

to develop groundbreaking innovations for commercial use.

This bill, this law, aligned the interests of universities and faculty and the private sector and thereby ushered in an unprecedented level of collaboration between these groups. It further channeled the imagination of our best and brightest to help make a better future for all of us.

So, in the last 30 years since Bayh-Dole, it has led to the creation of over 150 new pharmaceuticals and medical treatments, including a hepatitis B vaccine, cancer treatments, in vitro devices, the Palmaz balloon expandable stent, and many others.

Estimates tell us that Bayh-Dole has added at least \$450 billion to the United States' gross industrial output and that between 1999 and 2007 it created probably more than 280,000 new high-tech jobs.

The Bayh-Dole Act has been recognized around the world as a best practice and has served as a model for laws adopted by other Nations hoping to replicate the success that we had in our own country in building partnerships between federally funded researchers and private investors.

The Economist magazine called the Bayh-Dole Act "perhaps the most inspired piece of legislation to be enacted in America over the past half-century."

□ 1520

For those reasons, I urge that we celebrate the 30th anniversary passage of this very important piece of legislation.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself as much time as I may consume.

The purpose of H. Con. Res. 328 is to express the sense of Congress regarding the successful and substantial contributions of the Bayh-Dole Act on the occasion of the 30th anniversary of its enactment. The Act establishes the rules of the road governing patent rights when the Federal Government and private entities participate in joint research that produces patentable inventions. Article I, section 8, clause 8 of the United States Constitution provides Congress with the authority "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

The drafters of the Constitution, however, couldn't have predicted that the Federal Government would one day become a catalyst for the development of advanced technologies. Prior to Bayh-Dole, the Federal Government permitted the private sector to commercialize less than 5 percent of the government's patent portfolio. As former Senator Robert Dole stated in 2005, the government's track record on promoting university-born technologies during the 1960s and 1970s was "dismal." The failure to capitalize on

this important research delayed innovations that could have improved the quality of life for millions of Americans. What was the government doing wrong before 1980? Simply put, the government was focused on something else. At the time, at least 26 distinct Federal agency policies controlled how the federally funded research and development could be used.

Bayh-Dole fundamentally changed the government's patent policy by replacing helter-skelter licensing practices with a single uniform policy. This shift created the incentives that private industry, including small businesses, nonprofits, and universities, needed to risk their capital and develop patented inventions. Bayh-Dole has created a culture of cooperation and collaboration among government, university, and private-sector researchers. The act contributed to the commercial development of new industries such as biotechnology and nanotechnology.

In 2003, the President's Council of Advisers on Science and Technology affirmed the importance of Bayh-Dole by reporting that it dramatically improved the Nation's ability to move ideas from research and development to the marketplace and into commerce. This same organization determined that the system for transferring technology from nonprofit institutions, which includes universities, hospitals and government laboratories, to the private sector has worked very well.

H. Con. Res. 328 reaffirms Congress' commitment to the policies and objectives of Bayh-Dole. This Act has sparked 30 years of enhanced research and development within the United States, leading to dramatic improvements in public health and safety, a strengthened higher education system in the United States, and the development of new domestic industries that have created tens of thousands of highly skilled jobs for America's citizens. Mr. Speaker, Bayh-Dole illustrates how the government and private industry can work together for the good of the American people. I salute the authors of Bayh-Dole and reaffirm my commitment to this Act.

I yield back the balance of my time.

Mr. CONYERS. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 328.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3689) to clarify, improve, and correct the laws relating to copyrights, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Cleanup, Clarification, and Corrections Act of 2010".

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT OFFICE PROCEDURES.

(a) DIRECTORY OF AGENTS OF SERVICE PROVIDERS.—Section 512(c)(2) is amended, in the matter following subparagraph (B), by striking "in both electronic and hard copy formats".

(b) RECORDATION OF DOCUMENTS.—Section 205(a) is amended by adding at the end the following: "A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights."

SEC. 4. REPEAL OF EXPIRED PROVISIONS.

(a) REPEAL.—Section 601, and the item relating to such section in the table of sections for chapter 6, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—(A) The heading for chapter 6 is amended to read as follows:

"CHAPTER 6—IMPORTATION AND EXPORTATION".

(B) The item relating to chapter 6 in the table of chapters is amended to read as follows:

"6. Importation and Exportation 601".

(2) APPLICATION FOR COPYRIGHT REGISTRATION.—Section 409 is amended—

(A) in paragraph (9), by adding "and" after the semicolon;

(B) by striking paragraph (10); and

(C) by redesignating paragraph (11) as paragraph (10).

(c) INFRINGING IMPORTATION OR EXPORTATION.—The second sentence of section 602(b) is amended by striking "unless the provisions of section 601 are applicable".

SEC. 5. CLARIFICATIONS.

(a) CERTAIN DISTRIBUTIONS OF PHONORECORDS.—Section 303(b) is amended by striking "the musical work" and inserting "any musical work, dramatic work, or literary work".

(b) PROCEEDINGS OF COPYRIGHT ROYALTY JUDGES.—Section 803(b)(6)(A) is amended by striking the second sentence and inserting the following: "All regulations issued by the Copyright Royalty Judges are subject to the approval of the Librarian of Congress and are subject to judicial review pursuant to chapter 7 of title 5, except as set forth in subsection (d)."

(c) LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.—Section 114(f)(2)(C) is amended by striking "preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services" and inserting "eligible nonsubscription services and new subscription services".

SEC. 6. TECHNICAL CORRECTIONS.

