

100TH CONGRESS
2D SESSION

H. R. 4972

IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 26), 1988

Received

OCTOBER 6, 1988

Read twice and referred to the Committee on the Judiciary

OCTOBER 14 (legislative day, OCTOBER 12), 1988

Committee discharged

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 There are authorized to be appropriated to the Patent
5 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 during the previous three years in the Consumer Price Index,
2 as determined by the Secretary of Labor The Commissioner
3 also may not establish additional fees under such section
4 during such fiscal years

5 (c) REPORT TO CONGRESS —The Secretary of Com-
6 merce shall, on the day on which the President submits the
7 annual budget to the Congress, provide to the Committees on
8 the Judiciary of the Senate and the House of Representa-
9 tives—

10 (1) a list of patent and trademark fee collections
11 by the Patent and Trademark Office during the preced-
12 ing fiscal year,

13 (2) a list of activities of the Patent and Trade-
14 mark Office during the preceding fiscal year which
15 were supported by patent fee expenditures, trademark
16 fee expenditures, and appropriations,

17 (3) budget plans for significant programs, projects,
18 and activities of the Office, including out-year funding
19 estimates,

20 (4) any proposed disposition of surplus fees by the
21 Office, and

22 (5) such other information as the committees con-
23 sider necessary

1 SEC 4 PUBLIC ACCESS TO PATENT AND TRADEMARK OFFICE
2 INFORMATION

3 (a) REPEAL.—Section 4 of Public Law 99-607 (35
4 U.S C 41 note) is repealed

5 (b) MAINTENANCE OF COLLECTIONS —The Commis-
6 sioner of Patents and Trademarks shall maintain, for use by
7 the public, paper or microform collections of United States
8 patents, foreign patent documents, and United States trade-
9 mark registrations arranged to permit search for and retrieval
10 of information. The Commissioner may not impose fees for
11 use of such collections, or for use of public patent or trade-
12 mark search rooms or libraries Funds appropriated to the
13 Patent and Trademark Office shall be used to maintain such
14 collections, search rooms, and libraries

15 (c) FEES FOR ACCESS TO SEARCH SYSTEMS.—Subject
16 to section 5(a), the Commissioner of Patents and Trademarks
17 may establish reasonable fees for access by the public to
18 automated search systems of the Patent and Trademark
19 Office in accordance with section 41 of title 35, United States
20 Code, and section 31 of the Trademark Act of 1946 (15
21 U.S C 1113) If such fees are established, a limited amount
22 of free access shall be made available to all users of the sys-
23 tems for purposes of education and training The Commis-
24 sioner may waive the payment by an individual of fees au-
25 thorized by this subsection upon a showing of need or hard-
26 ship, and if such waiver is in the public interest

1 SEC 5 FUNDING OF AUTOMATED DATA PROCESSING
2 RESOURCES

3 (a) ALLOCATIONS —Of amounts available to the Patent
4 and Trademark Office for automatic data processing re-
5 sources for fiscal years 1989, 1990, and 1991, not more than
6 30 percent of such amounts in each such fiscal year may be
7 from fees collected under section 31 of the Trademark Act of
8 1946 (15 U S C. 1113) and section 41 of title 35, United
9 States Code. The Commissioner of Patents and Trademarks
10 shall notify the Committees on the Judiciary of the Senate
11 and the House of Representatives of any proposed repro-
12 grammings which would increase or decrease the amount of
13 appropriations expended for automatic data processing
14 resources.

15 (b) USE OF REVENUES BY PATENT AND TRADEMARK
16 OFFICE —Except as otherwise specifically provided in this
17 Act, Public Law 99-607, and section 42(c) of title 35, United
18 States Code, the Patent and Trademark Office is authorized
19 to use appropriated or apportioned fee revenues for any of its
20 operations or activities

21 SEC 6. USE OF EXCHANGE AGREEMENTS RELATING TO
22 AUTOMATIC DATA PROCESSING RESOURCES
23 PROHIBITED

24 The Commissioner of Patents and Trademarks may not,
25 during fiscal years 1989, 1990, and 1991, enter into any
26 agreement for the exchange of items or services (as author-

1 ized under section 6(a) of title 35, United States Code) relat-
2 ing to automatic data processing resources (including hard-
3 ware, software and related services, and machine readable
4 data), and the Commissioner may not, on or after the date of
5 the enactment of this Act, continue existing agreements for
6 the exchange of such items or services. The preceding sen-
7 tence shall not apply to an agreement relating to data for
8 automation programs which is entered into with a foreign
9 government or with an international intergovernmental
10 organization.

Passed the House of Representatives October 5, 1988

Attest

DONNALD K ANDERSON,

Clerk