

[SA 2060](#). Mr. LEAHY (for himself and Mr. Tillis) submitted an amendment intended to be proposed to amendment [SA 1502](#) proposed by Mr. Schumer to the bill [S. 1260](#), to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . OWNERSHIP AND ASSIGNMENT OF PATENTS.

(a) In General.--Section 261 of title 35, United States Code, is amended--

(1) by striking the first undesignated paragraph and inserting the following:

``(a) In General.--

``(1) Attributes of personal property.--Subject to the provisions of this title, patents shall have the attributes of personal property.

``(2) Register of assignments and ownership.--The Patent and Trademark Office shall maintain a publicly accessible register of interests in patents and applications for patents and shall record any document related thereto upon request, and may require a fee therefor.

``(3) Requirement to record certain assignments.--

``(A) In general.--Whenever all substantial rights in a patent are assigned to a person, including a legal or governmental entity or a parent corporation--

``(i) the patentee shall, not later than 90 days after the date of the assignment, submit a request described in paragraph (2) with respect to the assignment; and

``(ii) the Patent and Trademark Office shall, upon receiving the request submitted under clause (i), record the assignment in the register described in paragraph (2).

``(B) Effect of failure to comply.--During any period in which the requirements of subparagraph (A) (i) are not satisfied with respect to a patent to which this paragraph applies, no party may recover, for the infringement of that patent in any action, increased damages under section 284.

``(C) Rules.--The Director may prescribe rules to implement this paragraph, including rules for the proper recording of the assignments of patents.'';

(2) in the first undesignated paragraph following subsection (a), as so designated by paragraph (1) of this subsection, by striking ``Applications'' and inserting the following:

``(b) Applications.--Applications'';

(3) in the first undesignated paragraph following subsection (b), as so designated by paragraph (2) of this subsection, by striking ``A certificate'' and inserting the following:

``(c) Certificate of Acknowledgment.--A certificate''; and

(4) in the first undesignated paragraph following subsection (c), as so designated by paragraph (3) of this subsection, by striking ``An interest'' and inserting the following:

``(d) Effect of Assignment.--An interest''.

(b) Applicability.--The amendments made by subsection (a)

shall apply with respect to any assignment that occurs on or after the date of enactment of this Act.