

S 320

Intellectual Property and High Technology Technical Amendments Act of 2001

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Feb 13, 2001

Current Status: For Further Action See H.R.2215.

Latest Action: For Further Action See H.R.2215. (Oct 3, 2002)

Official Text: https://www.congress.gov/bill/107th-congress/senate-bill/320

Sponsor

Name: Sen. Hatch, Orrin G. [R-UT]

Party: Republican • State: UT • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Leahy, Patrick J. [D-VT]	D · VT		Feb 13, 2001

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Mar 13, 2001

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
107 HR 2215	Related bill	Nov 2, 2002: Became Public Law No: 107-273.

Intellectual Property and High Technology Technical Amendments Act of 2001 - Amends Federal patent and trademark law, as amended by the Intellectual Property and Communications Omnibus Reform Act of 1999 (IPCORA) and the American Inventor's Protection Act (AIPA), to rename: (1) the Director of the U.S. Patent and Trademark Office (PTO) the Commissioner of such Office; (2) the Commissioner for Patents the Assistant Commissioner for Patents; and (3) the Commissioner for Trademarks the Assistant Commissioner for Trademarks. Amends other specified law to reflect these changes.

(Sec. 2) Amends IPCORA to specify the PTO Commissioner as the officer authorized to revise trademark services fees for inflation.

Provides for the appointment by the President of a PTO Special Counsel for Intellectual Property Policy and a PTO Deputy Commissioner for Legislative and International Affairs. Requires the President in lieu of the Secretary of Commerce to appoint the Deputy Under Secretary of Commerce for Intellectual Property and the PTO Deputy Commissioner. Prescribes the range of levels for the Deputy Commissioner's salary.

(Sec. 3) Specifies third-party requesters as the persons who may invoke inter partes reexamination of a patent in light of new evidence (prior art) affecting its patentability. Makes this specification retroactive to the enactment of IPCORA.

(Sec. 4) Amends the Patent and Trademark Efficiency Act to make the PTO Deputy Commissioner a member of both the Trademark Trial and Appeal Board and the Board of Patent Appeals and Interferences.

Exempts members of the Public Advisory Committee from the current prohibition against PTO employees' having an ownership interest in patents.

Repeals the requirement for a PTO officer's attestation signature on a patent grant.

(Sec. 5) Amends IPCORA and the Domestic Publication of Foreign Filed Patent Applications Act of 1999 to declare that the right to obtain a reasonable royalty based on an international application designating the United States commences on the date of the application's publication (currently, on the date the PTO receives a copy of the application) under the pertinent treaty.

(Sec. 6) Revises certain requirements with respect to the prior art effect of published international applications. Declares that the PTO will only rely on information published in English in patent applications as it makes the essential determination of novelty during the examination of a patent application. Makes November 29, 2000, the effective date of specified AIPA amendments establishing the early publication of patent applications, including amendments made by this Act.

(Sec. 8) Amends the Trademark Act of 1946, as amended by IPCORA and the Anti-Cybersquatting Consumer Protection Act, with respect to certain damages for willful dilutions of famous marks.

Provides for service on the Commissioner of any notices or process in proceedings affecting a mark registered by an applicant, or an assignee of the mark, not domiciled in the United States if the registrant or assignee does not designate by a document filed in the PTO the name and address of a person resident in the United States on whom such notices or process may be served.

Allows a foreign applicant for a trademark duly registered in the applicant's country of origin, when registering the mark

on the principal or supplemental U.S. register, to submit a true copy or a photocopy of the foreign registration as an alternative to a certification or a certified copy.

(Sec. 9) Makes a clerical amendment to the Patent and Trademark Fee Fairness Act of 1999 and technical amendments to copyright law.

## Actions Timeline

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- **Oct 3, 2002:** For Further Action See H.R.2215.
- **Nov 16, 2001:** Message on Senate action sent to the House.
- **Nov 15, 2001:** Measure laid before Senate by unanimous consent. (consideration: CR S11926)
- **Nov 15, 2001:** Resolving differences -- Senate actions: Senate concurred in House amendment with an amendment by Unanimous Consent.(text as Senate agreed to House amendment with amendment: CR S11926)
- **Nov 15, 2001:** Senate concurred in House amendment with an amendment by Unanimous Consent. (text as Senate agreed to House amendment with amendment: CR S11926)
- **Mar 15, 2001:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Mar 14, 2001:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Mar 14, 2001:** Considered under suspension of the rules. (consideration: CR H898-901)
- **Mar 14, 2001:** DEBATE - The House proceeded with forty minutes of debate on S. 320.
- **Mar 14, 2001:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H898-901)
- **Mar 14, 2001:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H898-901)
- **Mar 14, 2001:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 12, 2001:** Reported (Amended) by the Committee on Judiciary. H. Rept. 107-18.
- **Mar 12, 2001:** Reported (Amended) by the Committee on Judiciary. H. Rept. 107-18.
- **Mar 12, 2001:** Placed on the Union Calendar, Calendar No. 13.
- **Mar 8, 2001:** Committee Consideration and Mark-up Session Held.
- **Mar 8, 2001:** Ordered to be Reported (Amended) by Voice Vote.
- **Feb 26, 2001:** Message on Senate action sent to the House.
- **Feb 26, 2001:** Received in the House.
- **Feb 26, 2001:** Referred to the House Committee on the Judiciary.
- **Feb 14, 2001:** Measure laid before Senate by unanimous consent. (consideration: CR S1376-1384)
- **Feb 14, 2001:** Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 98 - 0. Record Vote Number: 12.(text: CR S1381-1384)
- **Feb 14, 2001:** Passed Senate without amendment by Yea-Nay Vote. 98 - 0. Record Vote Number: 12. (text: CR S1381-1384)
- **Feb 13, 2001:** Introduced in Senate
- **Feb 13, 2001:** Introduced in the Senate. Read twice. Ordered Placed on Senate Legislative Calendar under General Orders. Calendar No. 13.