(a) **DEFINITIONS.**—Section 101 is amended—
(1) by moving the definition of “Copyright Royalty Judges” to follow the definition of “Copyright owner”;

(2) by moving the definition of “motion picture exhibition facility” to follow the definition of “Literary works”; and

(3) by moving the definition of “food service or drinking establishment” to follow the definition of “fixed”;

(b) **LICENSES FOR WEBCASTING.**—Section 114(f)(2)(B) is amended in the fourth sentence, in the matter preceding clause (i), by striking “Judges shall base its decision” and inserting “Judges shall base their decision”.

(c) **SATELLITE CARRIERS.**—Section 119(g)(4)(B)(vi) is amended by striking “the examinations” and inserting “an examination”.

(d) **REMEDIES FOR INFRINGEMENT.**—Section 503(a)(1)(B) is amended by striking “copies of phonorecords” and inserting “copies or phonorecords”.

(e) **RETENTION OF COPIES IN COPYRIGHT OFFICE.**—Section 704(e) is amended, in the second sentence, by striking “section 708(a)(10)” and inserting “section 708(a)”.

(f) **CORRECTION OF INTERNAL REFERENCES.**—(1) Section 114(b) is amended by striking “118(g)” and inserting “118(f)”.

(2) Section 504(c)(2) is amended by striking “subsection (g) of section 118” and inserting “section 118(f)”.

(3) Sections 1203(c)(5)(B)(i) and 1204(b) are each amended by striking “118(g)” and inserting “118(f)”.

(g) **PRO-IP ACT.**—Section 209(a)(3)(A) of Public Law 110–403 is amended by striking “by striking ‘and 509’” and inserting “by striking ‘and section 509’”.

(h) **TRADEMARK TECHNICAL AMENDMENTS ACT.**—Section 4(a)(1) of Public Law 111–146 is amended by striking “by corporations attempting” and inserting “the purpose of which is”.

(i) **TRAFFICKING.**—Section 2318(e)(6) of title 18, United States Code, is amended by striking “under section” and inserting “under this subsection”.

Amend the title so as to read: “An Act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.”.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material to the measure under discussion.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, this measure, entitled the Copyright Cleanup, Clarification, and Corrections Act, is a common-sense, proactive response to unintended errors and confusion in copyright law. This bill updates and improves the way the Copyright Office conducts its business by making some changes, mainly streamlining the copyright registry process by authorizing the Copyright

Office to accept electronic signatures when users file documents. It also eliminates the requirement that the Copyright Office keep a hard copy of a directory they already make available to the public online. This hard copy has taken over several shelves in their office but is seldom consulted by the public.

The measure before us also clarifies some ambiguities in the copyright code. For example, in 1997, Congress amended the copyright code to clarify that copyright owners do not forfeit their rights in a work if they distributed it prior to 1978 without a copyright notice. However, while Congress made this fix for musical works distributed by phonograph, it neglected to specifically identify dramatic and literary works that were also distributed by phonograph. We make that correction in this bill before us. Finally, it corrects in this measure a number of technical errors, just dotting the I's and crossing the T's. I support the legislation. I commend the committee that worked on it.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

The copyright bill before us today is an important housekeeping measure that contains largely technical and clarifying amendments to title 17 of the United States Code. For the few changes that are more substantive in nature, they are noncontroversial and are recognized as improvements to a code that is all too often perceived as complex.

S. 3689, the Copyright Cleanup, Clarification, and Corrections Act of 2010, was originally introduced and passed by the other body on the 2nd day of August. Since that time, the House Committee on the Judiciary has worked in a bipartisan manner to consider the measure and to incorporate modest improvements to the bill.

While I expect the majority to detail most of the bill's provisions, I do want to note some significant provisions, including an important change from the measure that passed the other body in August. That change is in the deletion of language contained in section 4(a) that would amend the Copyright Act to permit the owner of an exclusive right to sublicense that right or further transfer it if the original copyright owner had not expressly prohibited these actions in a prior written agreement.

This provision raised a number of concerns among copyright owners who feared that those who had relied on a prior judicial decision in the case of *Gardner v. Nike* might be disadvantaged by such a change. In recognition of these serious concerns, both the chairman and ranking member agreed this issue ought not be addressed in this measure.

□ 1530

Another substantive improvement that is worth noting is contained in

section 5(b) of the bill, as amended. That provision makes clear that regulations issued by the copyright royalty judges are to be approved by the Librarian of Congress and subject to review of Federal courts.

This bill also contains one amendment to trademark as opposed to copyright law. That amendment, which is contained in section 6(h), amends a study requirement that was included in Public Law 111–146, the Trademark Technical Amendments Act, earlier this year.

In closing, the purpose of S. 3689, the Copyright Cleanup, Clarification, and Corrections Act of 2010, is to make modest but needed changes to the Copyright Act. I urge my colleagues to suspend the rules and pass the bill with the amendments contained herein.

I yield back the balance of my time.

Mr. CONYERS. I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 3689, as amended.

The question was taken.

The **SPEAKER** pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The **SPEAKER** pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 50TH ANNIVERSARY OF SCHOOL DESEGREGATION BY RUBY BRIDGES

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1713) recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1713

Whereas, on May 17, 1954, the United States Supreme Court announced in *Brown v. Board of Education* (347 U.S. 483) that, “in the field of education, the doctrine of ‘separate but equal’ has no place”;

Whereas the *Brown* decision recognized as a matter of law that the segregation of public schools deprived students of the equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States;

Whereas in 1960, six years after the landmark *Brown v. Board of Education* decision, the promise of access and equality within the realm of education remained unfilled in New Orleans, Louisiana, and throughout much of the Nation;

Whereas in 1960, the National Association for the Advancement of Colored People (NAACP) contacted Ruby Bridges' family to solicit her participation in the integration of New Orleans public schools;