

118TH CONGRESS
2D SESSION

H. R. 10103

To amend titles 17, 18, and 35, United States Code, the Plant Variety Protection Act, and the Lanham Act to require the submission of a report to Congress before the negotiation of any international agreement relating to an intellectual property right, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2024

Mr. ISSA (for himself and Mr. FITZGERALD) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles 17, 18, and 35, United States Code, the Plant Variety Protection Act, and the Lanham Act to require the submission of a report to Congress before the negotiation of any international agreement relating to an intellectual property right, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Timely Reporting of
5 IP Rights Waivers Act” or the “TRIPS Waivers Act”.

1 **SEC. 2. NEGOTIATION OF INTERNATIONAL AGREEMENTS**
 2 **RELATING TO PATENT RIGHTS.**

3 (a) AMENDMENT.—Title 35, United States Code, is
 4 amended by adding at the end the following:

5 **“PART VI—INTERNATIONAL AGREEMENTS**

“40. Negotiation of international agreement 401

6 **“CHAPTER 40—NEGOTIATION OF**
 7 **INTERNATIONAL AGREEMENTS**

“Sec.

“401. Report required for negotiation of international agreements relating to
 patent rights.

8 **“§ 401. Report required for negotiation of inter-**
 9 **national agreements relating to patent**
 10 **rights**

11 “(a) REPORT REQUIRED BEFORE NEGOTIATION.—
 12 Not later than 60 days before the date on which the Presi-
 13 dent or any official, employee, or agent of the United
 14 States initiates negotiation regarding any withdrawal, sus-
 15 pension, waiver, or modification of any international
 16 agreement or initiates negotiation for the entry of the
 17 United States to any international agreement, the effect
 18 of which would result in the reduction or restriction of
 19 the value, scope, or enforceability of a patent right in a
 20 manner that is more than trivial and more than merely
 21 speculative, the President or any such official, employee,
 22 or agent shall submit to the Committee on the Judiciary
 23 of the Senate and the Committee on the Judiciary of the

1 House of Representatives a report on any such negotiation
 2 that includes an analysis of the quantitative and quali-
 3 tative impact of the anticipated range of potential out-
 4 comes of such negotiation on—

5 “(1) any patent right protected under this title;

6 “(2) any right of a United States person with
 7 respect to a patent; and

8 “(3) the United States patent system.

9 “(b) UNITED STATES PERSON DEFINED.—The term
 10 ‘United States person’ means any United States citizen
 11 or alien admitted for permanent residence in the United
 12 States, and any corporation, partnership, or other organi-
 13 zation organized under the laws of the United States.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 15 The table of parts in title 35, United States Code, is
 16 amended—

17 (1) by amending the item relating to part V as
 18 follows:

“V. The Hague Agreement Concerning International
 Registration of Industrial Designs381”; and

19 (2) by adding at the end the following:

“VI. International Agreements 401”.

20 **SEC. 3. NEGOTIATION OF INTERNATIONAL AGREEMENTS**
 21 **RELATING TO COPYRIGHT.**

22 (a) AMENDMENT.—Title 17, United States Code, is
 23 amended by adding at the end the following:

1 **“CHAPTER 16—INTERNATIONAL**
2 **AGREEMENTS**

“Sec.

“1601. Report required for negotiation of international agreements relating to
copyright rights.

3 **“§ 1601. Report required for negotiation of inter-**
4 **national agreements relating to copyright**
5 **rights**

6 “(a) REPORT REQUIRED BEFORE NEGOTIATION.—
7 Not later than 60 days before the date on which the Presi-
8 dent or any official, employee, or agent of the United
9 States initiates negotiation regarding any withdrawal, sus-
10 pension, waiver, or modification of any international
11 agreement or initiates negotiation for the entry of the
12 United States to any international agreement, the effect
13 of which would result in the reduction or restriction of
14 the value, scope, or enforceability of a copyright right in
15 a manner that is more than trivial and more than merely
16 speculative, the President or any such official, employee,
17 or agent shall submit to the Committee on the Judiciary
18 of the Senate and the Committee on the Judiciary of the
19 House of Representatives a report on any such negotiation
20 that includes an analysis of the quantitative and quali-
21 tative impact of the anticipated range of potential out-
22 comes of such negotiation on—

23 “(1) any copyright protected under this title;

1 “(2) any right of a United States person with
2 respect to a copyright; and

3 “(3) the United States copyright system.

4 “(b) UNITED STATES PERSON DEFINED.—The term
5 ‘United States person’ means any United States citizen
6 or alien admitted for permanent residence in the United
7 States, and any corporation, partnership, or other organi-
8 zation organized under the laws of the United States.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) CHAPTER.—The table of chapters for title
11 17, United States Code, is amended by adding at
12 the end following:

“16. International agreements 1601”.

13 (2) SECTION.—The table of sections for chapter
14 16 of title 17, United States Code, is amended by
15 adding at the end following:

“1601. Report required for negotiation of international agreements relating to
copyright rights.”.

