BILL	DATE	PAGE(S)
S.J.Res. 90	APR 3 1969	S3528-9

ACTION:
I mitted by Mr. Fulbright

SENATE JOINT RESOLUTION 90—INTRODUCTION OF A JOINT RESOLUTION 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

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a joint resolution 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.

The proposed joint resolution has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the proposed resolution be printed in the RECORD at this point, together with the letters from the Assistant Secretary of State dated January 16 and March 17, 1969.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the resolution and letters will be printed in the RECORD.

The joint resolution (S.J. Res. 90) to enable the United States to organize and hold a Diplomatic Conference in the U.S. fiscal year 1970 to negotiate a Patent Corporation Treaty and authorize an appropriation therefor, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, 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 governments; 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, Untied 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 letters, presented by Mr. FULBRIGHT, follow:

MARCH 17, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: With my letter of January 16, 1969 to the Vice-President I submitted a proposed Joint Resolution which would 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, which was referred to your Committee on January 17, 1969.

This proposed legislation has been favorably reviewed by the Department of State in the light of the policies of the present Administration. It would be greatly appreciated if this matter would be given early and favorable consideration.

The Department has been advised by the Bureau of the Budget that from the standpoint of this Administration's program, there is no objection to the submission of this letter reaffirming our support for the proposed Joint Resolution.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, January 16, 1969.

Hon. HUBERT HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I submit herewith a proposed Joint Resolution which would 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 which further provides for an appropriation authorization to the Department of State for expenses incident to organizing and holding the Conference.

There is widespread recognition in the United States and abroad that a world-wide multilateral effort is necessary to deal with the pressing back-log problem of examining patent offices such as the United States, and to alleviate the financial and legal burdens imposed on American patent applicants who wish to file abroad in several countries. Quicker and lower-cost patent protection for American nationals is vital to the development and maintenance of important export markets for many U.S. products.

The proposed Patent Cooperation Treaty would have substantial benefits for patent applicants as well as patent offices. It would be the first significant world-wide step toward international patent cooperation to deal with pressing patent problems. If the negotiation of such a Convention is successful, it would, of course, be sent to the Senate for its advice and consent in accordance with the usual procedure.

I hope that the Senate will be able to give favorable consideration to this request during the present session.

A similar communication is being sent to the Speaker of the House of Representatives.

The Department was advised by the Bureau of the Budget on January 15, 1969 that from the standpoint of the Administration's program there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.