

Changes in language are made.

PRIOR PROVISIONS

A prior section 8 was renumbered section 7 of this title.

AMENDMENTS

1999—Pub. L. 106-113 renumbered section 9 of this title as this section and substituted “Director” for “Commissioner”.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106-113, set out as a note under section 1 of this title.

§ 9. Certified copies of records

The Director may furnish certified copies of specifications and drawings of patents issued by the Patent and Trademark Office, and of other records available either to the public or to the person applying therefor.

(July 19, 1952, ch. 950, 66 Stat. 794, § 10; Pub. L. 93-596, § 1, Jan. 2, 1975, 88 Stat. 1949; renumbered § 9 and amended Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, §§ 4717(1), 4732(a)(10)(A)], Nov. 29, 1999, 113 Stat. 1536, 1501A-580, 1501A-582.)

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., § 14 (Mar. 3, 1891, ch. 541, § 1 (part), 26 Stat. 908, 940).

Reference to other records is added. The fee for certification is omitted as it appears in the table of fees.

PRIOR PROVISIONS

A prior section 9 was renumbered section 8 of this title.

AMENDMENTS

1999—Pub. L. 106-113 renumbered section 10 of this title as this section and substituted “Director” for “Commissioner”.

1975—Pub. L. 93-596 substituted “Patent and Trademark Office” for “Patent Office”.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106-113, set out as a note under section 1 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-596 effective Jan. 2, 1975, see section 4 of Pub. L. 93-596, set out as a note under section 1111 of Title 15, Commerce and Trade.

§ 10. Publications

(a) The Director may publish in printed, typewritten, or electronic form, the following:

1. Patents and published applications for patents, including specifications and drawings, together with copies of the same. The Patent and Trademark Office may print the headings of the drawings for patents for the purpose of photolithography.

2. Certificates of trade-mark registrations, including statements and drawings, together with copies of the same.

3. The Official Gazette of the United States Patent and Trademark Office.

4. Annual indexes of patents and patentees, and of trade-marks and registrants.

5. Annual volumes of decisions in patent and trade-mark cases.

6. Pamphlet copies of the patent laws and rules of practice, laws and rules relating to trade-marks, and circulars or other publications relating to the business of the Office.

(b) The Director may exchange any of the publications specified in items 3, 4, 5, and 6 of subsection (a) of this section for publications desirable for the use of the Patent and Trademark Office.

(July 19, 1952, ch. 950, 66 Stat. 794, § 11; Pub. L. 93-596, § 1, Jan. 2, 1975, 88 Stat. 1949; renumbered § 10 and amended Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, §§ 4507(1), 4717(1), 4732(a)(10)(A), 4804(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-565, 1501A-580, 1501A-582, 1501A-589.)

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., §§ 13 and 16 (R.S. 489; July 9, 1947, ch. 211, § 301 (part), 61 Stat. 299, repealed in prior and subsequent appropriation acts).

Section is amplified to list the publications of the Patent Office, based on 44 U.S.C., 1946 ed., §§ 283, 283a.

The second sentence of item 1 of the revised section is a provision appearing annually in appropriation acts to enable the Patent Office to maintain a small printing press to place headings on drawings before the drawings are reproduced.

Language is changed.

PRIOR PROVISIONS

A prior section 10 was renumbered section 9 of this title.

AMENDMENTS

1999—Pub. L. 106-113, § 1000(a)(9) [title IV, §§ 4717(1), 4732(a)(10)(A)], renumbered section 11 of this title as this section and substituted “Director” for “Commissioner” in subsec. (b).

Subsec. (a). Pub. L. 106-113, § 1000(a)(9) [title IV, § 4804(b)], in introductory provisions, substituted “The Director may publish in printed, typewritten, or electronic form, the following:” for “The Commissioner may print, or cause to be printed, the following:”.

Subsec. (a)1. Pub. L. 106-113, § 1000(a)(9) [title IV, § 4507(1)], which directed the insertion of “and published applications for patents” after “Patents” in section 11 of this title, was executed by making the insertion in this section to reflect the probable intent of Congress and the renumbering of section 11 as this section by Pub. L. 106-113, § 1000(a)(9) [title IV, § 4717(1)]. See note above and Effective Date of 1999 Amendment notes below.

1975—Pub. L. 93-596 substituted “Patent and Trademark Office” for “Patent Office”, wherever appearing.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4508], Nov. 29, 1999, 113 Stat. 1536, 1501A-566, provided that: “Sections 4502 through 4507 [amending sections 10 to 12, 102, 119, 120, 122, 135, 154, 181, 252, 284, and 374 of this title and enacting provisions set out as notes under sections 41 and 122 of this title], and the amendments made by such sections, shall take effect on the date that is 1 year after the date of the enactment of this Act [Nov. 29, 1999] and shall apply to all applications filed under section 111 of title 35, United States Code, on or after that date, and all applications complying with section 371 of title 35, United States Code, that resulted from international applications filed on or after that date. The amendments made by sections 4504 and 4505 [amending sections 102 and 154 of this title] shall apply to any such application voluntarily published by the applicant under procedures established under this subtitle [see section § 1000(a)(9) [title IV, § 4501] of Pub.

