the extension is filed, or if, after opposition is filed, it shall be decided that the applicant is entitled to the extension asked for, the

Notices; hearing; issuance of certificate.

Commissioner of Patents shall issue a certificate that the term of said patent is extended for the additional period provided therein and shall cause notice of such extension to be published in the Official Gazette and marked upon copies of the patent for sale by the Patent Office, in such manner as the Commissioner may determine.

SEC. 4. (a) Upon the issuance of the certificate of extension, said patent shall have the same force and effect in law as though it had been originally granted for seventeen years plus the term of such extension, except as otherwise provided herein.

U. S. rights.

(b) No patent extended under the provisions of this Act shall in any way serve as the basis for any claim by reason of manufacture, use, or sale by or for the United States during the period of extension, and the rights of the United States shall remain in all respects as if such patent had not been extended.

Conflicting rights in patents, etc.

(c) No extension granted under the provisions of this Act shall impair the right of anyone who before the passage of this Act was bona fide in possession of any rights in patents or applications for patents conflicting with the rights in any patent extended under the Act, nor shall any extension granted under this Act impair the right of anyone who was lawfully manufacturing before the passage of this Act the invention covered by the extended patent, but any such person shall have the right to make, use, and vend the invention covered by such conflicting patent or application for patent, or to continue or resume such manufacturing, during the extension of the patent, subject to the payment of a reasonable royalty for any period subsequent to the date on which the extension of the patent was granted: *Provided, however,* That any licensee under a patent which is extended shall have the option of continuing the license for the period of the extension or any part thereof on the same terms and conditions as contained in the existing license, or of discontinuing said license on the expiration of the original term of the patent: *Provided further,* That in the event an extension is not issued until after the date of expiration of the original term of the patent, any article or device made after said date and before the issuance of the extension, which would have infringed the patent had the patent been in force, may be sold or used after the issuance of the extension without any liability for infringement of the patent during the extended term by reason of such making, using, or vending.

Action for infringement.

(d) In any action, for infringement after the expiration of seventeen years from the grant of the patent and during the period of such extension, the defendant may plead and prove that any material statement of the application for extension required by this Act is not true in fact; and if any one or more of such statements shall be found untrue in fact, judgment shall be rendered for the defendant, with costs.

Approved June 30, 1950.

[CHAPTER 445]

AN ACT

To extend the Selective Service Act of 1948, as amended, for a period of one year, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (b) of section 17 of the Selective Service Act of 1948 (62 Stat. 604), as amended, is hereby amended by striking out "July 9, 1950" and substituting therefor "July 9, 1951".

SEC. 2. The Selective Service Act of 1948 is hereby amended by inserting after section 20 the following new section:

June 30, 1950

[H. R. 6826]

[Public Law 569]

Selective Service Extension Act of 1950.  
*Ante*, p. 254.

62 Stat. 627.  
50 U. S. C., Sup. II, app. § 470.  
*Post*, p. 1074.