

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; Pub. L. 107-273, div. C, title III, §§ 13205(2)(A), 13206(b)(1)(B), (3)(A), Nov. 2, 2002, 116 Stat. 1903, 1906.)

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, repeated 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

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

Subsec. (a)1. Pub. L. 107-273, § 13205(2)(A), made technical correction to directory language of Pub. L. 106-113, § 1000(a)(9) [title IV, § 4507(1)]. See 1999 Amendment note below.

Subsec. (b). 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.

1999—Pub. L. 106-113, § 1000(a)(9) [title IV, § 4717(1)], renumbered section 11 of this title as this section.

Subsec. (a). Pub. L. 106-113, § 1000(a)(9) [title IV, § 4804(b)], as amended by Pub. L. 107-273, § 13206(b)(3)(A), which directed the general amendment of the introductory provisions of subsec. (a) of section 10 of this title to read “The Director may publish in printed, typewritten, or electronic form, the following:”, was executed to this section, which was section 11 of this title, to reflect the probable intent of Congress. This section

was subsequently renumbered section 10 of this title by Pub. L. 106-113, § 1000(a)(9) [title IV, § 4717(1)]. Prior to amendment, introductory provisions of subsec. (a) read as follows: “The Commissioner may print, or cause to be printed, the following:”. See note above and Effective Date of 1999 Amendment note below.

Subsec. (a)1. Pub. L. 106-113, § 1000(a)(9) [title IV, § 4507(1)], as amended by Pub. L. 107-273, § 13205(2)(A), inserted “and published applications for patents” after “Patents”.

Subsec. (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”.

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, as amended by Pub. L. 107-273, div. C, title III, § 13205(3), Nov. 2, 2002, 116 Stat. 1903, provided that: “Except as otherwise provided in this section, sections 4502 through 4504 and 4506 through 4507 [amending sections 10 to 12, 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 be effective as of November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by section 4504 [amending section 154 of this title] shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Director. Except as otherwise provided in this section, the amendments made by section 4505 [amending section 102 of this title] shall be effective as of November 29, 2000 and shall apply to all patents and all applications for patents pending on or filed after November 29, 2000. Patents resulting from an international application filed before November 29, 2000 and applications published pursuant to section 122(b) [probably means section 122(b) of title 35] or Article 21(2) of the treaty defined in section 351(a) [probably means section 351(a) of title 35] resulting from an international application filed before November 29, 2000 shall not be effective as prior art as of the filing date of the international application; however, such patents shall be effective as prior art in accordance with section 102(e) in effect on November 28, 2000.”

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.

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).¹

¹ See References in Text note below.

(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.

REFERENCES IN TEXT

Section 104(b), referred to in text, was repealed by Pub. L. 112–29, § 3(d), Sept. 16, 2011, 125 Stat. 287.

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).

(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; Pub. L. 112–29, § 20(j), Sept. 16, 2011, 125 Stat. 335.)

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

2011—Pub. L. 112–29 struck out “of this title” after “41(d)”.

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 2011 AMENDMENT

Amendment by Pub. L. 112–29 effective upon the expiration of the 1-year period beginning on Sept. 16, 2011, and applicable to proceedings commenced on or after that effective date, see section 20(l) of Pub. L. 112–29, set out as a note under section 2 of this title.

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 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.