

**CHAPTER 68—LAND REMOTE-SENSING
COMMERCIALIZATION**

**SUBCHAPTER I—DECLARATION OF
FINDINGS, PURPOSES, AND POLICIES**

**§§ 4201 to 4204. Repealed. Pub. L. 102-555, § 4,
Oct. 28, 1992, 106 Stat. 4166**

Section 4201, Pub. L. 98-365, title I, §101, July 17, 1984, 98 Stat. 451, related to Congressional findings for chapter.

Section 4202, Pub. L. 98-365, title I, §102, July 17, 1984, 98 Stat. 452, related to Congressional declaration of purpose of chapter.

Section 4203, Pub. L. 98-365, title I, §103, July 17, 1984, 98 Stat. 452, related to Federal policy concerning acquisition and dissemination of remote-sensing data, availability of civilian unenhanced remote-sensing data, and commercialization of remote-sensing space systems with governmental retention of essentially public service functions.

Section 4204, Pub. L. 98-365, title I, §104, July 17, 1984, 98 Stat. 452, related to definitions for chapter.

For similar provisions, see section 5601 et seq. of this title.

SHORT TITLE

Pub. L. 98-365, §1, July 17, 1984, 98 Stat. 451, which provided that such Act was to be cited as the "Land Remote-Sensing Commercialization Act of 1984", was repealed by Pub. L. 102-555, §4, Oct. 28, 1992, 106 Stat. 4166.

**SUBCHAPTER II—OPERATION AND DATA
MARKETING OF LANDSAT SYSTEM**

**§§ 4211 to 4215. Repealed. Pub. L. 102-555, § 4,
Oct. 28, 1992, 106 Stat. 4166**

Section 4211, Pub. L. 98-365, title II, §201, July 17, 1984, 98 Stat. 453, related to operation and data marketing of Landsat system by Secretary of Commerce and provided for Secretary's authority to contract.

Section 4212, Pub. L. 98-365, title II, §202, July 17, 1984, 98 Stat. 454; Pub. L. 100-147, title III, §304, Oct. 30, 1987, 101 Stat. 876, related to Secretary's authority to contract for marketing of unenhanced data.

Section 4213, Pub. L. 98-365, title II, §203, July 17, 1984, 98 Stat. 454, related to conditions of competition for contract to market unenhanced data.

Section 4214, Pub. L. 98-365, title II, §204, July 17, 1984, 98 Stat. 455, related to sale of unenhanced data, entitlement to revenues from such sales, and the permissibility of marketing such data after end of Landsat system space segment.

Section 4215, Pub. L. 98-365, title II, §205, July 17, 1984, 98 Stat. 455, related to supply of unenhanced data to foreign ground stations and contract provisions relating thereto.

For similar provisions, see section 5601 et seq. of this title.

**SUBCHAPTER III—PROVISION OF DATA
CONTINUITY AFTER THE LANDSAT SYSTEM**

**§§ 4221 to 4228. Repealed. Pub. L. 102-555, § 4,
Oct. 28, 1992, 106 Stat. 4166**

Section 4221, Pub. L. 98-365, title III, §301, July 17, 1984, 98 Stat. 456, related to purposes and definition for subchapter.

Section 4222, Pub. L. 98-365, title III, §302, July 17, 1984, 98 Stat. 456, related to data continuity and availability.

Section 4223, Pub. L. 98-365, title III, §303, July 17, 1984, 98 Stat. 456, related to awarding of contract for provision of data continuity.

Section 4224, Pub. L. 98-365, title III, §304, July 17, 1984, 98 Stat. 458, related to terms of data continuity

contract and determination by Secretary of Commerce as to whether contract meets purposes of subchapter.

Section 4225, Pub. L. 98-365, title III, §305, July 17, 1984, 98 Stat. 458, related to marketing of land remote-sensing data, incentive provisions for such activity, and continuation by contractor of data sales or operation of civil remote-sensing systems.

Section 4226, Pub. L. 98-365, title III, §306, July 17, 1984, 98 Stat. 459, related to Secretary's report on progress towards privatization of remote-sensing space systems.

Section 4227, Pub. L. 98-365, title III, §307, July 17, 1984, 98 Stat. 459, related to termination of chapter.

