

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Legislative/Governmental Affairs update

Tammy Foley

August 5, 2021

Patent Public Advisory Committee quarterly meeting

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Legislative Activity

## 117th Congress

- U.S. Innovation and Competition Act (S. 1260)
  - Passed the Senate on May 28 by a vote of 68-32
  - Sec. 6204 requires the USPTO to collect voluntary demographic information (IDEA Act)
  - Sec. 3207 requires State, in coordination with Office of Director for National Intelligence (ODNI), to report on the China's expanded influence in international organizations, including the World Intellectual Property Organization
  - Sec. 3402 requires Department of State, in coordination with Commerce, DOJ, USTR and ODNI, to create an "intellectual property violators list", including Chinese state-owned enterprises benefitting from IP theft or involuntary or coerced technology transfer
  - Sec. 5204 directs the President to submit a report to Congress identifying foreign persons/entities engaged in, benefitting from, or supporting significant theft of U.S. persons' trade secrets and directs the President to impose sanctions on the identified persons entities; list of available sanctions includes listing on the Entity List

# Legislative Activity

## 117th Congress

- Sec. 6303 directs USTR to work with USPTO, and other federal agencies, to enforce the IP provisions of the trade agreement
- Sec. 71021 directs U.S. Government to provide technical and legal support to US entities in infringement cases against Chinese entities
- Sec. 71023 provides enhanced authority for Customs and Border Protection to share merchandise information with IP holders
- Sec. 71024 directs USTR to enter into negotiations with enumerated allies to stop the importation of goods made with stolen IP
- **Save Money on Auto Repair Transportation (SMART) Act (H.R. 3788)**
  - Amends Title 35 to provide an exception from infringement for certain component parts of motor vehicles

# Congressional Activity

## 117th Congress

- Senate Judiciary Subcommittee on Intellectual Property Hearing: Protecting Real Innovations by Improving Patent Quality
  - Hearing held on June 22
- House Appropriations Subcommittee on Commerce, Justice, and Science Hearing: Fiscal Year 2022 Commerce, Justice, Science, and Related Agencies Appropriations Bill
  - Markup on July 12, 2021
  - Approved by voice vote
- Hearings on Drug Pricing
  - Senate Judiciary Subcommittee on Competition Policy, Antitrust and Consumer Rights Hearing: A Prescription for Change: Cracking Down on Anticompetitive Conduct in Prescription Drug Markets
    - Hearing held on July 13
  - House Oversight and Reform Committee Hearing: Unsustainable Drug Prices (Part III): Testimony from AbbVie CEO Richard Gonzalez
    - Hearing held on May 18



# Thank you!

**Kim Alton**

**Tammy Foley**

Office of Government Affairs

[kimberley.alton@uspto.gov](mailto:kimberley.alton@uspto.gov)

[tamara.foley@uspto.gov](mailto:tamara.foley@uspto.gov)

571-272-7300

[www.uspto.gov](http://www.uspto.gov)