

S 1191

Intellectual Property Protection Restoration Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Jun 5, 2003

Current Status: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S7480-

Latest Action: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S7480-7482) (Jun 5, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1191>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jun 5, 2003

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
108 HR 2344	Identical bill	Jun 17, 2003: Subcommittee Hearings Held.

Intellectual Property Protection Restoration Act of 2003 - Amends Federal patent law to prohibit the award of remedies in civil actions brought for infringement of a patent issued on or after January 1, 2004, if a State or State instrumentality is or was at any time the legal or beneficial owner of such patent, except upon proof that by the date the infringement commenced (or January 1, 2006, whichever is later) the State has waived its immunity from suit in Federal court for any infringement of intellectual property protected under Federal law.

Exempts patents from such limitation if it would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2004, or the party seeking remedies was a bona fide purchaser for value of the patent, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the patent.

Amends Federal copyright law and the Trademark Act of 1946 to apply the same condition of State waiver of immunity to suit under Federal law to the award of remedies in any civil action brought under such laws where a State or State instrumentality is or was at any time the legal or beneficial owner of the copyright or trademark involved.

Provides that in actions against an officer or employee of a State or its instrumentality for violations of provisions of Federal copyright or patent laws, the U.S. Code, the Trademark Act of 1946, or the Plant Variety Protection Act, remedies shall be available against such individual in the same manner and to the same extent as they available in an action against a private individual under like circumstances.

Imposes liability on States for violations of the fifth or fourteenth amendment of the U.S. Constitution (takings or due process violations) involving intellectual property under such Federal laws.

Actions Timeline

- **Jun 5, 2003:** Introduced in Senate
- **Jun 5, 2003:** Sponsor introductory remarks on measure. (CR S7479-7480)
- **Jun 5, 2003:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S7480-7482)