

106TH CONGRESS
2^D SESSION

H. R. 4331

To provide for the issuance of patents for the Generalized System of Preference (GSP) countries with a Letter of Agreement with the U.S. through a program establishing an International US/GSP Office in which the U.S. issues patents using U.S. standards that are valid under both U.S. and GSP law, to aid in creating capital for GSP countries through patents and innovation and to establish or enhance their patent system through U.S. expertise and training.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. SAXTON (for himself and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the issuance of patents for the Generalized System of Preference (GSP) countries with a Letter of Agreement with the U.S. through a program establishing an International US/GSP Office in which the U.S. issues patents using U.S. standards that are valid under both U.S. and GSP law, to aid in creating capital for GSP countries through patents and innovation and to establish or enhance their patent system through U.S. expertise and training.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Patent
5 Act of 2000”.

6 **SEC. 101. FINDINGS.**

7 (a) Congress finds that the strength and quality of
8 U.S. patents is recognized throughout the world.

9 (b) Congress finds that patents are defined in the
10 U.S. Code as a private property right.

11 (c) Congress finds that the U.S. is regarded as the
12 world leader in intellectual property.

13 (d) Congress finds that patents are a societal and
14 economic good for a country.

15 (e) Congress finds that technology enhances a coun-
16 try’s growth and patents are an integral part of that
17 growth.

18 (f) Congress finds that patents create jobs and new
19 businesses.

20 (g) Congress finds that patents are a source of lifting
21 the standard of living in a country.

22 (h) Congress finds that patents and innovation are
23 a source of increasing income for business and citizens of
24 the country.

1 (i) Congress finds that patentable products are a
2 source of trade for the country.

3 (j) Congress finds that the successful 207-year-old
4 U.S. Patent Office can be a source of expertise and sup-
5 port for other countries.

6 ESTABLISHING A US/GSP COUNTRY NOTIFICATION OFFICE

7 **SEC. 102. SOVEREIGN DUTIES.**

8 (a) IN GENERAL.—The United States Patent and
9 Trademark Office under the policy guidance of the Sec-
10 retary of Commerce, and the Assistant Secretary of Com-
11 merce and U.S.—Commissioner of Patents shall be re-
12 sponsible for

13 (1) The establishment at the US Patent and
14 Trademark Office (PTO) of a special U.S./GSP
15 country office for the purpose of official notification
16 of issuance of patents which have official status for
17 both the U.S. and specific GSP country law;

18 (2) negotiations with a GSP country to estab-
19 lish a U.S./GSP Patent Notification Office will in-
20 clude the U.S. Department of State and the Depart-
21 ment of Commerce who shall exchange Letters of
22 Agreement with each GSP country desiring patents
23 to be issued in this special U.S./GSP Patent Notifi-
24 cation Office;

1 (3) insuring that dual issuance of Patents
2 under the GSP country law be issued according to
3 U.S. standards and are valid under U.S. law; and

4 (4) all examination and search duties for the
5 grant of U.S. letters Patent and specific GSP coun-
6 try patents shall be performed by U.S. examiners
7 who are U.S. citizens.

8 (b) SPECIAL PAYMENTS.—The creation of a trust
9 fund of fifteen percent which is charged from fees, and
10 with a special handling fee to be set aside in the name
11 of the GSP country for the country's use in establishing
12 or enhancing their patent system:

13 (1) That in complying with the Patent Coopera-
14 tion Treaty (PCT), the U.S., which is an examining
15 and patent search PCT country, shall make available
16 computer search facilities of the Patent and Trade-
17 mark (PTO) patent data base in each GSP country.
18 Under the US/GSP Patent Notification Office a fee
19 shall be charged for U.S. patent search facilities in
20 the GSP country to and shall be determined and ne-
21 gotiated by the Secretary of Commerce and U.S.
22 Patent Commissioner. The State Department shall
23 make available computer search facilities at each
24 Embassy station.

1 **SEC. 103. SMALL BUSINESS DEVELOPMENT.**

2 Small Business Administration shall provide informa-
3 tion to the GSP countries on the steps required to create
4 a small business based on a patent issued to an individual/
5 small business under US/GSP Patent Notification Office.

6 **SEC. 104. INTERNATIONAL GSP/PATENT PROGRAM.**

7 The Agency for International Development shall de-
8 velop a program to instruct the GSP countries in the
9 methods of structuring a patent system to enhance eco-
10 nomic development. The U.S. Dole-Bayh Act shall be used
11 as a model illustrating the benefits accruing to the univer-
12 sities from intellectual property.

13 **TITLE III**

14 **SEC. 105.** The provisions of this bill become effective
15 upon enactment into law.

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