§ H.R. 5754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 119 of title 35 of the United States Code, entitled "Patents", is amended by adding the following paragraph thereto:
"In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in a foreign country. Instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served nor thereafter shall serve, as a basis for claiming a right of priority."

SEC. 2. Section 44(d) of the Act approved July 5, 1946, Public Law 489, Seventy--ninth Congress, chapter 540 (60 Stat. 427; 15 U.S.C. 1126(d)), is amended by adding the following paragraph thereto:
"In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in a foreign country, instead of the first filed foreign application: Provided That any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve as a basis for claiming a right of priority."

SEC. 3. This Act shall take effect on the date when the Convention of Paris for the Protection of Industrial Property of March 20, 1883, as revised at Lisbon, October 31, 1958, comes into force with respect to the United States and shall apply only to applications thereafter filed by persons entitled to the benefit of said convention, as revised.