16 **SEC. 4. AMENDMENT TO THE PLANT VARIETY PROTECTION**

17 **ACT.**

18 Chapter 12 of the Plant Variety Protection Act (Pub-
19 lic Law 91–577; 7 U.S.C. 2561 et seq.) is amended by
20 adding at the end the following:

1 **“SEC. 130A. REPORT REQUIRED FOR NEGOTIATION OF**
2 **INTERNATIONAL AGREEMENTS RELATING TO**
3 **PLANT VARIETIES RIGHTS.**

4 “(a) REPORT REQUIRED BEFORE NEGOTIATION.—
5 Not later than 60 days before the date on which the Presi-
6 dent or any official, employee, or agent of the United
7 States initiates negotiation regarding any withdrawal, sus-
8 pension, waiver, or modification of any international
9 agreement or initiates negotiation for the entry of the
10 United States to any international agreement, the effect
11 of which would result in the reduction or restriction of
12 the value, scope, or enforceability of a plant varieties right
13 in a manner that is more than trivial and more than mere-
14 ly speculative, the President or any such official, employee,
15 or agent shall submit to the Committee on the Judiciary
16 of the Senate and the Committee on the Judiciary of the
17 House of Representatives a report on any such negotiation
18 that includes an analysis of the quantitative and quali-
19 tative impact of the anticipated range of potential out-
20 comes of such negotiation on—

21 “(1) any plant varieties right protected under
22 this Act;

23 “(2) any right of a United States person with
24 respect to a plant variety; and

25 “(3) the United States plant varieties system.

1 “(b) UNITED STATES PERSON DEFINED.—The term
2 ‘United States person’ means any United States citizen
3 or alien admitted for permanent residence in the United
4 States, and any corporation, partnership, or other organi-
5 zation organized under the laws of the United States.”.

6 **SEC. 5. NEGOTIATION OF INTERNATIONAL AGREEMENTS**
7 **RELATING TO TRADEMARK.**

8 The Act entitled “An Act to provide for the registra-
9 tion and protection of trademarks used in commerce, to
10 carry out the provisions of certain international conven-
11 tions, and for other purposes”, approved July 5, 1946 (15
12 U.S.C. 1051 et seq.) (commonly referred to as the “Trade-
13 mark Act of 1946” or the “Lanham Act”) is amended
14 by adding at the end the following:

15 **“SEC. 75. REPORT REQUIRED FOR NEGOTIATION OF INTER-**
16 **NATIONAL AGREEMENTS RELATING TO**
17 **TRADEMARK RIGHTS.**

18 “(a) REPORT REQUIRED BEFORE NEGOTIATION.—
19 Not later than 60 days before the date on which the Presi-
20 dent or any official, employee, or agent of the United
21 States initiates negotiation regarding any withdrawal, sus-
22 pension, waiver, or modification of any international
23 agreement or initiates negotiation for the entry of the
24 United States to any international agreement, the effect
25 of which would result in the reduction or restriction of

1 the value, scope, or enforceability of a trademark right in
 2 a manner that is more than trivial and more than merely
 3 speculative, the President or any such official, employee,
 4 or agent shall submit to the Committee on the Judiciary
 5 of the Senate and the Committee on the Judiciary of the
 6 House of Representatives a report on any such negotiation
 7 that includes an analysis of the quantitative and quali-
 8 tative impact of the anticipated range of potential out-
 9 comes of such negotiation on—

10 “(1) any trademark right protected under this
 11 Act;

12 “(2) any right of a United States person with
 13 respect to a trademark; and

14 “(3) the United States trademark system.

15 “(b) UNITED STATES PERSON DEFINED.—The term
 16 ‘United States person’ means any United States citizen
 17 or alien admitted for permanent residence in the United
 18 States, and any corporation, partnership, or other organi-
 19 zation organized under the laws of the United States.”.

20 **SEC. 6. NEGOTIATION OF INTERNATIONAL AGREEMENTS**
 21 **RELATING TO TRADE SECRETS.**

22 (a) AMENDMENT.—Chapter 90 of title 18, United
 23 States Code, is amended by—

24 (1) redesignating section 1839 as section 1840;
 25 and

1 (2) inserting after section 1838 the following:

2 **“§ 1839. Report required for negotiation of inter-**
3 **national agreements relating to trade se-**
4 **cret rights**

5 “(a) REPORT REQUIRED BEFORE NEGOTIATION.—

6 Not later than 60 days before the date on which the Presi-
7 dent or any official, employee, or agent of the United
8 States initiates negotiation regarding any withdrawal, sus-
9 pension, waiver, or modification of any international
10 agreement or initiates negotiation for the entry of the
11 United States to any international agreement, the effect
12 of which would result in the reduction or restriction of
13 the value, scope, or enforceability of a trade secret right
14 in a manner that is more than trivial and more than mere-
15 ly speculative, the President or any such official, employee,
16 or agent shall submit to the Committee on the Judiciary
17 of the Senate and the Committee on the Judiciary of the
18 House of Representatives a report on any such negotiation
19 that includes an analysis of the quantitative and quali-
20 tative impact of the anticipated range of potential out-
21 comes of such negotiation on—

22 “(1) any trade secret protected under this chap-
23 ter;

24 “(2) any right of a United States person with
25 respect to a trade secret; and

1 “(3) the United States trade secret system.

2 “(b) UNITED STATES PERSON DEFINED.—The term
3 ‘United States person’ means any United States citizen
4 or alien admitted for permanent residence in the United
5 States, and any corporation, partnership, or other organi-
6 zation organized under the laws of the United States.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—
8 The table of sections for chapter 90 of title 18, United
9 States Code, is amended by striking the item related to
10 section 1839 and inserting the following:

“1839. Report required for negotiation of international agreements relating to
trade secret rights.

“1840. Definitions.”.

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