2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

21

AMENDMENT TO H.R. 1249, AS REPORTED

OFFERED BY MR. CONYERS OF MICHIGAN AND

MR. ROHRABACHER OF CALIFORNIA

Page 24, strike line 3 and all that follows through page 25, line 12, and insert the following:

(n) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section—

(A) shall take effect 90 days after the date on which the President issues an Executive order containing the President's finding that major patenting authorities have adopted a grace period having substantially the same effect as that contained under the amendments made by this section; and

(B) shall apply to all applications for patent that are filed on or after the effective date under subparagraph (A).

(2) DEFINITIONS.—In this subsection:

(A) MAJOR PATENTING AUTHORITIES.—The term "major patenting authorities" means at least the patenting authorities in Europe and Japan.

1 (B) GRACE PERIOD.—The term "grace pe-
2 riod" means the 1-year period ending on the ef-
3 fective filing date of a claimed invention, during
4 which disclosures of the subject matter by the
5 inventor or a joint inventor, or by others who
6 obtained the subject matter disclosed directly or
7 indirectly from the inventor or a joint inventor,
8 do not qualify as prior art to the claimed inven-
9 tion.
10 (C) EFFECTIVE FILING DATE.— The term
11 "effective filing date of a claimed invention"
12 means, with respect to a patenting authority in
13 another country, a date equivalent to the effec-
14 tive filing date of a claimed invention as defined
15 in section 100(i) of title 35, United States
16 Code, as added by subsection (a) of this section.
17 (3) RETENTION OF INTERFERENCE PROCE-
18 DURES WITH RESPECT TO APPLICATIONS FILED BE-
19 FORE EFFECTIVE DATE.—In the case of any applica-
20 tion for patent that is filed before the effective date
21 under paragraph (1)(A), the provisions of law
22 amended by subsections (h) and (i) shall apply to
23 such application as such provisions of law were in ef-
24 fect on the day before such effective date.

Page 11, lines 21-23, strike "upon the expiration of the 18-month period beginning on the date of the enactment of this Act," and insert "on the effective date provided in subsection (n)".