Section 4228, Pub. L. 98-365, title III, §308, as added Pub. L. 100-147, title III, §305, Oct. 30, 1987, 101 Stat. 876, related to disposition of government assets following completion of contract made pursuant to subchapter.

For similar provisions, see section 5601 et seq. of this title.

**SUBCHAPTER IV—LICENSING OF PRIVATE
REMOTE-SENSING SPACE SYSTEMS**

**§§ 4241 to 4246. Repealed. Pub. L. 102-555, § 4,
Oct. 28, 1992, 106 Stat. 4166**

Section 4241, Pub. L. 98-365, title IV, §401, July 17, 1984, 98 Stat. 459, related to authority of Secretary of Commerce to license private sector parties, conditions for grant of license, review of applications by Secretary, and provisions relating to denial of licenses.

Section 4242, Pub. L. 98-365, title IV, §402, July 17, 1984, 98 Stat. 459; Pub. L. 102-567, title I, §114(b), Oct. 29, 1992, 106 Stat. 4279, provided licensing requirements for operation of private remote-sensing space system.

Section 4243, Pub. L. 98-365, title IV, §403, July 17, 1984, 98 Stat. 460, related to administrative authority of Secretary of Commerce, review of adverse action on license application, and judicial review of final actions.

Section 4244, Pub. L. 98-365, title IV, §404, July 17, 1984, 98 Stat. 461, related to regulatory authority of Secretary of Commerce.

Section 4245, Pub. L. 98-365, title IV, §405, July 17, 1984, 98 Stat. 461, related to licensing of private remote-sensing space systems which utilize civilian government satellites or vehicles, assistance by Secretary of Commerce in finding opportunities for such utilization, utilization agreements by Federal agencies, research and development, and subchapter's effect on authority of Federal Communications Commission.

Section 4246, Pub. L. 98-365, title IV, §406, July 17, 1984, 98 Stat. 461, related to termination of subchapter.

For similar provisions, see section 5621 et seq. of this title.

**SUBCHAPTER V—RESEARCH AND
DEVELOPMENT**

**§§ 4261 to 4264. Repealed. Pub. L. 102-555, § 4,
Oct. 28, 1992, 106 Stat. 4166**

Section 4261, Pub. L. 98-365, title V, §501, July 17, 1984, 98 Stat. 461, related to continued Federal remote-sensing research and development.

Section 4262, Pub. L. 98-365, title V, §502, July 17, 1984, 98 Stat. 462; Pub. L. 100-147, title III, §306, Oct. 30, 1987, 101 Stat. 876, related to remote-sensing research and development activities of Federal agencies.

Section 4263, Pub. L. 98-365, title V, §503, July 17, 1984, 98 Stat. 463, related to sale of experimental data.

Section 4264, Pub. L. 98-365, title V, §504, as added Pub. L. 100-147, title III, §307, Oct. 30, 1987, 101 Stat. 877, related to remote-sensing research and development activities of system operators.

For similar provisions, see section 5631 et seq. of this title.

SUBCHAPTER VI—GENERAL PROVISIONS

§§ 4271 to 4278. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166

Section 4271, Pub. L. 98-365, title VI, §601, July 17, 1984, 98 Stat. 463, related to nondiscriminatory availability of unenhanced data and public availability of terms and conditions for data sales.

Section 4272, Pub. L. 98-365, title VI, §602, July 17, 1984, 98 Stat. 463; Pub. L. 102-567, title I, §114(c), Oct. 29, 1992, 106 Stat. 4279, provided for archiving of land remote-sensing data.

Section 4273, Pub. L. 98-365, title VI, §603, July 17, 1984, 98 Stat. 464; Pub. L. 100-147, title III, §308, Oct. 30, 1987, 101 Stat. 877, related to nonreproduction of unenhanced data.

Section 4274, Pub. L. 98-365, title VI, §604, July 17, 1984, 98 Stat. 464, related to reimbursement of Federal agencies for assistance to remote-sensing system operators.

Section 4275, Pub. L. 98-365, title VI, §605, July 17, 1984, 98 Stat. 464, related to acquisition of equipment from Landsat system.

Section 4276, Pub. L. 98-365, title VI, §606, July 17, 1984, 98 Stat. 465, related to radio frequency allocation.

