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SENATE

BILL | DATE | PAGE(S)
S. 24 | Jan. 15, 1975 | S104

ACTION: Introduced by Mr. McClellan

By Mr. McCLELLAN:

S. 24. A bill to carry into effect certain provisions of the Patent Cooperation Treaty, and for other purposes. Referred to the Committee on the Judiciary.

ON IMPLEMENTATION OF THE PATENT COOPERATION TREATY

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks and Copyrights, I introduce a bill to carry into effect certain provisions of the Patent Cooperation Treaty and for other purposes.

The United States and 34 other countries are signatories of the Patent Cooperation Treaty. On September 12, 1972, the President submitted the treaty to the Senate for its advice and consent, and the Senate gave its advice and consent on October 30, 1973. The treaty is not self-executing in this country and the purpose of the bill which I am introducing is to provide the necessary statutory authority for implementing the treaty. At the request of the Department of Commerce I introduced a substantially similar bill, S. 2469, in the 93d Congress. That bill was reported favorably by the Patent Subcommittee, but it was not possible to complete action on that legislation prior to the adjournment of the Congress.

This bill would amend certain sections of title 35, United States Code, to provide applicants filing applications for patents only in the United States, with the flexibility afforded to applicants filing under the treaty. I have long advocated efforts to promote greater international cooperation in patent matters, subject only to the qualification that such undertakings should not weaken the American patent system or contribute to an erosion of industrial and intellectual property rights. I believe that the Patent Cooperation Treaty meets that test. By providing among other things, centralized filing procedures and a standardized application format, the treaty will offer many advantages to U.S. applicants who seek patent protection abroad.