

## IP-Related Bills Introduced During the 111<sup>th</sup> Congress

Updated: 2/05/2009

### I. Bills introduced in the House

Bill Number	Bill Description	Status
H.R. 848	<b>Performance Rights Act.</b> A bill to end exemption for over-the-air broadcasters. Requires webcasters, satellite radio providers and cable companies compensate artists for use of their sound recordings just as conventional radio stations do. (Rep. Conyers, D-MI-14) <i>[This measure was reintroduced from the 110<sup>th</sup> Congress (H.R.4789) and has 18 cosponsors].</i>	Introduced 2/4/2009.  <i>Referred to the Committee on the Judiciary</i>
H.R. 801	<b>Fair Copyright in Research Works Act.</b> Prohibits the Federal government from requiring the transfer or license of IP rights from researchers expressly in cases where non-federal financial or other contributions were made. Responds to specific NIH policies adopted in 2008. (Rep. Conyers, D-MI-14) <i>[Reintroduced from the 110<sup>th</sup> Congress (H.R. 6845)].</i>	Introduced 2/3/2009.  <i>Referred to the Committee on the Judiciary</i>
H.R. 727	<b>Counterfeiting of American Indian Arts and Crafts</b> Broadens existing federal investigative authority by authorizing federal investigative bodies in addition to the FBI, such as the Bureau of Indian Affairs Office of Law Enforcement to investigate cases of misrepresentation of Indian arts and crafts. Also strengthens the criminal enforcement provisions of the Indian Arts and Crafts Act of 1990 (Sen. Pastor, D-AZ).	Introduced 1/27/2009.  <i>Referred to both House Committee on Natural Resources and Committee on the Judiciary.</i>
H.R. 628	<b>Specialist Patent Judges Pilot Program.</b> Establishes a pilot program in a limited number of U.S. district courts to encourage enhancement of expertise in patent cases among district judges. Bill passed by House during the 110 <sup>th</sup> Congress. Add to this legislation, if a district has adopted local patent rules, it may also be eligible for the pilot. (Rep. Issa, R-CA-49) <i>[IPO is on record supporting this bill. Rep. Schiff (D-CA-29 cosponsored the measure].</i>	Introduced 1/22/2009.  <i>Referred to the Committee on the Judiciary</i>
H.R. 573	<b>Prohibiting Authorized Generics.</b> Amends the Hatch Waxman Act to prohibit brand-name drug companies from using their own "authorized" generic drug to block entry into the market of competing, lower-cost generics (Rep. Emerson, D-MO-8). <i>[Reps. Rep Berry (D-AR-1), Moore, D-KS-3), and Wamp (R-TN-3) cosponsored this measure].</i>	Introduced 1/15/2009.  <i>Referred to the Committee on Energy and Commerce</i>
H.R. Res. 30	<b>Expressing the Sense of the House that, to continue growth in the telecommunications and technology industries, the U.S. Government should `Get Out of the Way and Stay Out of the Way'.</b> Included in the resolution is that the House should act to reform "our national patent and trademark system to protect the intellectual property of those on the leading edge of innovation." (Rep. Latta, R-OH-5).	Introduced 1/7/2009.  <i>Referred to both the Committee on Energy and Commerce Committee on the Judiciary.</i>

## II. Bills introduced in the Senate

Bill Number	Bill Description	Status
S.369	<b>Preserve Access to Affordable Generics Act.</b> A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market. (Sen.Kohl, D-WI) <i>[This measure was reintroduced from previous congresses. Text differs from H.R. 573 above. Sens. Brown, D-OH, Durbin, D-IL, Feingold D-WI, and Grassley R-IA cosponsored the measure.]</i>	Introduced 2/3/2009.  <i>Referred to the Committee on the Judiciary</i>
S. 299	<b>Specialist Patent Judges Pilot Program.</b> Establishes a pilot program in a limited number of U.S. district courts to encourage enhancement of expertise in patent cases among district judges. Bill passed by House during the 110 <sup>th</sup> Congress. Add to this legislation, if a district has adopted local patent rules, it may also be eligible for the pilot. (Sen. Specter, R- PA) <i>[IPO is on record supporting this bill]</i> .	Introduced 1/22/2009.  <i>Referred to the Committee on the Judiciary</i>
S.200	<b>Judicial Pay Raise.</b> A bill to authorize a cost of living adjustment (COLA) for the Federal judiciary (Sen. Leahy, D-VT).	Introduced 1/11/2009.  <i>Referred to the Committee on the Judiciary</i>
S.151	<b>Counterfeiting of American Indian Arts and Crafts.</b> Broadens existing federal investigative authority by authorizing federal investigative bodies in addition to the FBI, such as the Bureau of Indian Affairs Office of Law Enforcement to investigate cases of misrepresentation of Indian arts and crafts. Also strengthens the criminal enforcement provisions of the Indian Arts and Crafts Act of 1990 (Sens. McCain, R-AZ and Kyl, R-AZ).	Introduced 1/6/2009.  <i>Referred to the Committee on Indian Affairs</i>
S. 80	<b>Drug Reimportation / Exhaustion of Patent Rights.</b> Exempts from patent infringement any patented drug that was first sold abroad by or under authority of the owner or licensee of such patent (Sen. Vitter, R-LA) <i>[Reintroduced from previous congresses since 2004; IPO took a position against this language when first introduced – specifically, S.2328, 108<sup>th</sup> Congress, 2<sup>nd</sup> Session.]</i>	Introduced 1/6/2009.  <i>Referred to the Committee on Health, Education, Labor, and Pensions</i>

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House Bills – [www.ipo.org/housebills](http://www.ipo.org/housebills)

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