

106TH CONGRESS  
2D SESSION

# H. R. 4683

To provide for the issuance of patents for the countries receiving trade benefits under the Generalized System of Preferences, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 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

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## A BILL

To provide for the issuance of patents for the countries receiving trade benefits under the Generalized System of Preferences, and for other purposes.

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. 2. FINDINGS.**

7 The Congress finds that—

1           (1) the strength and quality of United States  
2 patents are recognized throughout the world;

3           (2) patents are defined under United States law  
4 as a private property right;

5           (3) the United States is regarded as the world  
6 leader in intellectual property;

7           (4) patents are a societal and economic good for  
8 a country;

9           (5) technology enhances a country's growth and  
10 patents are an integral part of that growth;

11           (6) patents create jobs and new businesses;

12           (7) patents are a source of lifting the standard  
13 of living in a country;

14           (8) patents and innovation are a source of in-  
15 creasing income for business and citizens of the  
16 country;

17           (9) patentable products are a source of trade  
18 for a country; and

19           (10) the successful 207-year-old Federal agency  
20 responsible for issuing patents can be a source of ex-  
21 pertise and support for other countries.

22 **SEC. 3. DEFINITIONS.**

23       In this Act:

24           (1) **DIRECTOR OF THE PATENT AND TRADE-**  
25 **MARK OFFICE.**—The term “Director of the Patent

1 and Trademark Office” means the Under Secretary  
2 of Commerce for Intellectual Property and the Di-  
3 rector of the United States Patent and Trademark  
4 Office.

5 (2) PATENT AND TRADEMARK OFFICE.—The  
6 term “Patent and Trademark Office” means the  
7 United States Patent and Trademark Office.

8 (3) GSP COUNTRY.—The term “GSP country”  
9 means a beneficiary developing country under title V  
10 of the Trade Act of 1974.

11 **SEC. 4. SOVEREIGN DUTIES OF THE PATENT AND TRADE-**  
12 **MARK OFFICE.**

13 (a) IN GENERAL.—The Director of the Patent and  
14 Trademark Office, subject to the policy guidance of the  
15 Secretary of Commerce, shall be responsible for the fol-  
16 lowing:

17 (1) The establishment in the Patent and Trade-  
18 mark Office of a US/GSP International Country No-  
19 tification Office for the purpose of providing official  
20 notification of the issuance of patents that are valid  
21 both under the laws of the United States and a GSP  
22 country with which the United States has entered  
23 into an agreement under subsection (b).

24 (2) Ensuring that patents that are to be valid  
25 under the laws of such a GSP country and the

1 United States be issued according to standards ap-  
2 plicable to patents issued under United States law.

3 (3) Ensuring that all examination and search  
4 duties for the grant of a patent that is to be valid  
5 under United States law and the laws of such a GSP  
6 country are performed by patent examiners in the  
7 Patent and Trademark Office who are United States  
8 citizens.

9 (b) AGREEMENTS WITH COUNTRIES.—The Secretary  
10 of State, in consultation with the Secretary of Commerce,  
11 shall seek to enter into negotiations with each GSP coun-  
12 try desiring patents to be issued pursuant to this Act in  
13 order to conclude an agreement with that GSP country  
14 providing for the issuance and notification of such patents  
15 pursuant to this Act.

16 (c) SPECIAL PAYMENTS.—

17 (1) TRUST FUNDS.—The Director of the Patent  
18 and Trademark Office shall establish a trust fund  
19 for each GSP country with which the United States  
20 has an agreement under subsection (b). The Direc-  
21 tor shall use amounts in the fund to assist that GSP  
22 country in establishing or enhancing the patent sys-  
23 tem in that country, through technical assistance,  
24 education programs, and other appropriate pro-

1 grams. There shall be deposited into a fund for a  
2 GSP country—

3 (A) 15 percent of the patent fees charged  
4 in connection with applications for patent filed  
5 and patents issued that are to be valid in both  
6 the United States and that country; and

7 (B) a special handling fee for each such  
8 patent application or patent, as determined by  
9 agreement between the Director of the Patent  
10 and Trademark Office and that country.

11 (2) COMPUTER SEARCH FACILITIES.—The  
12 United States shall make available computer search  
13 facilities containing the patent data base of the Pat-  
14 ent and Trademark Office in each GSP country with  
15 which there is an agreement under subsection (b). A  
16 fee shall be charged for the use of such patent  
17 search facilities in the GSP country. The fee shall be  
18 determined by the Secretary of Commerce and the  
19 Director of the Patent and Trademark Office, pur-  
20 suant to agreement with that country. The Secretary  
21 of State shall make available such computer search  
22 facilities at the United States embassy or mission in  
23 that country.

1 **SEC. 5. SMALL BUSINESS DEVELOPMENT.**

2       The Administrator of the Small Business Administra-  
3 tion shall provide information to the GSP countries with  
4 which agreements have been entered into under section  
5 4(b) on the steps required to create a small business based  
6 on a patent issued to an individual or small business pur-  
7 suant to this Act.

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

9       The Agency for International Development shall use  
10 funds otherwise available to develop and implement a pro-  
11 gram to provide instruction to the GSP countries with  
12 which agreements have been reached under section 4(b)  
13 in the methods of structuring a patent system to enhance  
14 economic development, including demonstrating the bene-  
15 fits that can accrue to universities and other institutions  
16 from acquiring intellectual property rights on the product  
17 of their research.

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