Section 4277, Pub. L. 98-365, title VI, §607, July 17, 1984, 98 Stat. 465, directed Secretary of Commerce to consult with Secretary of Defense on chapter's effect on national security matters, with Secretary of State on chapter's effect on international obligations, and provided for reimbursement of system operators for certain costs.

Section 4278, Pub. L. 98-365, title VI, §609, July 17, 1984, 98 Stat. 466; Pub. L. 99-62, July 11, 1985, 99 Stat. 118, authorized appropriations for chapter.

For similar provisions, see section 5651 et seq. of this title.

SUBCHAPTER VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

§§ 4291, 4292. Repealed. Pub. L. 102-555, § 4, Oct. 28, 1992, 106 Stat. 4166

Section 4291, Pub. L. 98-365, title VII, §701, July 17, 1984, 98 Stat. 466, related to prohibition of commercialization of weather satellites.

Section 4292, Pub. L. 98-365, title VII, §702, July 17, 1984, 98 Stat. 467, required repeal of chapter prior to any action with respect to the commercialization of weather satellites.

For similar provisions, see section 5671 et seq. of this title.

CHAPTER 69—COOPERATIVE RESEARCH

Sec.	
4301.	Definitions.
4302.	Rule of reason standard.
4303.	Limitation on recovery.
	(a) Amount recoverable.
	(b) Recovery by States.
	(c) Conduct similar under State law.
	(d) Interest.
	(e) Applicability.
4304.	Award of costs, including attorney's fees, to substantially prevailing party; offset.
4305.	Disclosure of joint venture.
	(a) Written notifications; filing.
	(b) Publication; Federal Register; notice.
	(c) Effect of notice.
	(d) Exemption; disclosure; information.
	(e) Withdrawal of notification.
	(f) Judicial review; inapplicable with respect to notifications.
	(g) Admissibility into evidence; disclosure of conduct; publication of notice; supporting or answering claims under antitrust laws.

Sec.	
4306.	Application of section 4303 protections to production of products, processes, and services.

§ 4301. Definitions

(a) For purposes of this chapter:

(1) The term "antitrust laws" has the meaning given it in subsection (a) of section 12 of this title, except that such term includes section 45 of this title to the extent that such section 45 of this title applies to unfair methods of competition.

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Commission" means the Federal Trade Commission.

(4) The term "person" has the meaning given it in subsection (a) of section 12 of this title.

(5) The term "State" has the meaning given it in section 15g(2) of this title.

(6) The term "joint venture" means any group of activities, including attempting to make, making, or performing a contract, by two or more persons for the purpose of—

(A) theoretical analysis, experimentation, or systematic study of phenomena or observable facts,

(B) the development or testing of basic engineering techniques,

(C) the extension of investigative findings or theory of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, prototypes, equipment, materials, and processes,

(D) the production of a product, process, or service,

(E) the testing in connection with the production of a product, process, or service by such venture,

(F) the collection, exchange, and analysis of research or production information, or

(G) any combination of the purposes specified in subparagraphs (A), (B), (C), (D), (E), and (F),

and may include the establishment and operation of facilities for the conducting of such venture, the conducting of such venture on a protected and proprietary basis, and the prosecuting of applications for patents and the granting of licenses for the results of such venture, but does not include any activity specified in subsection (b) of this section.

(b) The term "joint venture" excludes the following activities involving two or more persons:

(1) exchanging information among competitors relating to costs, sales, profitability, prices, marketing, or distribution of any product, process, or service if such information is not reasonably required to carry out the purpose of such venture,

(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the marketing, distribution, or provision by any person who is a party to such venture of any product, process, or service, other than—

(A) the distribution among the parties to such venture, in accordance with such ven-

ture, of a product, process, or service produced by such venture.

