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SENATE

REPORT
No. 92-71

INTERNATIONAL PATENT AND TRADEMARK STUDIES

APRIL 20, 1971.—Ordered to be printed

Mr. MCCLELLAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1253]

The Committee on the Judiciary, to which was referred the bill (S. 1253) to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks, having considered the same, reports favorably thereon, without amendments, and recommends that the bill do pass.

PURPOSE

This legislation would authorize the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters.

VIEWS OF GOVERNMENT AGENCY

This legislation was introduced by Senator John L. McClellan at the request of the Department of Commerce.

STATEMENT

U.S. participation in cooperative international efforts in the patent and trademark fields is vitally important to the American business

community. Until recent years the international role of the United States in these areas was limited primarily to membership in the Paris Convention of 1883. The United States has now assumed a more active role in the international protection of patents, trademarks, and intellectual property. The United States was instrumental in the establishment of the World Intellectual Property Organization and the drafting and signing of the Patent Cooperation Treaty of 1970. In addition the programs of the Committee for International Cooperation and Information Retrieval Among Patent Offices in coordinating the development of mechanized patent search systems are of great value to those who make use of the patent system.

The United States currently may not make voluntary contributions for the support of the programs of these international agencies because of the lack of any statutory authorization. The committee has been advised by the Department of Commerce that the inability of the United States to contribute to the support of these projects, in whose creation this country was instrumental, is a source of embarrassment at international meetings, particularly in view of the cash contributions made by other countries.

SECTIONAL ANALYSIS

Subsection (a) of the amended section 6 of title 35 includes the same provisions presently incorporated in section 6 of title 35, United States Code. It also adds the phrase "shall have the authority to carry on studies and programs regarding domestic and international patent and trademark law." This phrase is merely intended to state specifically an already existing authority clearly implied in present section 6.

Subsection (b) provides that the Commissioner of Patents may, under the direction of the Secretary of Commerce and in coordination with the Department of State, carry on or authorize to be carried on, programs and studies with foreign patent offices and international intergovernmental organizations in connection with the performance of the duties outlined in subsection (a). Again, this merely states specifically an already existing authority of the Commissioner implied in present section 6.

Subsection (c) provides that the Commissioner may, under the direction of the Secretary of Commerce and with the concurrence of the Secretary of State, transfer appropriated funds of the Patent Office to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs concerning patents, trademarks, and related matters. The amount of such payments are limited to $100,000 in any year.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

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§ 6. Duties of Commissioner.

(*a*) The Commissioner, under the direction of the Secretary of Commerce, shall superintend or perform all duties required by law respecting the granting and issuing of patents and the registration of trademarks; *shall have the authority to carry on studies and programs regarding domestic and international patent and trademark law;* and [he] shall have charge of property belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

(*b*) *The Commissioner, under the direction of the Secretary of Commerce, may, in coordination with the Department of State, carry on programs and studies cooperatively with foreign patent offices and international intergovernmental organizations, or may authorize such programs and studies to be carried on, in connection with the performance of duties stated in subsection (a) of this section.*

(*c*) *The Commissioner, under the direction of the Secretary of Commerce, may, with the concurrence of the Secretary of State, transfer funds appropriated to the Patent Office, not to exceed $100,000 in any year, to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents, trademarks, and related matters. These special payments may be in addition to any other payments or contributions to the international organization and shall not be subject to any limitations imposed by law on the amounts of such other payments or contributions by the Government of the United States.*

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