

# Legislative Update

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# Legislation

## ***Selected Bills Introduced Thus Far During the 112<sup>th</sup> Congress:***

- **H.R. 1249 – The Leahy-Smith America Invents Act of 2011 (Patent Reform)**
  - Contains fee setting authority and funding provisions for USPTO
  - Passed House on June 23<sup>rd</sup> by vote of 304-117
  - Senate expected to vote on the House bill shortly after August recess
  - Implementation Website Created – [www.uspto.gov/AmericaInventsAct](http://www.uspto.gov/AmericaInventsAct)





# Legislation

- **S. 968 - Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (“Protect IP” Act) (Sen. Leahy)**
  - Would provide DOJ with tools to expeditiously crack down on websites set up to profit from infringement
  - Marked up on May 26<sup>th</sup> by Judiciary Committee
  - House expected to introduce companion bill shortly
  
- **H.R. 2511 - Innovation Design Protection and Piracy Prevention Act (Rep. Goodlatte)**
  - House Judiciary Hearing held on July 15, 2011. Witnesses testified that legislation is necessary to protect small & medium design companies from competition from “knock offs”
  - Concerns raised about a potential for excessive or frivolous litigation
  - Bill provides limited protection and addresses concerns raised about prior legislative proposals.



## Other Highlighted Issues:

### ***Domain Names / ICANN gTLDs:***

- June 2011, ICANN voted to end most restrictions on suffixes, the biggest change to the system since it was created in 1984.
- House Judiciary Hearing held on May 4, 2011.
- Committee Members expressed concerns about ICANN's proposal – potential for fraud, consumer confusion, and IP theft.



# Update on Telework Legislation Oversight Committee

## ***Implementing Telework Flexibility:***

- Pursuant to Public Law 111-292 (H.R.1722, 111<sup>th</sup> Congress), the *Telework Enhancement Act of 2010*, USPTO is in process of implementing new telework flexibilities.
- USPTO Oversight Committee developed operating procedures to ensure reasonable technological alternatives used before requiring employee travel
- MOU with USPTO Unions signed on July 5, 2011.
- Implementation begins 30 days after GSA approval transmitted to Congress with Cost Benefit Analysis.





# USPTO Funding & FY 2011 Appropriations

## USPTO Funding:

- USPTO currently operating under the Full year Continuing Appropriations Act, 2011 (Public Law 112-10) signed by the President on April 15, 2011; USPTO projects that collections will exceed this by approximately \$80 million.
- Spending in FY2011 limited to \$2.09 billion; difficult decisions made relating to patents, nationwide workforce, IT improvements, and others. Trademark activities unaffected.
- FY 2012 House CJS Committee appropriates \$2.71 billion. Awaiting action by Senate this Fall.
- Patent Reform legislation would enable the agency to set its own on fees (both patents and trademarks) and assesses 15% surcharge on patent fees.



*Thank you.*

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