CONGRESSIONAL RECORD

103RD CONGRESS

HOUSE

Bill	Date	Page(s)
H.R. 2632	Oct. 12, 1993	H7697-98

Action:

Amended and passed under suspension of the rules

Patent and Trademark Office Authorization for fiscal year 1994: H.R. 2632, amended, to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994; and

Pages H7697-98

H.R. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 1993".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Patent and Trademark Office for salaries and necessary expenses the sum of $103,000,000 for fiscal year 1994, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund established under section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. note).

(b) FEES.—There are also authorized to be made available to the Patent and Trademark Office for fiscal year 1994, to the extent provided in advance in appropriation Acts, such sums as are equal to the amount collected during such fiscal year from fees under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 and following).

SEC. 3. AMOUNTS AUTHORIZED TO BE CARRIED OVER.

Amounts appropriated or made available pursuant to this Act may remain available until expended.

SEC. 4. ADJUSTMENT OF TRADEMARK FEES.

Effective on the date of the enactment of this Act, the fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for filing an application for the registration of a trademark shall be $245. Any adjustment of such fee under the second sentence of such section may not be effective before October 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, H.R. 2632 authorizes $103 million for the activities of the Patent and Trademark Office for fiscal year 1994. This money is generated by patent and trademark fees, and from amounts deposited in the Patent and Trademark Office fee surcharge fund created by the 1990 Budget Act. The legislation also provides an increase in the trademark application fee from $210 to $245.

This bill does not include the limitation on exohange agreements, which has been part of past reauthorization bills. We made this decision base don the PTO's assurance that it will not exercise its exchange authority in a manner which avoids Federal procurement policy or uses noncompetitive procedures. The experience of the current fiscal year and new leadership at the PTO generates has renewed hope that a policy of competition will prevail at that agency. The Judiciary Committee, as always, will use its oversight to monitor closely the use of exchange authority by the PTO.

I appreciate the work of Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Prop-

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2632) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, as amended.

The Clerk read as follows:

erty and Judicial Administration, and Congressman CARLOS MOORHEAD, the ranking subcommittee member, for their cooperation in bringing this legislation forward. I urge the Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH], the ranking minority member of the full committee.

Mr. FISH. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in support of the three bills being brought to the floor today by the Judiciary Committee. I would like to commend our chairman, the gentleman from Texas [Mr. BROOKS], for his prompt action on this legislation. I would also like to commend the chairman of the subcommittee, the gentleman from New Jersey [Mr. HUGHES], and the ranking member, the gentleman from California [Mr. MOORHEAD], for all of the work they have done in processing these bills. They should also be thanked for the leadership they have shown in bringing the Patent and Trademark Office into the 21st century. Twelve years ago that Office was not something to be proud of but today it ranks with the very best in the world and this is due, in no small part, to the hard work and oversight of the Intellectual Property and Judicial Administration Subcommittee.

One last point, Mr. Speaker, I continue to receive, as I am sure other Members do, letters from constituents complaining about how long it takes to receive a patent when filed in Japan. A Japanese inventor can file in the United States and receive his patent in 18 months or less. On the other hand, a United States inventory filing in Japan may wait as much as 7 years. I hope that this matter will be corrected, either through the harmonization meetings that are presently taking place or through the General Agreement on Tariffs and Trade [GATT].

In any case, Mr. Speaker, the legislation before us today is important and I urge a favorable vote.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. FISH. Certainly I yield to my friend and colleague, the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I understand that 47 percent of the patents issued by the United States are to Japanese patent holders. I wonder if the disparity between the period of time in which we consider grating those and the time that they take in Japan to grant such patents to our inventors might not be rectified, and if we might see if we could do something about that. Maybe we could have ours translated into Sanskrit or something before we consider them.

Mr. FISH. I certainly think the gentleman is right that the number of patents approved probably is due in part to the dispatch and the swiftness by which we authorize and process patents as compared to the processing in Japan. It is my understanding that the processing by the Japanese is quite different from ours, and that is why I think it is important that the harmonization meetings that are currently going on address this issue. And if they can do it, I think we should encourage them as much as possible, because the benefits obviously will accrue to U.S. inventors who want their patents processed.

Mr. BROOKS. If the gentleman will yield further, if they do not remedy that in the discussions, I think Congress ought to, and I will be delighted to work with the gentleman on that effort.

Mr. FISH. I thank the chairman.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], the chairman of the subcommittee.

(Mr. HUGHES asked and was given permission to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 2632, the Patent and Trademark Authorization Act of 1993. The purpose of H.R. 2632 is to authorize appropriations for the Patent and Trademark Office for fiscal year 1994 and to approve an increase in the trademark application fees beyond that permitted by present statutory authority.

The bill authorizes appropriations for the Patent and Trademark Office in the amount of $103,000,000 to be derived from the deposits in the Patent and Trademark Office fee surcharge fund established under section 10101 of the Omnibus Budget Reconciliation Act of 1990.

The Patent and Trademark Office is now fully funded by user fees and the bill authorizes the expenditure of all fees collected, subject to advance appropriations.

The bill also provides for an increase in the trademark application fees. The fees will increase from $210 to $245. For a number of years, the Patent and Trademark Office operated the Trademark Office at a surplus and has not needed to raise the trademark fees beyond the cost-of-living increase. The surplus has now been depleted. In addition, the accounting system of the Patent and Trademark Office has changed to charge the Trademark Office for more of the overhead expenses in line with actual use. The increase was worked out with interested groups including the International Trademark Association.

I urge adoption of this bill.

I want to thank again the chairman of the full committee for moving this expeditiously and the ranking Republican, the gentleman from New York [Mr. FISH], as well as my colleague and ranking Republican on the subcommittee, the gentleman from California [Mr. MOORHEAD], for his excellent work. It is a good bill, and I urge my colleagues to support it.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2632, the Patent and Trademark Office authorization for fiscal year 1994. The Patent and Trademark Office performs a service that is vital to the industrial strength and the economic well-being of our country. As has been pointed out by the gentleman from New Jersey, this legislation provides for a modest increase over last year's budget and the increase in trademark fees has been worked out with the private sector.

I would like to commend the chairman of the subcommittee, Mr. HUGHES, for his continued leadership in this important area. I also would like to thank the chairman of the full committee, the gentleman from Texas [Mr. BROOKS], and the ranking member, the gentleman from New York [Mr. FISH], for their guidance and support of this legislation. Mr. Speaker, I am not aware of any opposition to this bill and urge a "yes" vote in favor of H.R. 2632.

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Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 2632, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.