

116TH CONGRESS
1ST SESSION

S. 2281

To amend chapter 11 of title 35, United States Code, to require the voluntary collection of demographic information for patent applications, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2019

Ms. HIRONO (for herself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 11 of title 35, United States Code, to require the voluntary collection of demographic information for patent applications, and for other purposes.

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 “Inventor Diversity for
5 Economic Advancement Act of 2019” or the “IDEA Act”.

1 **SEC. 2. COLLECTION OF DEMOGRAPHIC INFORMATION FOR**
2 **PATENT APPLICATIONS.**

3 (a) AMENDMENT.—Chapter 11 of title 35, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 124. Collection of demographic information for**
7 **patent applications**

8 “(a) VOLUNTARY COLLECTION.—The Director shall
9 provide for the collection of demographic information, in-
10 cluding gender, race, ethnicity, national origin, sexual ori-
11 entation, age, military or veterans status, disability (as de-
12 fined in section 3 of the Americans with Disabilities Act
13 of 1990 (42 U.S.C. 12102)), education level attained, and
14 income level, related to each inventor listed with an appli-
15 cation for patent, that may be submitted voluntarily by
16 that inventor.

17 “(b) ACCESS TO INFORMATION.—Any information
18 submitted under subsection (a) shall be kept confidential
19 and separate from the application for patent. The Director
20 shall establish appropriate procedures to ensure the con-
21 fidentiality of any information submitted under subsection
22 (a) and to ensure that demographic information is not in-
23 cluded when the application for patent is examined.

24 “(c) PUBLICATION OF DEMOGRAPHIC INFORMA-
25 TION.—

1 “(1) REPORT REQUIRED.—Not later than Jan-
2 uary 31 of each year, the Director shall publish a re-
3 port that includes, except as provided in paragraph
4 (2), the following:

5 “(A) The total number of patent applica-
6 tions filed during the previous year
7 disaggregated by demographic information de-
8 scribed in subsection (a) and by class number
9 and title.

10 “(B) The total number of patents issued
11 during the previous year disaggregated by de-
12 mographic information described in subsection
13 (a) and by class number and title.

14 “(2) PRIVACY.—Personally identifying informa-
15 tion may not be included in the report described in
16 paragraph (1).

17 “(3) FORMAT.—The report described in para-
18 graph (1) shall be made available in a format that
19 allows the demographic information to be cross-tab-
20 ulated to review subgroups.

21 “(4) DATA AVAILABILITY.—The Director shall
22 make the data underlying the report described in
23 paragraph (1) publicly available online in a format
24 that is sortable by demographic information de-
25 scribed in subsection (a), class number, and title.

1 “(d) BIENNIAL REPORT.—The Director shall submit
2 to Congress a biennial report that evaluates the data col-
3 lection process under this section, ease of access to the
4 information by the public, and recommendations on how
5 to improve data collection.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections at the beginning of chapter 11 of
8 title 35, United States Code, is amended by adding at the
9 end the following new item:

“124. Collection of demographic information for patent applications.”.

10 (c) DEADLINE FOR BIENNIAL REPORT.—Not later
11 than 2 years after the date of the enactment of this Act,
12 and every 2 years thereafter, the Under Secretary of Com-
13 merce for Intellectual Property and Director of the United
14 States Patent and Trademark Office shall submit to Con-
15 gress the biennial report required pursuant to section
16 124(d) of title 35, United States Code, as added by sub-
17 section (a).

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