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4. Action:

INTRODUCED BY MR. HUGHES

REAUTHORIZE THE PATENT AND TRADEMARK OFFICE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HUGHES. Mr. Speaker, today Representative CARLOS MOORHEAD, the ranking Republican on the Judiciary Subcommittee on Intellectual Property and Judicial Administration, and I are introducing legislation, by request of the administration, to reauthorize the Patent and Trademark Office [PTO]. The statutory authority for PTO will expire at the end of September of this year and Congress must act to reauthorize the PTO if it is to continue to operate beyond that time.

Legal protection for intellectual property is the fuel for inventiveness and is provided for in the United States Constitution. Congress has delegated authority for the administration of our patent and trademark laws to the Patent and Trademark Office in the U.S. Department of Commerce. The bill Mr. MOORHEAD and I introduce today would authorize appropriations for PTO for fiscal years 1992 and 1993. It would also extend authority to PTO to raise funds through user fees.

The Subcommittee on Intellectual Property and Judicial Administration, which I chair, will hold hearings early this Congress and process reauthorizing legislation that the committee and Congress can be confident will serve the public interest. I would note, parenthetically, that by introducing this bill today, I have not endorsed the contents of the proposed legislation. The Department of Commerce continues to propose approaches to the administration of our intellectual property system that this committee has previously rejected. Existing authorization for PTO contains limitations on the use of appropriated funds, restrictions on the PTO automation program and other management instructions. It is my intention to assure, through legislation, that past problems do not resurface.

The subcommittee will examine how to improve the operation of the PTO; how to most equitably distribute the burden of patent user fees, including among small and large entities; and what safeguards are necessary to assure PTO's continued accountability to Congress and to the American public. In addition, the subcommittee will reexamine the propriety—from a policy and constitutional perspective—of almost complete user fee funding for PTO operations.

I look forward to working with Chairman JACK BROOKS, Representative CARLOS MOORHEAD and with my other colleagues on this proposed legislation. In addition, my subcommittee will seek the views of members of the public, including the very inventors, commercial enterprises and other organizations who use the intellectual property system to the betterment of our society.