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ACTION: introduced

REVISION OF FEES PAYABLE TO THE COMMISSIONER OF PATENTS

Mr. DODD. Mr. President, I introduce, for appropriate reference, a bill to revise the schedule of fees payable to the Commissioner of Patents, to apply on applications for original patents, the reissue of patents, and in other steps connected with the routine processing of patents.

The objective of this bill is to increase the revenue of the Patent Office so as to make it substantially self-supporting.

This bill is identical to a bill which I introduced last year in order to provide an alternative to an administration patent fees bill, H.R. 8190. The administration has revised somewhat last year's bill, but I still feel that an alternative approach must be offered.

And I will explain why. Both my bill and the administration bill would seek to increase revenue, but the latter would do this by making minor raises in the fees that are already being charged, and by including an entirely new kind of fee. This is a maintenance fee of $75, which the holder of a patent would have to pay in order to retain rights to his patent.

This fee could either be paid in one lump sum at the time a patent is issued or in three installments over a prescribed period of time.

I feel that the charging of a maintenance fee, which is a totally new concept, would make an unnecessary substantive change in our patent procedures. I do not think that such an important step should be undertaken as a part of a bill of which the primary purpose is to revise the Patent Office's fee schedule.

Instead, I feel that additional revenue should be obtained by raising only the existing fees. For example, I propose that the charge for filing of an original patent be raised from $30 to $70, and the charge for the filing of an application for a trademark be raised from $25 to $60.

These changes are intended as a substitute for the loss of revenue caused by my deletion of the maintenance fee section in the administration bill.

Both bills would raise just about the same total of revenue, an estimated $22 million a year, but my bill would accomplish this without having to rely on a new and controversial technique, the use of the maintenance fee.

Last year my bill received the endorsement of the Connecticut Bar Association. And many patent attorneys and private businessmen wrote to me during the year and expressed support for my bill in preference to the administration's.

This year, I understand that the Connecticut Bar Association has approved of the basic formula which I am submitting for the raising of revenues.

I hope that the Senate will agree that the approach to raising Patent Office fees that I have introduced today is far preferable to the one proposed by the administration.

It is high time that patent fees be raised, for they have not been increased since the early 1930's. Let us raise the fees to reflect more closely the economics of the 1960's, but let us do this by using the tried and traditional way rather than by going into a completely new and controversial area of patent procedures in order to obtain these needed revenues.

A bill identical to mine will be introduced in the House today by one of my colleagues from Connecticut, Congressman ROBERT GIAIMO.

Both Congressman GIAIMO and I have been counseled and helped a great deal in our efforts by a prominent New Haven patent attorney, Mr. Anthony De Lio.

Mr. De Lio has spent a lot of time and put much effort into helping with the preparation of this legislation, and he deserves commendation and credit for his constructive and thoughtful work in this important, complex field.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 729) to fix certain fees payable to the Commissioner of Patents, and for other purposes, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on the Judiciary.