Legislative/Governmental Affairs update

Tammy Foley
August 5, 2021
Patent Public Advisory Committee quarterly meeting
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

  – 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!

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