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S. 1253	9/28/71	H 8759-60

ACTION
Passed.

S. 1253

An act to amend section 6 of title 35, United States Code, "Parents", to authorize domestic and international studies and programs relating to patents and trademarks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of title 35, United States Code, is amended to read as follows:

"§ 6. Duties of Commissioner

"(a) The Commissioner, under the direction of the Secretary of Commerce, shall superintend or perform all duties required by law respecting the granting and issuing of patents and the registration of trademarks; shall have the authority to carry on studies and programs regarding domestic and international patent and trademark law; and shall have charge of property belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

"(b) The Commissioner, under the direction of the Secretary of Commerce, may, in coordination with the Department of State, carry on programs and studies cooperatively with foreign patent offices and international intergovernmental organizations, or may authorize such programs and studies to be carried on, in connection with the performance of duties stated in subsection (a) of this section.

"(c) The Commissioner, under the direction of the Secretary of Commerce, may, with the concurrence of the Secretary of State, transfer funds appropriated to the Patent Office, not to exceed $100,000 in any year, to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents, trademarks, and related matters. These special payments may be in addition to any other payments or contributions to the international organization and shall not be subject to any limitations imposed by law on the amounts of such other payments or contributions by the Government of the United States."

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KASTENMEIER. Mr. Speaker, S. 1253 is an administration proposal. It was introduced at the request of the Department of Commerce. The bill passed the Senate on April 22, 1971, and was the subject of a hearing in May. The Judiciary Committee has approved it by voice vote.

The sole significant effect of S. 1253 is to authorize the Commissioner of Patents to spend not more than $100,000 annually, out of funds appropriated to the Patent Office, for payments to international intergovernmental organizations, for studies and programs for advancing international cooperation concerning patents, trademarks, and related matters.

Other provisions of the bill authorize the Commissioner to carry on studies and programs, himself or in cooperation with foreign patent offices and organizations, making explicit powers deemed already to be implied.

The funds would be transferred under direction of the Secretary of Commerce and with the concurrence of the Secretary of State.

The Department of Commerce advises that U.S. participation in cooperative in-

AUTHORIZING DOMESTIC AND INTERNATIONAL STUDIES AND PROGRAMS RELATING TO PATENTS AND TRADEMARKS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1253) to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman fr Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

ternational efforts in the patents and trademarks fields is vitally important to the business community. Heretofore the international role of the United States has been primarily that of membership in the Paris Convention of 1883.

The United States has now assumed a more active role. It was instrumental in establishing the World Intellectual Property Organization—WIPO—in the development of the Patent Cooperation Treaty of 1970, and in the establishment of the Committee for International Cooperation in Information Retrieval Among Patent Offices—Icirepat—among other international patent activities. The programs of the information retrieval group are important in coordinating the development of mechanized patent search systems.

NEED FOR AUTHORIZATION

The United States does not make voluntary contributions for the support of the programs of these agencies because it lacks statutory authority to do so.

The committee is advised that the inability of the United States to contribute to the support of these projects is a source of embarrassment, especially since the Soviet Union has recently paid its proportionate share, thus leaving the United States as the only major country which does not make money contributions. The major or class A countries, based on patent activity are the United States, United Kingdom, West Germany, the Soviet Union, and Japan. The purpose of the subject legislation is to correct this situation.

STAFF LOANS UNSATISFACTORY AND UNECONOMIC

In the past, we have contributed the services of personnel in lieu of cash, but this is unsatisfactory both to the international organizations and to other countries. Also it is expensive due to transportation expenses and other costs over and beyond salary incurred with respect to borrowed personnel. Thus, for calendar 1971, the suggested cash contribution of the United States for the Patent Cooperation Treaty and for the Information Retrieval Cooperation Committee—ICIREPAT—amounted to $51,289, but the actual cost of the two U.S. specialists detailed on loan exceeded $56,000 due to transportation, et cetera. We are advised that if this legislation is enacted the staff loans will be discontinued.

Mr. Speaker, the executive committee of the Paris Union has been meeting in Geneva to discuss budgetary needs and special contributions to various international projects. There is mounting objection to the contribution of funds in the absence of similar contributions by us.

WHY $100,000 MAXIMUM?

At the hearing on this measure the Commissioner of Patents was asked to justify the proposed maximum of $100,000 per year, in view of the fact that similar legislation introduced in the 91st Congress asked for only $50,000.

The Commissioner replied that the earlier legislation was drafted without the Patent Cooperation Treaty in mind, that treaty having been signed in June 1970. He also indicated that the amount to be requested of the United States in 1972 will be $42,000 for the Patent Cooperation Treaty and $19,000 for the information retrieval group—ICIREPAT. Conceding that these items, plus any unanticipated increases could be accommodated for less than $100,000, the Commissioner pointed out that even with this leeway, the Patent Office would have to justify its appropriations and its expenditures and, hopefully, would not be under the necessity of refreshing its authorization to appropriate within the next 5 years.

Mr. Speaker, I urge favorable action on the bill and I reserve the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.