H.R. 1937

3/22/82

MR. KASTENMEIER -1-

AMENDMENT NUMBER ONE

On page 1, lines 5 through 6, delete "by the amount of time equal to the regulatory review period for such a product or method".

On page 1, line 7 delete "owner of record of the patent" and insert in lieu thereof, "recipient of marketing approval".

On page 2, line 24, delete "owner of record of the patent" and insert in lieu thereof, "recipient of marketing approval".

On page 3, line 1 after "ended" insert the following: "If the recipient of marketing approval is not the owner of record of the patent, the notification shall include the written consent of the owner of record of the patent to the extension."

On page 5, lines 12 and 13 delete, "patentee, his assignee, or his licensee," and insert in lieu thereof "recipient of marketing approval".

On page 6, line 12, delete "patentee, his assignee, or his licensee" and insert in lieu thereof "recipient of marketing approval".

On page 7, lines 5 and 6, delete "patentee, his assignee, or his licensee" and insert in lieu thereof, "recipient of marketing approval".

On page 7, line 17, delete "patentee, his assignee or his licensee" and insert in lieu thereof, "recipient of marketing approval".

EXPLANATION

Many of the new chemicals and pharmaceuticals developed by U.S. industry today are based on technology licensed from others, often from foreign companies. The license agreements in such cases may not necessarily grant full use of the patent or its full term to the licensee, even though the costs of development for the U.S. domestic market, including costs associated with obtaining regulatory approval, are borne by the licensee not the patent owner. In order to avoid windfall to the patent owner in such cases this amendment grants patent extension to the "recipient of market approval" who is the actual domestic U.S. developer rather than to the patent owner, who may be simply a licensor who has not committed any resources to ultimate development and regulatory approval of the patented product.

foreign cos. may be licensee