

Public Law 117–245
117th Congress

An Act

To amend title 35, United States Code, to establish a competition to award certificates that can be redeemed to accelerate certain matters at the Patent and Trademark Office, and for other purposes.

Dec. 20, 2022
[H.R. 5796]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patents for Humanity Act of 2022”.

Patents for
Humanity Act
of 2022.
35 USC 1 note.

SEC. 2. AWARD OF CERTIFICATES TO ACCELERATE CERTAIN MATTERS AT THE PATENT AND TRADEMARK OFFICE.

(a) AWARD.—Chapter 2 of title 35, United States Code, is amended by adding at the end the following:

“§ 28. Award of certificates to accelerate certain matters at the Patent and Trademark Office

35 USC 28.

“(a) DEFINITION.—In this section, the term ‘eligible entity’ means an entity that—

“(1) submits an application under subsection (d) for a patent that addresses a humanitarian issue; and

“(2) meets the requirements specified by the Director.

“(b) ESTABLISHMENT.—There is established a competition, to be held not less frequently than biennially, to award eligible entities certificates that can be redeemed to accelerate one of the following matters:

Time period.

“(1) An ex parte reexamination proceeding, including 1 appeal to the Patent Trial and Appeal Board from that proceeding.

“(2) An application for a patent, including 1 appeal to the Patent Trial and Appeal Board from that application.

“(3) An appeal to the Patent Trial and Appeal Board of a claim twice rejected in a patent application or reissue application or finally rejected in an ex parte reexamination, without accelerating the underlying matter that generated the appeal.

“(4) A matter identified by the Director.

“(c) ADMINISTRATION.—The Director shall administer the competition established under subsection (b).

“(d) APPLICATION.—An entity seeking an award under subsection (b) shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

“(e) PROMOTION OF COMPETITION.—The Director shall promote the competition established under subsection (b) through the satellite offices established pursuant to section 1.

“(f) TREATMENT AS SUCCESSOR.—The competition established under subsection (b) shall be treated as a successor to the Patents for Humanity Program (established in the notice entitled ‘Humanitarian Awards Pilot Program’, published at 77 Fed. Reg. 6544 (February 8, 2012)).”.

35 USC 28 note.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed as affecting any action taken by the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office before the date of enactment of this Act with respect to the administration of the Patents for Humanity Program established in the notice entitled “Humanitarian Awards Pilot Program”, published at 77 Fed. Reg. 6544 (February 8, 2012).

35 USC
prec. 21.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 35, United States Code, is amended by adding at the end the following:

“28. Award of certificates to accelerate certain matters at the Patent and Trademark Office.”.

Approved December 20, 2022.

LEGISLATIVE HISTORY—H.R. 5796:

HOUSE REPORTS: No. 117–302 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 168 (2022):

Apr. 27, considered and passed House.

Nov. 28, considered and passed Senate, amended.

Dec. 5, 6, House considered and concurred in Senate amendment.