requirement is unclear, causing financial and administrative burdens to the applicant.

D. Unclear stipulation for duty of prior art disclosure. To try to construe on the safe side results in heavy administrative burden. It is especially true financially, when examination of corresponding foreign application, for instance, revealed prior art at approximately the same time for the U.S. patent grant, forcing the applicant to apply for continuation or to request for reexamination.

4. Review of patent validity

(1) the point at Issue and general comments—Because there is variation in the quality of examination, many patents are granted with questionable patentability. It is difficult to confirm patentability (or nonpatentability) of these patents without recourse to litigations. Although reexamination system has been introduced as a means of reviewing patentability of patents after grant, the system is not structured to function sufficiently. Aan improvement is promptly needed off reexamination system. Although it is possible to review validity of patents in court, there are various practical problems as described in item 5, litigation and patent infringement below.

(2) Specific problems—

A. Imperfection in the system of request for reexamination—Under the current legislation, there are imperfections such as, only prior patents or publications can trigger a request for reexamination, the requesting person can only be partially involved in the reexamination, or no request for appeal is allowed in case of an unfavorable decision. Under these circumstances, an action with the objective of invalidating certain patents may end up in fortifying the patents in question, if the request for reexamination is rejected, of if the patentability is confirmed.

5. Litigation and patent infringement

(1) The point at issue and general comments—It is said that U.S. society is a litigation society and patent disputes are also brought relatively easily to court. From our point of view, there are many disadvantageous aspects and problems including excessive discovery and the jury system. We will not elaborate on this however, and concentrate on patent litigation and patent infringement issues.

The pressure for reconciliation, instead of going all the way seeking a just decision, is so strong because of the complexity of litigation processes, expensive lawyers' fee, unpredictable results due to the jury system, a very wide margin in the estimated damages in case of a lost case, etc. Also, it is difficult to predict a decision on patentability or infringement, especially a judgement on infringement based on doctrine of equivalents. Improvements in all these areas are desired.

(2) Specific problems—

A. Discovery system—The coverage for discovery demanded by the opponent party is often too broad causing gross burden in manpower, time and money.

B. Jury system—In case of trials highly technical in content as parent disputes, there are often instances where responsible results are hard to be achieved.

C. Scope of infringement of process patent ill-defined—The acts constituting process patent infringement as described in the text introduced by the Omnibus Trade and Competitiveness Act of 1988 are ill-defined, facilitating an excessive demand for damages from the patent holder.

D. Inappropriate determination of damages—There is no clear principle to base the calculation of damages. In case of willful infringement, 35 USC §284 rules that damages may be increased up to three times. The criteria for judging willfulness are not clear.

E. Excessive patent marking obligations—It is stipulated that a patent holder who has not been marking patented products cannot demand damages to the infringing party on infringements occurred prior to issuance of a warning.

According to precedents, patent markings must be applied promptly after the patent is granted, and a license must also adhere to this rule and the markings must be directly applied to product as much as possible. Such interpretations make the requirements extremely severe ones from the view point of business practice.

6. Other points

(1) The point at issue and general comments—Patent legislation in the U.S. is markedly heterogeneous from the legislation in other industrialized countries of the world. Numerous resultant obstacles are observed in addition to those mentioned in the above items 1 to 5, obstructing effective patent activities in the United States in the daily patent management and application works carried out as a matter of course by average career patent staffs. There are also de facto discriminatory handlings of foreign applicants, and numerous regulations that are against the spirit of the Paris Convention. It is desired that the U.S. will promptly amend these points and have her patent legislation harmonized with that of the rest of the world.

(2) Specific problems—

A. Discrimination of foreign nationals regarding determination of priority—An application filed in the U.S. with the application for right of priority in foreign countries may not guaranty the convention right, as it may not be possible to eliminate an application filed by a third party in the U.S. between the date of that foreign application and the date of U.S. patent filing.

