Public Law 101-580
101st Congress

An Act

To amend title 35, United States Code, with respect to the use of inventions in outer space.

Nov. 15, 1990
[S. 459]

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

SECTION 1. INVENTIONS IN OUTER SPACE.

(a) IN GENERAL.—Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 105. Inventions in outer space

"(a) Any invention made, used or sold in outer space on a space object or component thereof under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for the purposes of this title, except with respect to any space object or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party, or with respect to any space object or component thereof that is carried on the registry of a foreign state in accordance with the Convention on Registration of Objects Launched into Outer Space.

"(b) Any invention made, used or sold in outer space on a space object or component thereof that is carried on the registry of a foreign state in accordance with the Convention on Registration of Objects Launched into Outer Space, shall be considered to be made, used or sold within the United States for the purposes of this title if specifically so agreed in an international agreement between the United States and the state of registry.".

(b) TABLE OF CONTENTS.—The table of sections of chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"105. Inventions in outer space.".

SEC. 2. SPECIAL RULES.

35 USC 105 note.

(a) EFFECTIVE DATE.—Subject to subsections (b), (c), and (d) of this section, the amendments made by the first section of this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed on or after such date of enactment.

(b) FINAL DECISIONS.—The amendments made by the first section of this Act shall not affect any final decision made by a court or the Patent and Trademark Office before the date of enactment of this Act with respect to a patent or an application for a patent, if no appeal from such decision is pending and the time for filing an appeal has expired.

(c) PENDING CASES.—The amendments made by the first section of this Act shall not affect the right of any party in any case pending in a court on the date of enactment of this Act to have the party's

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rights determined on the basis of the substantive law in effect before such date of enactment.

(d) NON-APPLICABILITY.—The amendments made by the first section of this Act shall not apply to any process, machine, article of manufacture, or composition of matter, an embodiment of which was launched prior to the date of enactment of this Act.

Approved November 15, 1990.

LEGISLATIVE HISTORY—S. 459 (H.R. 2946):

SENATE REPORTS: No. 101-266 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 136 (1990):
May 1, considered and passed Senate.
Oct. 26, H.R. 2946 considered and passed House; proceedings vacated and S. 459 passed in lieu.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):
Nov. 15, Presidential statement.