

100TH CONGRESS
2D SESSION

H. R. 4972

To authorize appropriations for the Patent and Trademark Office in the
Department of Commerce, and for other purposes

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1988

Mr KASTENMEIER (for himself and Mr MOORHEAD) (both by request) introduced
the following bill, which was referred to the Committee on the Judiciary

A BILL

To authorize appropriations for the Patent and Trademark
Office in the Department of Commerce, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) There are authorized to be appropriated to the
5 Patent and Trademark Office—

6 (1) for salaries and necessary expenses,
7 \$117,504,000 for fiscal year 1989, \$125,210,000 for
8 fiscal year 1990, and \$111,984,000 for fiscal year
9 1991, and

1 (2) such additional amounts as may be necessary
2 for each such fiscal year for increases in salary, pay,
3 retirement, and other employee benefits authorized by
4 law.

5 (b) Except as otherwise specifically provided in this Act
6 and section 42(c) of title 35, United States Code, the Patent
7 and Trademark Office is authorized to use fee revenues to
8 support any of its operations or activities

9 **SEC 2. APPROPRIATIONS AUTHORIZED TO BE CARRIED OVER**

10 Amounts appropriated under this Act and such fees as
11 may be collected under title 35, United States Code, and the
12 Trademark Act of 1946 (15 U S C 1051 and following) may
13 remain available until expended

14 **SEC 3. OVERSIGHT OF AND ADJUSTMENTS TO TRADEMARK**
15 **AND PATENT FEES.**

16 (a) **TRADEMARK FEES.**—The Commissioner of Patents
17 and Trademarks may not, during fiscal years 1989, 1990,
18 and 1991, increase fees established under section 31 of the
19 Trademark Act of 1946 (15 U.S.C. 1113) except for pur-
20 poses of making adjustments which in the aggregate do not
21 exceed fluctuations during the previous three years in the
22 Consumer Price Index, as determined by the Secretary of
23 Labor. The Commissioner may increase fees for services or
24 materials only once during this 3-year fee cycle. The Com-
25 mission, however, may establish new fees or increase existing

1 fees when there is a measurable change in examination pro-
2 cedures, services, or materials

3 (b) PATENT FEES.—The Commissioner of Patents and
4 Trademarks may not, during fiscal years 1989, 1990, and
5 1991, increase fees established under section 41(d) of title 35,
6 United States Code, except for purposes of making adjust-
7 ments which in the aggregate do not exceed fluctuations
8 during the previous three years in the Consumer Price Index,
9 as determined by the Secretary of Labor The Commissioner
10 may increase fees for services or materials only once during
11 this three-year fee cycle The Commissioner, however, may
12 establish new fees or increase existing fees when there is a
13 measurable change in examination procedures, services, or
14 materials.

15 (c) PATENT FEES —Section 41(f) of title 35, United
16 States Code, is amended by inserting the phrase “in the ag-
17 gregate” after the word “reflect”.

18 **SEC. 4. PUBLIC ACCESS TO PATENT AND TRADEMARK OFFICE**
19 **INFORMATION**

20 (a) Section 4 of Public Law 99-607 is repealed

21 (b) The Commissioner of Patents and Trademarks will
22 maintain, for use by the public, paper or microform collec-
23 tions of United States patents, foreign patent documents and
24 United States trademark registrations arranged to permit
25 search for and retrieval of information The Commissioner

1 may not impose fees for use of such collections. The re-
2 sources for maintaining the collections will come from appro-
3 priated funds.

4 (c) The Commissioner of Patents and Trademarks may
5 establish fees for access by the public to automated search
6 systems of the Patent and Trademark Office in accordance
7 with section 41 of title 35, United States Code, and section
8 31 of the Trademark Act of 1946 (15 U.S C 1113). If fees
9 are established, a limited amount of free access shall be made
10 available to all users of the systems.

11 **SEC 5. OVERSIGHT OF AND LIMITATIONS ON TRADEMARK**
12 **AND CERTAIN PATENT FEES.**

13 Subsections 5(a)(2), (b), (c) and (d) of Public Law
14 99-607 are repealed.

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