

99TH CONGRESS
1ST SESSION

H. R. 2434

IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 3), 1985

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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) **PURPOSES AND AMOUNTS.**—There are authorized
5 to be appropriated to the Patent and Trademark Office—

6 (1) for salaries and necessary expenses,
7 \$101,631,000 for fiscal year 1986, \$110,400,000 for
8 fiscal year 1987, and \$111,900,000 for fiscal year
9 1988; 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) **REDUCTION OF PATENT FEES.**—Amounts appro-
6 priated under subsection (a)(1) shall be used to reduce by 50
7 per centum each fee paid under section 41(a) or 41(b) of title
8 35, United States Code, by—

9 (1) an independent inventor or nonprofit organiza-
10 tion as defined in regulations prescribed by the Com-
11 missioner of Patents and Trademarks, or

12 (2) a small business concern as defined under sec-
13 tion 3 of the Small Business Act (15 U.S.C. 632).

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

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

19 **SEC. 3. INCREASES OF TRADEMARK AND CERTAIN PATENT**
20 **FEES PROHIBITED.**

21 (a) **TRADEMARK FEES.**—The Commissioner of Patents
22 and Trademarks may not, during fiscal years 1986, 1987,
23 and 1988, increase fees established under section 31 of the
24 Trademark Act of 1946 (15 U.S.C. 1113) except for pur-
25 poses of making adjustments which in the aggregate do not

1 exceed fluctuations during the previous three years in the
2 Consumer Price Index, as determined by the Secretary of
3 Labor. The Commissioner also may not establish additional
4 fees under such section during such fiscal years.

5 (b) PATENT FEES.—The Commissioner of Patents and
6 Trademarks may not, during fiscal years 1986, 1987, and
7 1988, increase fees established under section 41(d) of title 35,
8 United States Code, except for purposes of making adjust-
9 ments as described in section 41(f) of such title. The Commis-
10 sioner also may not establish additional fees under such sec-
11 tion during such fiscal years.

12 **SEC. 4. FEES FOR USE OF SEARCH ROOMS AND LIBRARIES**
13 **PROHIBITED.**

14 The Commissioner of Patents and Trademarks may not
15 impose a fee for use of public patent or trademark search
16 rooms and libraries. The costs of such rooms and libraries
17 shall come from amounts appropriated by Congress.

18 **SEC. 5. USE OF PATENT AND TRADEMARK FEES PROHIBITED**
19 **FOR PROCUREMENT OF AUTOMATIC DATA**
20 **PROCESSING RESOURCES.**

21 Fees collected under section 31 of the Trademark Act of
22 1946 (15 U.S.C. 1113) and section 41 of title 35, United
23 States Code, may not be used during fiscal years 1986, 1987,
24 and 1988 to procure by purchase, lease, transfer, or other-
25 wise automatic data processing resources (including hard-

1 ware, software and related services, and machine readable
2 data) for the Patent and Trademark Office.

3 **SEC. 6. USE OF EXCHANGE AGREEMENTS RELATING TO AUTO-**
4 **MATIC DATA PROCESSING RESOURCES PROHIB-**
5 **ITED.**

6 The Commissioner of Patents and Trademarks may not
7 exchange items or services (as authorized under section 6(a)
8 of title 35, United States Code) relating to automatic data
9 processing resources (including hardware, software and relat-
10 ed services, and machine readable data) during fiscal years
11 1986, 1987, and 1988. This section shall not apply to any
12 agreement relating to data for automation programs entered
13 into with a foreign government or with a bilateral or interna-
14 tional intergovernmental organization.

Passed the House of Representatives June 24, 1985.

Attest: **BENJAMIN J. GUTHRIE,**
Clerk.