(B) the marketing of proprietary information, such as patents and trade secrets, developed through such venture formed under a written agreement entered into before June 10, 1993, or

(C) the licensing, conveying, or transferring of intellectual property, such as patents and trade secrets, developed through such venture formed under a written agreement entered into on or after June 10, 1993,

(3) entering into any agreement or engaging in any other conduct—

(A) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, or produced by, such venture, or

(B) to restrict or require participation by any person who is a party to such venture in other research and development activities,

that is not reasonably required to prevent misappropriation of proprietary information contributed by any person who is a party to such venture or of the results of such venture,

(4) entering into any agreement or engaging in any other conduct allocating a market with a competitor,

(5) exchanging information among competitors relating to production (other than production by such venture) of a product, process, or service if such information is not reasonably required to carry out the purpose of such venture,

(6) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production (other than the production by such venture) of a product, process, or service,

(7) using existing facilities for the production of a product, process, or service by such venture unless such use involves the production of a new product or technology, and

(8) except as provided in paragraphs (2), (3), and (6), entering into any agreement or engaging in any other conduct to restrict or require participation by any person who is a party to such venture, in any unilateral or joint activity that is not reasonably required to carry out the purpose of such venture.

(Pub. L. 98-462, §2, Oct. 11, 1984, 98 Stat. 1815; Pub. L. 103-42, §3(b), (c), June 10, 1993, 107 Stat. 117, 118.)

AMENDMENTS

1993—Subsec. (a)(6). Pub. L. 103-42, §3(b), struck out “research and development” after “joint” in introductory provisions, inserted subpars. (D) and (E), redesignated former subpars. (D) and (E) as (F) and (G), respectively, inserted “or production” after “research” in subpar. (F), substituted “(D), (E), and (F)” for “and (D)” in subpar. (G), and substituted “such venture” for “research” after “facilities for the conducting of” in concluding provisions.

Subsec. (b). Pub. L. 103-42, §3(c)(1), struck out “research and development” before “venture” in introductory provisions.

Subsec. (b)(1). Pub. L. 103-42, §3(c)(2), substituted “if such information is not reasonably required to carry out” for “that is not reasonably required to conduct the research and development that is”.

Subsec. (b)(2). Pub. L. 103-42, §3(c)(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production or marketing by any person who is a party to such venture of any product, process, or service, other than the production or marketing of proprietary information developed through such venture, such as patents and trade secrets, and”.

Subsec. (b)(3). Pub. L. 103-42, §3(c)(4), in subpar. (A) substituted “, developments, products, processes, or services not developed through, or produced by,” for “or developments not developed through”, in subpar. (B) substituted “any person who is a party to such venture” for “such party”, and at end of concluding provisions substituted comma for period.

Subsec. (b)(4) to (8). Pub. L. 103-42, §3(c)(5), added pars. (4) to (8).

SHORT TITLE OF 1993 AMENDMENT

Section 1 of Pub. L. 103-42 provided that: “This Act [enacting section 4306 of this title, amending this section and sections 4302 to 4305 of this title, enacting provisions set out as notes under this section and section 4305 of this title, and amending a provision set out as a note under this section] may be cited as the ‘National Cooperative Production Amendments of 1993.’”

SHORT TITLE

Section 1 of Pub. L. 98-462, as amended by Pub. L. 103-42, §3(a), June 10, 1993, 107 Stat. 117, provided that: “This Act [enacting this chapter] may be cited as the ‘National Cooperative Research and Production Act of 1993.’”

COOPERATIVE RESEARCH AND PRODUCTION; CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE

Section 2 of Pub. L. 103-42 provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) technological innovation and its profitable commercialization are critical components of the ability of the United States to raise the living standards of Americans and to compete in world markets;

“(2) cooperative arrangements among nonaffiliated businesses in the private sector are often essential for successful technological innovation; and

“(3) the antitrust laws may have been mistakenly perceived to inhibit procompetitive cooperative innovation arrangements, and so clarification serves a useful purpose in helping to promote such arrangements.

“(b) PURPOSE.—It is the purpose of this Act [see Short Title of 1993 Amendment note above] to promote innovation, facilitate trade, and strengthen the competitiveness of the United States in world markets by clarifying the applicability of the rule of reason standard and establishing a procedure under which businesses may notify the Department of Justice and Federal Trade Commission of their cooperative ventures and thereby qualify for a single-damages limitation on civil antitrust liability.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4305, 4306 of this title; title 42 section 13541.

§ 4302. Rule of reason standard

In any action under the antitrust laws, or under any State law similar to the antitrust laws, the conduct of any person in making or performing a contract to carry out a joint venture shall not be deemed illegal per se; such conduct shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition, including, but not limited to, effects on competition in properly defined, relevant research, development, prod-

uct, process, and service markets. For the purpose of determining a properly defined, relevant market, worldwide capacity shall be considered to the extent that it may be appropriate in the circumstances.

