Patent Public Advisory Committee
Quarterly Meeting

Legislative/Governmental Affairs Update

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Director, Office of Governmental Affairs

May 4, 2017
Legislative Bills on IP Systems / Structure

115th Congress (first session)

H.R. 1695, Register of Copyrights Selection and Accountability Act,
• Introduced by Reps. Goodlatte and Conyers on March 23, 2017
• Would make the Register of Copyrights a presidentially-appointed, Senate-confirmed position, limits the position to a 10-year term, and requires that the Register be capable of identifying and supervising a Chief Information Officer or similar official responsible for managing information technology systems.
• Passed by the House on April 26, 2017.

S. ___, Register of Copyrights Selection and Accountability Act,
• Introduced by Sens. Grassley, Feinstein, Leahy and Hatch on May 2, 2017
• Identical to H.R.1695
• (Expected to be) Referred to Senate Rules Committee
Legislative Bills on Pharmaceuticals
115th Congress (first session)

Preserve Access to Affordable Generics Act (S. 124)
• Re-introduced by Sen. Klobuchar (D-MN) on January 12, 2017; similar legislation introduced last Congress (S. 2019 (114th))
• Prohibits brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market
• Referred to the Senate Judiciary Committee

Orphan Product Extensions Now Accelerating Cures and Treatments (OPEN) Act (H.R. 1223)
• Introduced by Congressman Bilirakis (R-FL) on February 27, 2017
• Amends the Federal Food, Drug, and Cosmetic Act to authorize an extension of exclusivity periods for certain drugs approved for a new indication for a rare disease or condition
• Referred to House Energy and Commerce – Health Subcommittee
Legislative Bills on Pharmaceuticals

115th Congress (first session)

Affordable and Safe Prescription Drug Importation Act (S. 469/H.R. 1245)
• Introduced in the Senate by Sen. Sanders (I-VT) and in the House by Congressman Cummings (D-MD) on February 28, 2017
• Amends the Federal Food, Drug, and Cosmetic Act to allow for the importation of affordable and safe drugs from specified countries by wholesale distributors, pharmacies, and individuals
• Referred to the Senate Health, Education, Labor and Pensions Committee / House Energy and Commerce – Health Subcommittee

Improving Access to Affordable Prescription Drugs Act (S. 771/H.R. 1776)
• Introduced in the Senate by Sen. Franken (D-MN) and in the House by Congresswoman Schakowsky (D-IL) on March 29, 2017
• Implements reforms to lower drug costs while increasing innovation and promoting transparency
• Referred to Senate Finance Committee / House Energy and Commerce – Health Subcommittee, House Judiciary Committee and House Ways and Means Committee
Creating and Restoring Equal Access to Equivalent Samples (CREATES) Act of 2017
(S. 974 / H.R. 2212)

• Introduced in the Senate by Sen. Leahy (D-VT) and in the House by Congressman Marino (R-PA) on April 27, 2017
• Targets abusive delay tactics involving sample-sharing and shared safety protocols that may be used to delay entry of affordable generic drugs.
• Referred respectively to the Senate and House Judiciary Committees
Other Legislation

115th Congress (first session)

Promoting Automotive Repair, Trade and Sales Act (S. 812/H.R. 1879)
• Re-introduced in the Senate by Sen. Hatch (R-UT) and the House by Congressman Issa (R-CA) on April 4, 2017; similar to legislation introduced in the previous Congress (S. 560 / H.R. 1057 - 114\textsuperscript{th})
• Amends title 35, United States Code, to limit the term of automotive design patents from 14 to 2.5 years on certain car collision repair parts.
• Referred respectively to the Senate and House Judiciary Committees

Patent for Humanity Program Improvement Act (S. 927)
• Re-introduced by Sen. Leahy (D-VT) on April 25, 2017; Bill identical to S. 1402 - 114\textsuperscript{th}
• Allows acceleration certificates awarded under the Patents for Humanity Program to be transferable
• Referred to the Senate Judiciary Committee
Congressional Hearing Activity
115th Congress (first session)


• The hearing explored how the U.S. IP system is supporting innovation and, in the process, helping to save lives, feed the world, and change the way we interact with technology.

• Witnesses:
  o Mr. Matthew C. Allen, Acting Assistant Director for the Intellectual Property Rights Center
  o Ms. Kary Eron, General Manager Health and Live Science, Data Center Group
  o Dr. Ashifi Gogo, Ph.D., CEO, Sproxil, Inc. (P4H Award winner – 2013)
  o Dr. Conor F. Madigan, Ph.D., Co-Founder, CEO and President of Kateeva, Inc.
  o Dr. Neal Gutterson, Ph.D., Vice President, Research & Development, DuPont Pioneer Hi-Bred International, Inc. (P4H Award winner – 2013)
Pending Executive Appointments
115th Congress (first session)

Office of the Intellectual Property Enforcement Coordinator
• President Trump nominated Vishal J. Amin
• Current role: Senior Counsel for House Judiciary Committee Chairman Bob Goodlatte (R-VA)
Congressional Events

115th Congress (first session)

World IP Day (April 26, 2017)

  - Local events were held here at the Alexandria campus and on Capitol Hill in the Senate Hart Office Building
  - Capitol Hill Event included remarks from Chairman Goodlatte (R-VA), Senator Coons (D-DE), Congressman Issa (R-CA), Congressman Collins (R-GA) and Congressman Radcliffe (R-TX)
  - Speakers included Deputy Director General John Sandage, INTA President Joseph Ferretti, Chief IP Officer of Nike, Jeanine Hayes, and co-founder of GRIT (a 2015 Patents for Humanity winner) Mario Bollini
Questions and Comments

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The 115th Congress (2017-2018)

Changes in leadership of congressional committee relevant to IP

U.S. House of Representatives

Committee on the Judiciary
Bob Goodlatte (R-VA-6), Chairman  John Conyers (D-MI-13), Ranking Member

Subcommittee on Courts, Intellectual Property, and the Internet
Darrell Issa (R-CA-49), Chairman  Jerry Nadler (D-NY-10), Ranking Member

U.S. Senate

Committee on the Judiciary
Chuck Grassley (R-IA), Chairman  Diane Feinstein (D-CA), Ranking Member
USPTO’s Office of Governmental Affairs: Overview

Structure: 10 Staff (mix of attorneys and non-attorneys)

Core Mission

Represent USPTO on Capitol Hill

(Advance PTO’s legislative agenda, prepare testimony, brief staff, provide technical advice)

Respond to Requests from Members of Congress and Facilitate Clearance

(constituent issues, clear IP policy documents within the Administration)

Build Relationships and Maintain Goodwill with Elected Officials

(Support regional office engagement, build fed/state relationships & stakeholder outreach)