

§ 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; Pub. L. 107–273, div. C, title III, §§ 13205(2)(B), 13206(b)(1)(B), Nov. 2, 2002, 116 Stat. 1903, 1906.)

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

2002—Pub. L. 107–273, § 13206(b)(1)(B), made technical correction to directory language of Pub. L. 106–113, § 1000(a)(9) [title IV, § 4732(a)(10)(A)]. See 1999 Amendment note below.

Pub. L. 107–273, § 13205(2)(B), made technical correction to directory language of Pub. L. 106–113, § 1000(a)(9) [title IV, § 4507(2)]. See 1999 Amendment note below.

1999—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, § 4732(a)(10)(A)], as amended by Pub. L. 107–273, § 13206(b)(1)(B), substituted “Director” for “Commissioner”.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4717(1)], renumbered section 12 of this title as this section.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4507(2)], as amended by Pub. L. 107–273, § 13205(2)(B), inserted “and applications” after “patents” in section catchline and “and published applications for patents” after “patents” in text.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by section 1000(a)(9) [title IV, § 4507(2)] of Pub. L. 106–113 effective Nov. 29, 2000, and applicable only to applications (including international applications designating the United States) filed on or after that date, see section 1000(a)(9) [title IV, § 4508] of Pub. L. 106–113, as amended, 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; Pub. L. 107–273, div. C, title III, §§ 13205(2)(C), 13206(b)(1)(B), (3)(B), Nov. 2, 2002, 116 Stat. 1903, 1906.)

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

2002—Pub. L. 107–273, § 13206(b)(3)(B), amended directory language of Pub. L. 106–113, § 1000(a)(9) [title IV, § 4804(c)]. See 1999 Amendment note below.

Pub. L. 107–273, § 13206(b)(1)(B), made technical correction to directory language of Pub. L. 106–113, § 1000(a)(9) [title IV, § 4732(a)(10)(A)]. See 1999 Amendment note below.

Pub. L. 107–273, § 13205(2)(C), made technical correction to directory language of Pub. L. 106–113, § 1000(a)(9) [title IV, § 4507(3)]. See 1999 Amendment note below.

1999—Pub. L. 106–113, § 1000(a)(9) [title IV, § 4804(c)], as amended by Pub. L. 107–273, § 13206(b)(3)(B), which directed amendment of section 12 of this title by substituting “copies of specifications and drawings of patents in printed or electronic form” for “printed copies of specifications and drawings of patents”, was executed to this section, which was section 13 of this title, to reflect the probable intent of Congress. This section was subsequently renumbered section 12 of this title by Pub. L. 106–113, § 1000(a)(9) [title IV, § 4717(1)]. See note above and Effective Date of 1999 Amendment note below.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4732(a)(10)(A)], as amended by Pub. L. 107–273, § 13206(b)(1)(B), substituted “Director” for “Commissioner”.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4717(1)], renumbered section 13 of this title as this section.

Pub. L. 106–113, § 1000(a)(9) [title IV, § 4507(3)], as amended by Pub. L. 107–273, § 13205(2)(C), inserted “and applications” after “patents” in section catchline and “and published applications for patents” after “patents” in text.

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 Nov. 29, 2000, and applicable