(Pub. L. 98-462, §3, Oct. 11, 1984, 98 Stat. 1816; Pub. L. 103-42, §3(d), June 10, 1993, 107 Stat. 119.)

AMENDMENTS

1993—Pub. L. 103-42 substituted “joint venture” for “joint research and development venture” and “, development, product, process, and service” for “and development” and inserted at end “For the purpose of determining a properly defined, relevant market, worldwide capacity shall be considered to the extent that it may be appropriate in the circumstances.”

§ 4303. Limitation on recovery

(a) Amount recoverable

Notwithstanding section 15 of this title and in lieu of the relief specified in such section, any person who is entitled to recovery on a claim under such section shall recover the actual damages sustained by such person, interest calculated at the rate specified in section 1961 of title 28 on such actual damages as specified in subsection (d) of this section, and the cost of suit attributable to such claim, including a reasonable attorney’s fee pursuant to section 4304 of this title if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 4305(a) of this title for a joint venture, and

(2) is filed after such notification becomes effective pursuant to section 4305(c) of this title.

(b) Recovery by States

Notwithstanding section 15c of this title, and in lieu of the relief specified in such section, any State that is entitled to monetary relief on a claim under such section shall recover the total damage sustained as described in subsection (a)(1) of such section, interest calculated at the rate specified in section 1961 of title 28 on such total damage as specified in subsection (d) of this section, and the cost of suit attributable to such claim, including a reasonable attorney’s fee pursuant to section 15c of this title if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 4305(a) of this title for a joint venture, and

(2) is filed after such notification becomes effective pursuant to section 4305(c) of this title.

(c) Conduct similar under State law

Notwithstanding any provision of any State law providing damages for conduct similar to that forbidden by the antitrust laws, any person who is entitled to recovery on a claim under such provision shall not recover in excess of the actual damages sustained by such person, interest calculated at the rate specified in section 1961 of title 28 on such actual damages as specified in subsection (d) of this section, and the cost of suit attributable to such claim, including a reasonable attorney’s fee pursuant to section 4304 of this title if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 4305(a) of this title for a joint venture, and

(2) is filed after notification has become effective pursuant to section 4305(c) of this title.

(d) Interest

Interest shall be awarded on the damages involved for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances.

(e) Applicability

This section shall be applicable only if the challenged conduct of a person defending against a claim is not in violation of any decree or order, entered or issued after October 11, 1984, in any case or proceeding under the antitrust laws or any State law similar to the antitrust laws challenging such conduct as part of a joint venture.

(Pub. L. 98-462, §4, Oct. 11, 1984, 98 Stat. 1816; Pub. L. 103-42, §3(e)(1), June 10, 1993, 107 Stat. 119.)

AMENDMENTS

1993—Subsecs. (a) to (c), Pub. L. 103-42, §3(e)(1)(A), (B), in introductory provisions inserted “of this section” after “subsection (d)” and in par. (1) substituted “joint venture” for “joint research and development venture”.

Subsec. (e), Pub. L. 103-42, §3(e)(1)(A), (C), substituted “October 11, 1984,” for “the effective date of this Act” and substituted “joint venture” for “joint research and development venture”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4305, 4306 of this title.

§ 4304. Award of costs, including attorney’s fees, to substantially prevailing party; offset

(a) Notwithstanding sections 15 and 26 of this title, in any claim under the antitrust laws, or any State law similar to the antitrust laws, based on the conducting of a joint venture, the court shall, at the conclusion of the action—

(1) award to a substantially prevailing claimant the cost of suit attributable to such claim, including a reasonable attorney’s fee, or

(2) award to a substantially prevailing party defending against any such claim the cost of suit attributable to such claim, including a reasonable attorney’s fee, if the claim, or the claimant’s conduct during the litigation of the claim, was frivolous, unreasonable, without foundation, or in bad faith.

(b) The award made under subsection (a) of this section may be offset in whole or in part by an award in favor of any other party for any part of the cost of suit, including a reasonable attorney’s fee, attributable to conduct during the litigation by any prevailing party that the court finds to be frivolous, unreasonable, without foundation, or in bad faith.