L. 106–113, set out as a Short Title of 1999 Amendment note under section 1 of this title] that is pending on the date that is 1 year after the date of the enactment of this Act. The amendment made by section 4504 [amending section 154 of this title] shall also apply to international applications designating the United States that are filed on or after the date that is 1 year after the date of the enactment of this Act.”

Amendment by section 1000(a)(9) [title IV, §§ 4717(1), 4732(a)(10)(A)] Pub. L. 106–113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106–113, set out as a note under section 1 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–596 effective Jan. 2, 1975, see section 4 of Pub. L. 93–596, set out as a note under section 1111 of Title 15, Commerce and Trade.

§ 11. Exchange of copies of patents and applications with foreign countries

The Director may exchange copies of specifications and drawings of United States patents and published applications for patents for those of foreign countries. The Director shall not enter into an agreement to provide such copies of specifications and drawings of United States patents and applications to a foreign country, other than a NAFTA country or a WTO member country, without the express authorization of the Secretary of Commerce. For purposes of this section, the terms “NAFTA country” and “WTO member country” have the meanings given those terms in section 104(b).

(July 19, 1952, ch. 950, 66 Stat. 794, § 12; renumbered § 11 and amended Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, §§ 4507(2), 4717(1), 4732(a)(10)(A), 4808], Nov. 29, 1999, 113 Stat. 1536, 1501A–565, 1501A–580, 1501A–582, 1501A–591.)

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., §§ 15, and 78, part (Jan. 14, 1915, 38 Stat. 1221; Feb. 18, 1922, ch. 58, § 9, proviso in, 42 Stat. 393).

The first act mentioned applies to Canada only, the second to any country; these are consolidated in one section, specific reference to one country not being necessary.

Language is changed.

PRIOR PROVISIONS

A prior section 11 was renumbered section 10 of this title.

AMENDMENTS

1999—Pub. L. 106–113, § 1000(a)(9) [title IV, §§ 4717(1), 4732(a)(10)(A)], renumbered section 12 of this title as this section and substituted “Director” for “Commissioner”.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4808], inserted at end “The Director shall not enter into an agreement to provide such copies of specifications and drawings of United States patents and applications to a foreign country, other than a NAFTA country or a WTO member country, without the express authorization of the Secretary of Commerce. For purposes of this section, the terms ‘NAFTA country’ and ‘WTO member country’ have the meanings given those terms in section 104(b).”

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4507(2)], which directed the amendment of section 12 of this title by inserting “and applications” after “patents” in section catchline and “and published applications for patents” after “patents” in text, was executed by making the insertions in this section to reflect the probable intent of Congress and the renumbering of section 12 as this sec-

tion by Pub. L. 106–113, § 1000(a)(9) [title IV, § 4717(1)]. See note above and Effective Date of 1999 Amendment notes below.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by section 1000(a)(9) [title IV, § 4507(2)] of Pub. L. 106–113 effective on date that is 1 year after Nov. 29, 1999, and applicable to all applications filed under section 111 of this title on or after that date, and all applications complying with section 371 of this title that resulted from international applications filed on or after that date, see section 1000(a)(9) [title IV, § 4508] of Pub. L. 106–113, set out as a note under section 10 of this title.

Amendment by section 1000(a)(9) [title IV, §§ 4717(1), 4732(a)(10)(A)] of Pub. L. 106–113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106–113, set out as a note under section 1 of this title.

§ 12. Copies of patents and applications for public libraries

The Director may supply copies of specifications and drawings of patents and published applications for patents in printed or electronic form to public libraries in the United States which shall maintain such copies for the use of the public, at the rate for each year’s issue established for this purpose in section 41(d) of this title.

(July 19, 1952, ch. 950, 66 Stat. 794, § 13; Pub. L. 97–247, § 15, Aug. 27, 1982, 96 Stat. 321; renumbered § 12 and amended Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, §§ 4507(3), 4717(1), 4732(a)(10)(A), 4804(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A–565, 1501A–580, 1501A–582, 1501A–589.)

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., § 78, part (R.S. 4934, Feb. 18, 1922, ch. 58, § 9, 42 Stat. 389, 393, amended June 15, 1950, ch. 249, 64 Stat. 215).

The proviso in the schedule of fees of the existing statute is made a separate section and some changes in language are made.

PRIOR PROVISIONS

A prior section 12 was renumbered section 11 of this title.

AMENDMENTS

1999—Pub. L. 106–113, § 1000(a)(9) [title IV, §§ 4717(1), 4732(a)(10)(A)], renumbered section 13 of this title as this section and substituted “Director” for “Commissioner”.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4804(c)], substituted “copies of specifications and drawings of patents in printed or electronic form” for “printed copies of specifications and drawings of patents”.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4507(3)], which directed the amendment of section 13 of this title by inserting “and applications” after “patents” in section catchline and “and published applications for patents” after “patents” in text, was executed by making the insertions in this section to reflect the probable intent of Congress and the renumbering of section 13 as this section by Pub. L. 106–113, § 1000(a)(9) [title IV, § 4717(1)]. See note above and Effective Date of 1999 Amendment notes below.

1982—Pub. L. 97–247 substituted “section 41(d)” for “section 41(a)9”.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by section 1000(a)(9) [title IV, § 4507(3)] of Pub. L. 106–113 effective on date that is 1 year after Nov. 29, 1999, and applicable to all applications filed under section 111 of this title on or after that date, and