91ST CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
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PROPOSED INTERNATIONAL CONFERENCE ON A PATENT COOPERATION TREATY

DECEMBER 8, 1969.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany S.J. Res. 90]

The Committee on Foreign Affairs, to whom was referred the joint resolution (S.J. Res. 90) to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

PURPOSE

Senate Joint Resolution 90 authorizes the Secretary of State and the Secretary of Commerce, in consultation with other interested parties, to arrange to convene an international conference to negotiate a Patent Cooperation Treaty and further authorizes the appropriation of $175,000 for this purpose.

COMMITTEE ACTION

The proposed resolution was submitted by the Department of State on January 16, 1969 (Executive Communication 304), and referred to the Committee on Foreign Affairs. On January 28, 1969, the chairman of the committee referred the proposal to the Subcommittee on State Department Organization and Foreign Operations. By letter of March 17, 1969, the Department of State reaffirmed its interest in the resolution. Similar communications were sent to the Senate which passed and sent to the House an identical measure, Senate Joint Resolution 90.

The subcommittee held a hearing on the Senate resolution on October 29. The principal witness was Hon. Eugene M. Braderman, Deputy

Assistant Secretary of State for Commercial Affairs and Business Activities. He was accompanied by Hon. William E. Schuyler, Jr., U.S. Commissioner of Patents. These witnesses urged favorable action on the resolution. Mr. Robert W. Beart, senior vice president, Illinois Tool Works, and chairman, Patents and Trademarks Committee of the Illinois Manufacturers Association, also appeared. He favored an international patent treaty but expressed the view that the international conference planned for 1970 was premature since further studies are necessary before the U.S. position can be presented at an international conference. The committee has received communications of endorsement of the resolution from the National Association of Manufacturers, the American Patent Law Association, Chamber of Commerce of the United States, Pharmaceutical Manufacturers Association, Aerospace Industries Association of America, Inc., and Sunbeam Corp. The committee has been advised that the American Group of the International Patent and Trademark Association, the Boston Patent Law Association, and the Electronic Industries Association are among the groups endorsing the resolution. The committee was advised that the appropriate panel of the American Bar Association would not be able to consider its position on this resolution until its meeting in February 1970.

The subcommittee unanimously reported the resolution on November 5, 1969. The committee considered it in executive session on December 4, 1969, and unanimously ordered it reported to the House.

BACKGROUND

As a result of U.S. initiative, an international study to find means of simplifying the issuance of patents for any given invention in other countries was begun in 1966 and the drafting of a patent cooperation treaty started in 1967. According to the executive branch this process has now evolved to the point where it is feasible to plan an international conference in 1970 hopefully to conclude a final treaty on patent cooperation.

The executive branch feels that for a variety of reasons the United States should host this conference: (1) U.S. initiative started the process; (2) U.S. nationals file more patent applications abroad than the nationals of any other countries; and (3) the United States has not hosted a conference in the industrial property field since 1911. Moreover, it can be expected that the delegations of 40 to 45 countries, plus interested international intergovernmental and nongovernmental organizations will, while in the United States, spend an amount equal to or more than the $175,000 provided in Senate Joint Resolution 90, thus providing a balance-of-payments benefit to the United States.

For budgetary reasons, it has become the practice of the Department of State to request special legislation in the case of major diplomatic conferences to be hosted by the United States, rather than funding these from its appropriation for international conferences and contingencies. Precedents, together with the amounts authorized, include the 11th World Health Assembly, 1958 ($400,000), the Fifth NATO Parliamentarians Conference, 1959 ($100,000), the World Food Congress, 1963 ($300,000), the 22d World Health Assembly, 1969 ($500,000), and the Water for Peace Conference, 1967 ($900,000).

The text of Senate Joint Resolution 90 corresponds to that of Public Law 89–799 which authorized the Water for Peace Conference.

COMMITTEE RECOMMENDATION

The importance to American inventors of a treaty that will facilitate their patent applications abroad cannot be overestimated. The widespread endorsement of an international conference to negotiate such a treaty persuaded the committee that it should endorse this resolution. The committee expects that those responsible for preparing the U.S. position will continue to seek the views of all interested individuals and groups.

The committee recommends the passage of Senate Joint Resolution 90 at the earliest possible date in order that preparations for the conference may proceed.

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