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SENATE

BILL S.J.RES. 90 | DATE JUN 18 1969 | PAGE(S) S 6623-24

ACTION: Passed.

PROPOSED INTERNATIONAL CONFERENCE ON A PATENT COOPERATION TREATY

The 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 was considered, ordered to be engrossed for a third reading, read the third time, and passed, 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 patent 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.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-233), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Senate Joint Resolution 90 authorizes the Secretary of State and the Secretary of Commerce, in consultation with other interested parties, to arrange to convene an international conference to negotiate a Patent Cooperation Treaty and further authorizes the appropriation of $175,000 for this purpose.

BACKGROUND

As a result of U.S. initiative, an international study to find means of simplifying the issuance of patents for any given invention in other countries was begun in 1966 and the drafting of a patent cooperation treaty started in 1967. According to the executive branch this process has now evolved to the point where it is feasible to plan an international conference in 1970 hopefully to conclude a final treaty on patent cooperation.

The executive branch feels that for a variety of reasons the United States should host this conference: (1) U.S. initiative started the process: (2) U.S. nationals file more patent applications abroad than the nationals of any other countries; and (3) the United States has not hosted a conference in the industrial property field since 1911. Moreover, it can be expected that the delegations of 40 to 45 countries, plus interested international intergovernmental and nongovernmental organizations will, while in the United States, spend an amount equal to or more than the $175,000 provided in Senate Joint Resolution 90, thus providing a balance-of-payments benefit to the United States.

For the budgetary reasons, it has become the practice of the Department of State to request special legislation in the case of major diplomatic conferences to be hosted by the United States, rather than funding these from its appropriation for international conferences and contingencies. Precedents, together with the amounts authorized, include the 11th World Health Assembly, 1958, ($400,000), the Fifth NATO Parliamentarians Conference, 1959 ($100,000), the World Food Congress, 1963 ($300,000), the 22d World Health Assembly, 1969 ($500,000), and the Water for Peace Conference, 1967 ($900,000).

The text of Senate Joint Resolution 90 corresponds to that of Public Law 89-799 which authorized the Water for Peace Conference.

COMMITTEE ACTION AND RECOMMENDATION

The proposed legislation was submitted by the Department of State by letter dated January 16, 1969, and referred to the Committee on Foreign Relations on January 21. On March 17 a further letter was received reaffirming the Department's interest in this legislation and accordingly it was introduced by Senator Fulbright (by request) on April 3.

On May 27, the committee held a public hearing which is printed in the appendix for the information of the Senate. Representatives of the Departments of State and Commerce were witnesses supporting the resolution. One witness, Mr. Leonard J. Robbins, speaking for himself, appeared in opposition to the proposed treaty and therefore the conference. The committee also received favorable communications from Senator John L. McClellan, chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Judiciary Committee and from the Chamber of Commerce of the United States.

On June 10, after considering the testimony, the committee ordered Senate Joint Resolution 90 reported favorably to the Senate. The committee stresses that the Senate is not being asked to pass on the draft treaty at this time. No draft treaty is before the Senate. If a treaty should be concluded at the proposed conference it will come before the Senate in due course and will then be judged on its own merits. All that is involved in Senate Joint Resolution 90 is to provide the authority to host a conference on this question. The committee was told that such a conference would take place in any case, whether the United States hosted it or not. The committee found the reasons advanced by the executive branch for having the conference in the United States valid and recommends that the Senate pass Senate Joint Resolution 90 at an early date.