

S 3486

Patent Law Treaties Implementation Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Aug 2, 2012

Current Status: Became Public Law No: 112-211.

Latest Action: Became Public Law No: 112-211. (Dec 18, 2012)

Law: 112-211 (Enacted Dec 18, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/3486>

Sponsor

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

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

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		Aug 2, 2012
Sen. Hatch, Orrin G. [R-UT]	R · UT		Sep 10, 2012

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Sep 20, 2012
Judiciary Committee	House	Referred To	Sep 25, 2012

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
112 HR 6432	Related bill	Sep 19, 2012: Referred to the House Committee on the Judiciary.

(This measure has not been amended since it was reported to the Senate on September 20, 2012. The summary of that version is repeated here.)

Patent Law Treaties Implementation Act of 2012 - Amends federal patent law to implement the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (Hague Treaty) and the Patent Law Treaty. (Both treaties were ratified by the Senate on December 7, 2007.)

Standardizes application procedures to be consistent with other member countries.

Title I: Hague Agreement Concerning International Registration of Industrial Designs - (Sec. 101) Allows any person who is a U.S. national, or has a domicile, habitual residence, or real and effective industrial or commercial establishment in the United States, to file an international design application for international registration with the U.S. Patent and Trademark Office (USPTO) (thereby enabling U.S. applicants to file a single application with USPTO instead of separate applications in multiple countries).

Directs the USPTO to collect and transmit international fees and forward international design applications to the intergovernmental International Bureau recognized as the coordinating body under the Hague Treaty and its common regulations.

Requires an international design application on an industrial design made in the United States to constitute the filing of an application in a foreign country if such application is filed: (1) in a country other than the United States, (2) at the International Bureau, or (3) with an intergovernmental organization.

Requires the filing date of an international design application in the United States to be the effective registration date, except that any international design application designating the United States that otherwise meets the requirements of federal patent law (notwithstanding the implementation of the treaty) may be treated as a design application under existing federal laws applicable to design patents.

Permits applicants to request a review of the filing date of an international design application in the United States. Authorizes the USPTO Director to determine that such filing date is a date other than the effective registration date.

Sets forth requirements for determining the right of priority of national applications and prior foreign and national applications with earlier filing dates.

Directs the Director to provide for the examination of international design applications designating the United States. Authorizes the Director to issue patents based on such applications.

(Sec. 102) Extends provisional rights (the right to obtain royalties from persons who sell or engage in certain activities involving the invention during the period beginning on the date the application is published and ending on the date the patent is issued) to such international design applications filed under the treaty that designate the United States.

Extends the term for design patents from 14 to 15 years from the date of grant.

Title II: Patent Law Treaty Implementation - (Sec. 201) Revises patent application procedures with respect to filing dates, fees, and surcharges for fees, oaths, or declarations and claims submitted after the filing date. Authorizes the Director to prescribe conditions on references to previously filed applications.

Permits the Director to establish procedures to revive an unintentionally abandoned patent application, accept an unintentionally delayed payment of the fee for issuing each patent, or accept an unintentionally delayed response by the patent owner in a reexamination proceeding, upon petition by the applicant or patent owner.

Authorizes the Director to: (1) prescribe regulations and fees for the extension of application periods for inventors who previously filed provisional applications or applications for the same invention in a foreign country, (2) establish procedures to accept an unintentionally delayed claim for priority under the Patent Cooperation Treaty and to accept a priority claim that pertains to an application that was not filed within the specified priority period but was filed within the extended application period.

Directs the USPTO to maintain a register of interests in patents and applications for patents. Applies patent assignment requirements to interests that constitute an assignment, grant, or conveyance.

Actions Timeline

- **Dec 18, 2012:** Signed by President.
- **Dec 18, 2012:** Became Public Law No: 112-211.
- **Dec 10, 2012:** Presented to President.
- **Dec 5, 2012:** Mr. Smith (TX) moved to suspend the rules and pass the bill.
- **Dec 5, 2012:** Considered under suspension of the rules. (consideration: CR H6552-6556)
- **Dec 5, 2012:** DEBATE - The House proceeded with forty minutes of debate on S. 3486.
- **Dec 5, 2012:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H6552-6555)
- **Dec 5, 2012:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H6552-6555)
- **Dec 5, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 25, 2012:** Received in the House.
- **Sep 25, 2012:** Referred to the House Committee on the Judiciary.
- **Sep 24, 2012:** Message on Senate action sent to the House.
- **Sep 22, 2012:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(consideration: CR 9/21/2012 S6667-6670; text as passed Senate: CR 9/21/2012 S6667-6670)
- **Sep 22, 2012:** Passed Senate with an amendment by Unanimous Consent. (consideration: CR 9/21/2012 S6667-6670; text as passed Senate: CR 9/21/2012 S6667-6670)
- **Sep 20, 2012:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 20, 2012:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Sep 20, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 532.
- **Aug 2, 2012:** Introduced in Senate
- **Aug 2, 2012:** Sponsor introductory remarks on measure. (CR S5980)
- **Aug 2, 2012:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S5980-5983)