

111TH CONGRESS
1ST SESSION

S. 1368

To amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture.

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 “Access to Repair Parts
5 Act”.

1 **SEC. 2. EXCEPTION FROM INFRINGEMENT FOR CERTAIN**
2 **COMPONENT PARTS.**

3 (a) **IN GENERAL.**—Section 271 of title 35, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subsection:

6 “(j) It shall not be an act of infringement of any de-
7 sign patent to make, use, offer to sell, or sell within the
8 United States or import into the United States any article
9 of manufacture that itself constitutes a component part
10 of another article of manufacture, if the sole purpose of
11 the component part is for the repair of the article of man-
12 ufacture of which it is a part so as to restore its original
13 appearance.”.

14 (b) **APPLICABILITY.**—The amendment made by sub-
15 section (a) applies to acts done on or after the date of
16 the enactment of this Act.

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