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REMARKS: Introduced by Mr. Synar

THE PATENT TERM RESTORATION ACT OF 1983

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SYNAR. Mr. Speaker, for a decade or more, patent protection for medicines, pesticides, chemicals, and other innovations has been steadily eroding by lengthening premarket approval by Federal regulatory agencies. Today I am introducing the Patent Term Restoration Act of 1983 to correct this problem in patent law. I believe the effect of enactment of this legislation will be to encourage research and to provide American consumers with new and better medicines and foods.

The dimensions of the problem are serious. In 1981, for example, new drugs lost more than 10 years of the 17 years of patent protection enjoyed by virtually every other form of invention. Some new drugs actually entered the market with no patent protection whatsoever. The consequences of the problem are equally serious. Companies are discouraged from investing in research, the rate of new discoveries is slowed, and the market effects of new product competition are delayed.

The United States is rapidly losing its preeminence in the field of drug research, an area in which we are traditionally the world leader. Twenty years ago the United States did 60 percent of the world's pharmaceutical research; today, it does less than one-fourth. In 1981 75 percent of the new drugs approved here were either compounds licensed by foreigners or compounds directly marketed by foreign firms.

Congress never intended that patent law disadvantage one form of innovation vis-a-vis others. The concept of encouraging innovation through patent protection is in our Constitution and for almost a century we have provided 17-year patent terms.

My bill offers a simple remedy: It would permit inventors to recover some of the patent protection lost while the new product clears tests required by the Federal Government. No product would get more than 7 years restored.

Mr. Speaker, we all recognize the importance and value of private sector research today. Patent protection is a vital component. I believe the Patent Term Restoration Act is a fair and needed solution to a growing problem. I encourage the House of Representatives to move quickly toward enactment.●