100TH CONGRESS
2D SESSION

H. R. 4972

To authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes

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IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1988

Mr KASTENMEIER (for himself and Mr MOORHEAD) (both by request) introduced the following bill, which was referred to the Committee on the Judiciary

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A BILL

To authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Patent and Trademark Office—

(1) for salaries and necessary expenses, $117,504,000 for fiscal year 1989, $125,210,000 for fiscal year 1990, and $111,984,000 for fiscal year 1991, and

(2) such additional amounts as may be necessary for each such fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(b) Except as otherwise specifically provided in this Act and section 42(c) of title 35, United States Code, the Patent and Trademark Office is authorized to use fee revenues to support any of its operations or activities

SEC 2. APPROPRIATIONS AUTHORIZED TO BE CARRIED OVER

Amounts appropriated under this Act and such fees as may be collected under title 35, United States Code, and the Trademark Act of 1946 (15 U S C 1051 and following) may remain available until expended

SEC 3. OVERSIGHT OF AND ADJUSTMENTS TO TRADEMARK AND PATENT FEES.

(a) TRADEMARK FEES.—The Commissioner of Patents and Trademarks may not, during fiscal years 1989, 1990, and 1991, increase fees established under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) except for purposes of making adjustments which in the aggregate do not exceed fluctuations during the previous three years in the Consumer Price Index, as determined by the Secretary of Labor. The Commissioner may increase fees for services or materials only once during this 3-year fee cycle. The Commission, however, may establish new fees or increase existing

fees when there is a measurable change in examination procedures, services, or materials

(b) PATENT FEES.—The Commissioner of Patents and Trademarks may not, during fiscal years 1989, 1990, and 1991, increase fees established under section 41(d) of title 35, United States Code, except for purposes of making adjustments which in the aggregate do not exceed fluctuations during the previous three years in the Consumer Price Index, as determined by the Secretary of Labor The Commissioner may increase fees for services or materials only once during this three-year fee cycle The Commissioner, however, may establish new fees or increase existing fees when there is a measurable change in examination procedures, services, or materials.

(c) PATENT FEES —Section 41(f) of title 35, United States Code, is amended by inserting the phrase "in the aggregate" after the word "reflect".

SEC. 4. PUBLIC ACCESS TO PATENT AND TRADEMARK OFFICE INFORMATION

(a) Section 4 of Public Law 99–607 is repealed

(b) The Commissioner of Patents and Trademarks will maintain, for use by the public, paper or microform collections of United States patents, foreign patent documents and United States trademark registrations arranged to permit search for and retrieval of information The Commissioner

may not impose fees for use of such collections. The resources for maintaining the collections will come from appropriated funds.

(c) The Commissioner of Patents and Trademarks may establish fees for access by the public to automated search systems of the Patent and Trademark Office in accordance with section 41 of title 35, United States Code, and section 31 of the Trademark Act of 1946 (15 U.S C 1113). If fees are established, a limited amount of free access shall be made available to all users of the systems.

SEC 5. OVERSIGHT OF AND LIMITATIONS ON TRADEMARK AND CERTAIN PATENT FEES.

Subsections 5(a)(2), (b), (c) and (d) of Public Law 99–607 are repealed.

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