

Supersedes

99 H.R. 1628

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99TH CONGRESS
1ST SESSION

H. R. 2434

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

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1985

Mr. KASTENMEIER (for himself, Mr. MOORHEAD, Mr. BROOKS, Mr. MAZZOLI, Mr. SYNAR, Mrs. SCHROEDER, Mr. BERMAN, Mr. BOUCHER, Mr. HYDE, Mr. KINDNESS, and Mr. DEWINE) 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) **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 percent each fee paid under section 41(a) or 41(b) of title 35,
8 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 3 years in the Con-
2 sumer Price Index, as determined by the Secretary of Labor.
3 The Commissioner also may not establish additional fees
4 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 LIBRARIES PROHIBITED.**

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

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

20 Fees collected under section 31 of the Trademark Act of
21 1946 (15 U.S.C. 1113) and section 41 of title 35, United
22 States Code, may not be used during fiscal years 1986, 1987,
23 and 1988 to procure by purchase, lease, transfer, or other-
24 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 with a foreign government relating to data for au-
13 tomation programs.

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