## Patent Law Amendments Act of 1984

*Statement on Signing H.R. 6286 Into Law, November 9, 1984*

I have approved H.R. 6286, the Patent Law Amendments Act of 1984. The stimulation of American inventive genius requires a patent system that offers our inventors prompt and effective protection for their inventions. The Patent Law Amendments Act of 1984 effects a number of improvements in the patent system to achieve this goal.

The bill provides inventors with a new, efficient mechanism to protect their right to use their inventions without the need to expend scarce resources to obtain a patent. This procedure offers great cost savings potential to Federal agencies, which are the single largest filers of U.S. patents. It also closes a loophole in existing law which permitted copiers to export jobs and avoid liability by arranging for final assembly of patented machines to occur offshore. The act eliminates unwarranted technicalities in the patent law that threaten the validity of patents for inventions arising from corporate research teams.

Together with other provisions that enable the Patent and Trademark Office to streamline its operations, these provisions make our patent system more responsive to the needs of our inventors and industry. America must remain at the cutting edge of technology, and a strong and effective patent system is fundamental to this goal.

I am disappointed that the Congress chose to include in this bill a new National Commission on Innovation and Productivity. This Commission would be established to study the productivity of inventors employed by private companies and, more generally, to make recommendations for changes in U.S. laws to better foster innovation and productivity. I strongly believe that increased innovation is essential to our continued technological leadership. The

White House Conference on Productivity and the President's Commission on Industrial Competitiveness have brought together experts from government, academia, and the private sector to evaluate the impact of Federal policy on innovation and productivity. Many of their recommendations have already been implemented. A new National Commission to address this issue would simply duplicate the work of these groups.

Employed inventors have contributed greatly to our country's competitiveness in high technology areas. Nevertheless, I believe that the private sector, rather than the Federal Government, is best able to decide on methods to stimulate increased productivity on the part of employed inventors. My administration will oppose any appropriation for the National Commission on Innovation and Productivity authorized by H.R. 6286.

I must also note my objection to the structure and composition of the National Commission on Innovation and Productivity. The Commission would be composed of three Senators appointed by the President of the Senate; three Members of the House of Representatives appointed by the Speaker; and three members appointed by the President, of whom one shall be an "appropriate" officer or employee of the United States, one shall be an employer who employs inventors, and one shall be an employed inventor. Such entities are severely destructive of the tripartite system of government established by the Constitution.

Although the Commission would appear to serve primarily legislative functions, this bill would place the Commission partly within the executive branch. I believe that creation of such a Commission, which is neither clearly within the executive branch, nor clearly within the legislative branch, tends to blur the functional distinction between the governmental branches that is fundamental to the concept of separation of powers. It would be more appropriate for the Commission to be composed either entirely of members selected by the legislative branch, if it is to serve primarily legislative functions, or entirely of members appointed by the President, if it is to serve the executive branch.

*Note: As enacted, H.R. 6286 is Public Law 98-622, approved November 8.*