B. Assignee application not permitted—This restriction is causing major inconvenience in practice. Prior use should be recognized as a means of refutation in infringement dispute.

C. Prior use not recognized—Prior use should be recognized as a means of refutation in infringement dispute.

D. Complicated payments of post-issuance fee—Payment terms of post-issuance fees is too complicated. For example they become due by 3.5 years, 7.5 years, and 11.5 years after the original grant. If post-issuance fee becomes payable yearly as in the case of other countries, management on the patent holder's side will become much easier, and besides, reduction in the sum payable should become feasible.

MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

ACTIONS TO BE TAKEN BY JAPAN

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedures.

ACTIONS TO BE TAKEN BY THE U.S.

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
Commissioner Japanese Patent Office.

BRUCE A. LEHMAN,
Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, United States Patent and Trademark Office.

REPUBLICAN STUMBLING BLOCK ON WOMEN—THEIR RECORD

The SPEAKER pro tempore (Mr. ROHRABACHER). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, first, let me say to the gentleman who was just speaking, if that bill were as he casts it, my name would not be on it. That bill is about making our patent office uniform with both the one in Europe and the one in Japan so our patents will be recognized all over the world. It will do a tremendous amount to increase the protection.

But that is not why I came here today. I came here today to talk about what I tried to do when I heard that the Republican women today were getting ready to launch their get out the vote drive for women. I was very frustrated by this so I decided it was time to talk to Eleanor. Eleanor lives in my office, Eleanor Roosevelt. And I went over and I said to her, what are we going to do about this? They are getting ready to try and bridge the gender gap with all sorts of slick press kits, with all sorts of warm fuzzy rhetoric. Eleanor said, Do you know what, PAT, do not worry; they have got a big stumbling block. It is called their record, their record. So as they go around desperately seeking female votes, they were very apt to trip over their record if the American people know it.

So today at 1, the Congresswomen, the Democratic Congresswomen are releasing a report on the Republican war against women. That is what we call it. It has been a war, and let us be very clear about it. We have seen more backsliding on progress than I have seen in my entire 24 years here. When we look at this, it is truly an unmatched record. The other side says they have an unmatched record for women. They have an unmatched record all right, but it is not for women. It is undoing things we had done for women.

First of all, I think the arrogance of power on that side has been very difficult to deal with. The arrogance of power when they said, We will shut down Government rather than talk to people or deal with people or compromise or negotiate. I do not think women like that kind of arrogance of power and they are not going to forget the constant Government shutdowns and all the waste of money that went on during that period.

But let me talk about some of the other things this report is going to show. It is talking about family planning. Family planning survived in this Congress by one vote. That is about as close as you can get. Increasing the minimum wage. The majority of the people on the minimum wage happen to be women, many of them single women trying to support a family. We have been for raising it and they have not.

Domestic violence: The prior Congress we had a unanimous vote to start trying to do something about domestic violence and violence against women in this country. One of the first things that they attempted to do this year was cut the funding, cut it very severely. We got some of it back; we did not get all of it back. But it tells you where they really want to go, if they could.

Let us talk about the extreme cuts in Medicare and Medicaid that were attempted that would really gut those programs and leave an awful lot of people hanging out there. And then there was the launch on the school lunch program. I could not believe anybody would launch on school lunches. Everybody knows that children do much better if they are fed and if they have strong nutrition.

And then Head Start. My city of Denver got forced with Head Start cuts and they had to make a decision, did they throw kids out that were in the Head Start Program so they would have enough money to do the whole year or did they leave all the kids in that were in and then just go until they ran out of money? They opted for B, and they have already had to shut Head Start down. It did not make it until the end of the year. They ran out of money.

I cannot believe we are doing that to 3-year-olds. Three-year-olds are our future; they are the 21st century. Yet in Denver we had to tell them, no.