(Pub. L. 98-462, §5, Oct. 11, 1984, 98 Stat. 1817; Pub. L. 103-42, §3(e)(2), June 10, 1993, 107 Stat. 119.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-42 substituted “joint venture” for “joint research and development venture” in introductory provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4303 of this title.

§ 4305. Disclosure of joint venture**(a) Written notifications; filing**

Any party to a joint venture, acting on such venture’s behalf, may, not later than 90 days after entering into a written agreement to form such venture or not later than 90 days after October 11, 1984, whichever is later, file simultaneously with the Attorney General and the Commission a written notification disclosing—

(1) the identities of the parties to such venture,

(2) the nature and objectives of such venture, and

(3) if a purpose of such venture is the production of a product, process, or service, as referred to in section 4301(a)(6)(D) of this title, the identity and nationality of any person who is a party to such venture, or who controls any party to such venture whether separately or with one or more other persons acting as a group for the purpose of controlling such party.

Any party to such venture, acting on such venture’s behalf, may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 4303 of this title. In order to maintain the protections of section 4303 of this title, such venture shall, not later than 90 days after a change in its membership, file simultaneously with the Attorney General and the Commission a written notification disclosing such change.

(b) Publication; Federal Register; notice

Except as provided in subsection (e) of this section, not later than 30 days after receiving a notification filed under subsection (a) of this section, the Attorney General or the Commission shall publish in the Federal Register a notice with respect to such venture that identifies the parties to such venture and that describes in general terms the area of planned activity of such venture. Prior to its publication, the contents of such notice shall be made available to the parties to such venture.

(c) Effect of notice

If with respect to a notification filed under subsection (a) of this section, notice is published in the Federal Register, then such notification shall operate to convey the protections of section 4303 of this title as of the earlier of—

(1) the date of publication of notice under subsection (b) of this section, or

(2) if such notice is not so published within the time required by subsection (b) of this section, after the expiration of the 30-day period beginning on the date the Attorney General or the Commission receives the applicable information described in subsection (a) of this section.

(d) Exemption; disclosure; information

Except with respect to the information published pursuant to subsection (b) of this section—

(1) all information and documentary material submitted as part of a notification filed pursuant to this section, and

(2) all other information obtained by the Attorney General or the Commission in the course of any investigation, administrative proceeding, or case, with respect to a potential violation of the antitrust laws by the joint venture with respect to which such notification was filed,

shall be exempt from disclosure under section 552 of title 5, and shall not be made publicly available by any agency of the United States to which such section applies except in a judicial or administrative proceeding in which such information and material is subject to any protective order.

(e) Withdrawal of notification

Any person who files a notification pursuant to this section may withdraw such notification before notice of the joint venture involved is published under subsection (b) of this section. Any notification so withdrawn shall not be subject to subsection (b) of this section and shall not confer the protections of section 4303 of this title on any person with respect to whom such notification was filed.

(f) Judicial review; inapplicable with respect to notifications

Any action taken or not taken by the Attorney General or the Commission with respect to notifications filed pursuant to this section shall not be subject to judicial review.

(g) Admissibility into evidence; disclosure of conduct; publication of notice; supporting or answering claims under antitrust laws

(1) Except as provided in paragraph (2), for the sole purpose of establishing that a person is entitled to the protections of section 4303 of this title, the fact of disclosure of conduct under subsection (a) of this section and the fact of publication of a notice under subsection (b) of this section shall be admissible into evidence in any judicial or administrative proceeding.

(2) No action by the Attorney General or the Commission taken pursuant to this section shall be admissible into evidence in any such proceeding for the purpose of supporting or answering any claim under the antitrust laws or under any State law similar to the antitrust laws.

(Pub. L. 98-462, §6, Oct. 11, 1984, 98 Stat. 1818; Pub. L. 103-42, §3(f), June 10, 1993, 107 Stat. 119.)

AMENDMENTS

1993—Pub. L. 103-42, §3(f)(1), substituted “joint venture” for “joint research and development venture” in section catchline.

Subsec. (a). Pub. L. 103-42, §3(f)(2), (3), substituted “joint venture” for “joint research and development venture” and “October 11, 1984” for “the date of the enactment of this Act” and added par. (3).

Subsecs. (d)(2), (e). Pub. L. 103-42, §3(f)(3), substituted “joint venture” for “joint research and development venture”.