Supersedes HR 4502

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98TH CONGRESS
2D SESSION

H. R. 5324

To prohibit the designation of countries as beneficiary developing countries under title V of the Trade Act of 1974 unless adequate and effective protection is provided for United States patent, trademark, and copyright rights.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 1984

Mr. DOWNEY of New York (for himself, Mr. GORE, Mr. FRANK, Mr. LEVINE of California, Mr. MATSUI, Mr. CARNEY, Ms. KAPTUR, Mr. OXLEY, Mr. VENTO, Mr. STOKES, Mr. SIMON, Mr. SMITH of Florida, Mr. STUDDS, Mr. WALGREN, and Mr. PATTERSON) introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To prohibit the designation of countries as beneficiary developing countries under title V of the Trade Act of 1974 unless adequate and effective protection is provided for United States patent, trademark, and copyright rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the Trade Act of 1974 (19 U.S.C. 2462) is amended—

(1) by striking out "and" at the end of subsection (b)(6);

(2) by striking out the period at the end of subsection (b)(7) and inserting in lieu thereof "; and";

(3) by adding at the end of subsection (b)(7) the following:

"(8) if such country fails to provide under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights and intellectual property, including patent, trademark, and copyright rights, unless the President receives assurances satisfactory to him that the country is taking appropriate steps to provide such means and he submits a written report to both Houses of Congress detailing the nature of those assurances.";

(4) by amending the last paragraph of subsection (b) to provide: "Paragraphs (4), (5), (6), (7), and (8) shall not prevent the designation of any country as a beneficiary developing country under this section if the President determines that such designation will be in the national economic interest of the United States and reports such determination to the Congress with his reasons therefor.";

(5) by striking out the "and" at the end of subsection (c)(3);

(6) by striking out the period at the end of subsection (c)(4) and inserting in lieu thereof "; and";

(7) by adding at the end of subsection (c)(4) the following:

"(5) the extent to which such country is providing under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights."; and

(8) by adding at the end of section 502 the following:

"(e)(1) Not later than January 1, 1986, the President shall determine whether each beneficiary developing country designated as of the effective date of this Act satisfies the requirements of section 502(b)(8) and he shall report to Congress his determination and the reasons therefor. If the President determines that any such country fails to satisfy these requirements, he shall terminate such designation consistent with the provisions of section 502(a)(2).

"(2) With respect to any country for which the President has received assurances under section 502(b)(8), the President shall, not later than January 1, 1987, and annually thereafter, report to Congress the extent to which such assurances have been satisfied.".

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