So women, I think, according to Eleanor, as she says it, it is up to the women, have got to hold Members accountable for their votes. We cannot let Members go around and say, we know we voted against women but after all, we are women, so do not hold it against us. I think you could hold it against them all the more. Because I think that women should be the particular advocates on this floor explaining why day care choices are needed, why dependent care choices for elderly family members who may need adult supervision during the day are needed, why families need more tax relief, why families need family medical leave, which is something Members on the other side did not want to back, why families need help, not a lot of help but they need some relief in lifting the pressure that they are feeling come down on them in this new global economy we are in.

I hope many people can get to that press conference. We are going to be talking back because Eleanor told us to.

SIDS INTERNATIONAL CONFERENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. FOLEY] is recognized during morning business for 5 minutes.

Mr. FOLEY. Mr. Speaker, yesterday, I had the pleasure of speaking before the fourth SIDS international conference taking place in Bethesda, MD.

This conference brought together researchers, health professionals, and parents from around the world to discuss recent and future efforts in the fight against sudden infant death syndrome.

SIDS is the No. 1 cause of death among infants between the ages of 1 week and 1 year, striking infants of all countries and cultures.

This tragic disease is responsible for the death of over 6,000 babies in the United States each year.

The sudden death of a child is a painful experience for any parent, especially when the infant is otherwise healthy and there is no apparent explanation for the child's death.

The good news is we have found ways to lower the risks of SIDS and we are now closer than ever to understanding the underlying causes of this condition.

My personal interest in SIDS stems from my work as a Florida State Senator when I met Stephanie Quick, a mother who had lost her son, Michael, to SIDS.

Michael was just 2 months old when he passed away. At the time of his death, there were few, if any, services in Florida available to families such as Stephanie's who had suffered such a tragic and unexplainable loss.

Since that meeting when I first learned about SIDS, I have worked on State legislation and public education efforts promoting research, support services for grieving families, training for first responders, and guidelines for death scene protocol.

Last year in Congress I, along with Senators HOLLINGS and STEVENS, sponsored the first congressional SIDS briefing to promote SIDS awareness by educating our colleagues and their staff about research and prevention efforts.

This even focused attention on the national ''Back to Sleep'' campaign which encourages the placement of healthy babies on their back or side to sleep.

Today, more and more parents are taking preventive steps such as this to lower the risks of SIDS.

Preliminary studies of the Back to Sleep campaign indicate the number of SIDS deaths in the United States is declining.

This is an important finding that reflects similar reports from other countries which have also seen a drop in SIDS deaths when babies are placed on their back to sleep.

While this news is very encouraging, more work is necessary if we are to reach our goal of eliminating SIDS.

The National Institute of Child Health and Human Development is the Federal agency responsible for health care research in the area of SIDS.

A recent study revealed that a brain defect in some SIDS babies could interfere with normal respiratory activity in infants and play a part in SIDS deaths.

This important finding underscores the critical need for congressional support of federally funded research and will provide us with valuable knowledge in the fight against SIDS.

It is my hope that our continued commitment to SIDS research will shed new light on the mystery behind SIDS and bring us closer to finding a cure to this cruel and tragic condition.

☐ 1115

I would like to take a moment to especially thank my legislative aid, Cherie Lott, who has worked so tirelessly on bringing this issue to the forefront of the U.S. Congress. I think it can prove, without question, that this Congress is committed to caring for our children, caring for our parents and to maintain the best possible health care for all Americans.

RECESS

The SPEAKER pro tempore (Mr. ROHRABACHER). Pursuant to clause 12 of rule I, the House stands in recess until 12 noon.

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess until 12 noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for the gift of vision, O God, for we know that when there is no vision, individuals and families and institutions do not thrive. Just as the flower receives its nourishment from the Sun and the soil, so the human spirit is nourished by a vision of Your presence in our lives and the support we receive from Your abiding care. We pray, O gracious God, that whatever our concerns or whatever our needs or whatever our hopes and dreams, we may realize the strength and comfort that