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S. J.Res. 90	DEC 15 1969	H 12425-26

ACTION Passed under suspension of the Rules.

DIPLOMATIC CONFERENCE IN THE UNITED STATES IN 1970 TO NEGOTIATE A PATENT COOPERATION TREATY

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the Senate Joint Resolution (S.J. Res. 90) to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor.

The Clerk read as follows:

S.J. RES. 90

Whereas all countries issuing patents, and especially countries such as the United States having an examination system, deal with large and constantly growing numbers of patent applications of increasing complexity; and

Whereas in any one country a considerable number of patent applications duplicate or substantially duplicate applications relating to the same inventions in other countries, thereby increasing further the volume of applications to be processed; and

Whereas a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public, and government; and

Whereas a treaty for international patent cooperation providing a central filing, search, and examination system should provide a practicable means of resolving the difficulties arising out of the duplications in the filing and examination of patent applications; and

Whereas governments concerned with international patient problems have spent a number of years in consultation and in the development of a draft treaty for international patent cooperation to alleviate these problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of Commerce, in consultation with other concerned departments and agencies, are authorized to take all necessary steps to organize and hold a diplomatic conference to negotiate a Patent Cooperation Treaty in Washington, District of Columbia, in fiscal year 1970.

SEC. 2. There is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $175,000 for the purpose of defraying the expenses incident to organizing and holding such an international conference. Funds appropriated pursuant to this authorization shall be available for expenses incurred on behalf of the United States as host government, including without limitation personal services without regard to civil service and classification laws, except that no salary rate shall exceed the maximum rate payable under section 5332 of title 5, United States Code; employment of aliens, printing and binding without regard to the provisions of any other law; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under section 5707 of title 5, United States Code; rent or lease of facilities in the District of Columbia or elsewhere by contract or otherwise; hire of passenger motor vehicles; and official functions and courtesies.

SEC. 3. The Secretary of State and the Secretary of Commerce, or either of them, are authorized to accept and use contributions of funds, property, services, and facilities for the purpose of organizing and holding such an international conference. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary of State or the Secretary of Commerce under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

SEC. 4. The head of any department, agency, or establishment of the United States is authorized on request, to assist with or without reimbursement the Department of State and the Department of Commerce in carrying out the functions herein authorized, including the furnishing of personnel and facilities.

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, this measure, Senate Joint Resolution 90, authorizes an appropriation of $175,000 to permit the United States to host a diplomatic conference that will negotiate a Patent Cooperation Treaty.

Protection is accorded investors not only by the patent laws of their own countries but by the terms of a Convention for the Protection of Industrial Property dating back to 1884. This convention covers not only patents but also trademarks, commercial names, and industrial designs. The United States has participated since 1887.

American citizens are probably the most prolific inventors of the modern world. Last year they filed about 68,000 applications in this country alone and another 100,000 in foreign countries. It is estimated that about 700,000 applications are filed annually including those of our own citizens. It is clear that our people have an intense interest in anything that can be done to simplify procedures and at the same time assure them adequate protection of their inventions.

The purpose of this bill is to enable the United States to be the host next year for a conference that will hopefully draft a treaty that will do just that. Seventy-nine states are parties to the 1884 convention; it is expected that about 40 to 45 will attend the negotiating sessions that will last about a month.

The U.S. Government through the Department of State and the Patent Office has been soliciting the views of interested individuals, groups, and professional associations. The Department is now in the process of working out the details of this country's position.

It is not within the jurisdiction of the Committee on Foreign Affairs to deal with patent matters. Moreover, no treaty has been agreed upon and hence no implementing legislation is before the Congress.

The concern of the Committee on Foreign Affairs was to determine whether our Government should be host to the negotiations. If our Government were to host the meetings for a month, how would the $175,000 be spent? With delegates from about 45 countries attending it is readily apparent that translaters and interpreters will be needed. Almost two-thirds of the requested sum will be spent for that purpose. Rent, communications facilities, printing, reproduction of documentation, and other services related to a successful conference will take the balance. Against this outlay will be expenditures by the delegates during their month stay. The result is that the outlay by our Government will be more than balanced by what the delegates spend.

Normally diplomatic meetings are funded from the regular Department of State appropriation which contains money for that purpose. But in the case of large and long conferences it has been the practice in the past to request special authorization and appropriations. I should add the supplemental appropriations bill contains the sum of $175,000 contingent upon the enactment of this resolution.

Mr. Speaker, I urge the Members of this House to vote favorably upon Senate Joint Resolution 90.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in support of Senate Joint Resolution 90.

This resolution would authorize the convening of an international conference to negotiate a Patent Cooperation Treaty. It would also authorize the very modest sum of $175,000 for this purpose.

As is noted in the committee report, U.S. nationals file more patent applications abroad than the nationals of any other country.

There is wide support by American industry for this resolution and the Committee on Foreign Affairs received strong endorsements from several trade associations and companies.

Our Government has taken the initiative in the effort to find means of simplifying the issuance of patents for any given invention in other countries. This effort was begun in 1966 and work on the draft of a Patent Cooperation Treaty started in 1967.

It is now time to move toward the successful conclusion of this work by convening an international conference to negotiate a Patent Cooperation Treaty.

Such a treaty is obviously in our own self-interest. I urge your support of this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I see no report with respect to this legislation either from the Department of State or any other agency of the Government. This calls for an expenditure, as I understand it, of $175,000 or more; is this correct?

Mr. HAYS. The gentleman is correct, insofar as understanding that it authorizes the expenditure of $175,000. I know of no more than that.

I can say to the gentleman that the resolution was submitted by the Department of State to the House on January 16, 1969, executive communication 304, and was referred to the Committee on Foreign Affairs. The Senate passed the resolution some months ago, and we had a hearing on it. There were witnesses and communciations urging favorable action. One witness said he was not against it as a matter of fact, but would like some delay in order to assure a full consideration of viewpoints. But all the other witnesses thought enough of it that it should go on.

This is something that it seemed to the subcommittee was necessary and the full committee passed unanimously.

Mr. GROSS. Would this be the first such conference held?

Mr. HAYS. It would be the first plenary conference, may I say to the gentleman. There have been numerous preliminary conferences among interested governments in which a great many fundamental points have already been ironed out and agreed upon. This would be hopefully the final conference to wrap the package up and present it to the various countries that would then sign it and agree to it.

Mr. GROSS. This would be the first international conference on patents; is that correct?

Mr. HAYS. It would be the first one held in this country, of which we will be the host. There have been other conferences in other countries.

Mr. GROSS. There have been others in other countries?

Mr. HAYS. Yes.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 90).

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.