To amend title 35, United States Code, to require disclosure of ownership and transfers of ownership of patents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2013

Mr. DEUTCH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 35, United States Code, to require disclosure of ownership and transfers of ownership of patents, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “End Anonymous Pat-
ents Act”.

SEC. 2. DISCLOSURE OF OWNERSHIP OF PATENTS.

(a) Disclosure of Ownership of Patents.—Sec-
tion 261 of title 35, United States Code, is amended—
(1) in the first paragraph, by striking “Subject” and inserting “(a) PERSONAL PROPERTY.—Subject”;

(2) in the second paragraph, by striking “Applications” and inserting “(b) ASSIGNMENT.—Applications”;

(3) in the third paragraph, by striking “A certificate” and inserting “(c) EVIDENCE OF EXECUTION OF TRANSFER.—A certificate”;

(4) In the fourth paragraph, by striking “An assignment” and inserting “(d) NOTICE OR RECORDATION REQUIRED.—An assignment”; and

(5) by adding at the end the following:

“(e) DISCLOSURES OF OWNERSHIP.—

“(1) NEW PATENTS.—Upon the issuance of a patent under this title, the entity to which the patent is issued shall file with the Office a disclosure of the owner of the patent and any real party in interest in the patent.

“(2) PAYMENT OF MAINTENANCE FEES.—Upon the payment of the maintenance fee required under section 41(b), the owner of the patent shall file with the Office a disclosure of the identity of the owner of the patent and any real party in interest in the patent.
“(3) NOTICE OF TRANSFER OF OWNERSHIP.—
Whenever any patent, any application for patent, or any interest therein, is sold, granted, or conveyed, the entity to which the patent, application, or interest is sold, granted, or conveyed shall, within 90 days after the date of the sale, grant, or conveyance, file with the Office a disclosure of the sale, grant, or conveyance, and any real party in interest in the patent, application, or interest.

“(4) FORM AND MANNER OF DISCLOSURES.—
The Director shall prescribe by regulation the form and manner in which disclosures are to be made under paragraphs (1), (2), and (3). The Director shall include, among the real parties in interest, for purposes of such disclosures—

“(A) any entity that has the legal right to enforce the patent through an infringement action;

“(B) any ultimate parent entity of an entity described in subparagraph (A); and

“(C) any entity that has a controlling interest in the enforcement of the patent, including any ultimate parent entity not included under subparagraph (A) or (B).
“(5) LIMITATION ON DAMAGES.—Any entity that fails to comply with any of the requirements under this subsection with respect to a patent or application for patent may, in any action brought by the person or entity for infringement of the patent, only collect damages from the date on which such requirement is met. The Director shall by regulation specify what constitutes noncompliance for purposes of this paragraph.

“(6) DEFINITION.—In this subsection, the term ‘ultimate parent entity’ means an entity that is not controlled by any other entity.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.