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S. 255	July 13, 1981	S7542

Remarks by Mr. Danforth

THE PATENT TERM RESTORATION ACT OF 1981

● Mr. DANFORTH. Mr. President, S. 255, the Patent Term Restoration Act of 1981, will correct a significant inequity in existing patent law and provide a needed spur to research and development in this country. I would like to commend the Senator from Maryland for the speed with which he brought this measure to the floor, and the Senate for its speed in passing the bill. I am delighted to have been a cosponsor.

Patent law is designed to protect a new invention for a period of 17 years. But Federal regulatory reviews, aimed at protecting the public from unsafe products, can cut the life of a patent almost in half. This simply is not fair. Patent law does not say that the life of a patent shall be reduced by the amount of time it takes the Government to study the product. But by not saying the contrary, the law has exactly that effect. All this bill will do is extend the life of a patent to make up for the time taken by Government testing, thus correcting the inequity that now exists.

That in itself would be reason enough to support this bill. But another reason is at least as compelling: our need for increased research and development. If we are to make progress in our attempts to feed the world's hungry and to heal the sick, we must maintain our pace of technological advance. If we are to remain the economic leaders of this highly competitive world, we must not only maintain our pace, we must accelerate it.

Mr. President, agricultural chemicals are particularly important to the State of Missouri. Increases in yield attributable to these chemicals have played a significant role in increasing the productivity of our farms. But continued innovation in this area is not easy. On the average, it now takes more than 8 years and $20 million to bring a new agricultural chemical to market.

In testimony before the Senate Judiciary Committee April 30, Nicholas Reding—chairman of the board of the National Agricultural Chemicals Association and a group vice president of Monsanto—reported the results of a survey his association conducted among its members. He said:

> Nearly all companies indicated that a favorable patent position was a critical factor in determining whether to invest in new product development. The survey also indicated that availability of patent protection is a highly important element in long-range research planning and funding. Respondents reported that the uncertainties, cost and delay caused by government regulations have forced a reduction in research efforts.

Mr. President, we cannot in one day eliminate "the uncertainties, cost and delay caused by Government regulations." But we can go a long way toward mitigating their adverse effect. Extending patent life to make up for regulatory delays will assure the creators of new products that they will be protected as was originally intended—for a full 17 years. By passing S. 255, the Senate has acted to provide that equity and promote the creativity and innovation that we so sorely need.●