3/22/82

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On page 2, after line 15, insert the following:

"(D) the patent to be extended was issued on or subsequent to the date of enactment of the Patent Term Restoration Act of 1982".

On page 8 lines 19 through 23, delete all after "regulatory review period."

EXPLANATION

The purpose of this amendment is to make the legislation prospective in its application and to leave all existing patented products under the protections of present patent term only.

The proponents of the legislation have argued that the primary need for patent term extension is to encourage the pharmaceutical and chemical industries to invest necessary resources in the development of new technology. It is argued that the uncertainty of effective patent term discourages the investment which leads to new patents in the pharmaceutical and chemical industries. Because the decision to devote corporate resources has been made for products already patented, it could be argued that the bill simply provides the windfall of extra patent life for an investment decision previously made under existing law. This amendment would deny this windfall to patent owners.

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(continued)

In addition, this amendment responds to the concerns of the generic pharmaceutical industry that the development of their fledgling industry will be seriously impeded. The adoption of this amendment would give the generic industry a period of 17 years in which to establish a permanent footing in the marketplace prior to experiencing any negative effect from the legislation.