

116TH CONGRESS
2D SESSION

S. 4394

To amend chapter 11 of title 35, United States Code, to require the voluntary collection of demographic information for patent inventors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

Ms. HIRONO (for herself, Mr. TILLIS, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 11 of title 35, United States Code, to require the voluntary collection of demographic information for patent inventors, 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 “Inventor Diversity for
5 Economic Advancement Act of 2020” or the “IDEA Act”.

1 **SEC. 2. COLLECTION OF DEMOGRAPHIC INFORMATION FOR**
2 **PATENT INVENTORS.**

3 (a) AMENDMENT.—Chapter 11 of title 35, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 124. Collection of demographic information for**
7 **patent inventors**

8 “(a) VOLUNTARY COLLECTION.—The Director shall
9 provide for the collection of demographic information, in-
10 cluding gender, race, military or veteran status, and any
11 other demographic category that the Director determines
12 appropriate, related to each inventor listed with an appli-
13 cation for patent, that may be submitted voluntarily by
14 that inventor.

15 “(b) PROTECTION OF INFORMATION.—The Director
16 shall—

17 “(1) keep any information submitted under sub-
18 section (a) confidential and separate from the appli-
19 cation for patent; and

20 “(2) establish appropriate procedures to en-
21 sure—

22 “(A) the confidentiality of any information
23 submitted under subsection (a); and

24 “(B) that demographic information is not
25 made available to examiners or considered in
26 the examination of any application for patent.

1 “(c) RELATION TO FEDERAL INFORMATION POLICY
 2 LAW.—Subchapter I of chapter 35 of of title 44 shall not
 3 apply to the collection of demographic information under
 4 subsection (a).

5 “(d) PUBLICATION OF DEMOGRAPHIC INFORMA-
 6 TION.—

7 “(1) REPORT REQUIRED.—Not later than Jan-
 8 uary 31 of each year, the Director shall make pub-
 9 licly available a report that, except as provided in
 10 paragraph (3)—

11 “(A) includes the total number of patent
 12 applications filed during the previous year
 13 disaggregated—

14 “(i) by demographic information de-
 15 scribed in subsection (a); and

16 “(ii) by technology class number,
 17 technology class title, country of residence
 18 of the inventor, and State of residence of
 19 the inventor in the United States;

20 “(B) includes the total number of patents
 21 issued during the previous year disaggregated—

22 “(i) by demographic information de-
 23 scribed in subsection (a); and

24 “(ii) by technology class number,
 25 technology class title, country of residence

1 of the inventor, and State of residence of
2 the inventor in the United States; and

3 “(C) includes a discussion of the data col-
4 lection methodology and summaries of the ag-
5 gregate responses.

6 “(2) DATA AVAILABILITY.—In conjunction with
7 issuance of the report under paragraph (1), the Di-
8 rector shall make publicly available data based on
9 the demographic information collected under sub-
10 section (a) that, except as provided in paragraph
11 (3), allows the information to be cross-tabulated to
12 review subgroups.

13 “(3) PRIVACY.—The Director—

14 “(A) may not include personally identifying
15 information in—

16 “(i) the report made publicly available
17 under paragraph (1); or

18 “(ii) the data made publicly available
19 under paragraph (2); and

20 “(B) in making publicly available the re-
21 port under paragraph (1) and the data under
22 paragraph (2), shall anonymize any personally
23 identifying information related to the demo-
24 graphic information collected under subsection
25 (a).

1 “(e) BIENNIAL REPORT.—The Director shall submit
2 to Congress a biennial report that evaluates the data col-
3 lection process under this section, ease of access to the
4 information by the public, and recommendations on how
5 to improve data collection.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections at the beginning of chapter 11 of
8 title 35, United States Code, is amended by adding at the
9 end the following:

“124. Collection of demographic information for patent inventors.”.

10 (c) DEADLINE FOR BIENNIAL REPORT.—Not later
11 than 2 years after the date of enactment of this Act, and
12 every 2 years thereafter, the Under Secretary of Com-
13 merce for Intellectual Property and Director of the United
14 States Patent and Trademark Office shall submit to Con-
15 gress the biennial report required under section 124(e) of
16 title 35, United States Code, as added by subsection (a).

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