

117TH CONGRESS
2D SESSION

H. R. 5796

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Patents for Humanity
3 Act of 2021”.

4 **SEC. 2. AWARD OF CERTIFICATES TO ACCELERATE CER-**
5 **TAIN MATTERS AT THE PATENT AND TRADE-**
6 **MARK OFFICE.**

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

9 **“§ 28. Award of certificates to accelerate certain mat-**
10 **ters at the Patent and Trademark Office**

11 “(a) ESTABLISHMENT.—There is established a com-
12 petition, to be held not less frequently than biennially, to
13 award eligible entities certificates that can be redeemed
14 to accelerate one of the following matters:

15 “(1) An ex parte reexamination proceeding, in-
16 cluding one appeal to the Patent Trial and Appeal
17 Board from that proceeding.

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

21 “(3) An appeal to the Patent Trial and Appeal
22 Board of a claim twice rejected in a patent applica-
23 tion or reissue application or finally rejected in an
24 ex parte reexamination, without accelerating the un-
25 derlying matter which generated the appeal.

1 “(4) A matter identified under subsection
2 (d)(4).

3 “(b) ADMINISTRATION.—The Director shall admin-
4 ister the competition established by subsection (a).

5 “(c) APPLICATION.—An eligible entity seeking an
6 award under subsection (a) shall submit to the Director
7 an application, at such time, in such manner, and con-
8 taining such information as the Director may require.

9 “(d) RULEMAKING AUTHORITY.—With respect to the
10 competition established by subsection (a), the Director
11 shall conduct a rulemaking proceeding to promulgate rules
12 on the—

13 “(1) entities eligible to receive an award;

14 “(2) process and metrics by which applications
15 are judged, including the criteria for selecting judges
16 for the competition;

17 “(3) factors that will be considered in selecting
18 the eligible entities that receive an award; and

19 “(4) additional matters for which a certificate
20 described under subsection (a) may be awarded.

21 “(e) PROMOTION OF COMPETITION.—The Director
22 shall promote the competition through the satellite offices
23 established pursuant to section 1.

24 “(f) TREATMENT AS SUCCESSOR.—The competition
25 established under subsection (a) shall be treated as a suc-

cessor to the Patents for Humanity Program (established in the notice entitled ‘Humanitarian Awards Pilot Program’, published at 77 Fed. Reg. 6544 (February 8, 2012)).

“(g) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means a entity that—

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

“(2) is eligible to receive an award under subsection (d)(1).”.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed as prohibiting the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office from administering the competition established by section 28 of title 35, United States Code, as added by subsection (a), before the date on which all rules are promulgated under the rulemaking proceeding required by subsection (d) of such section.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of 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.”.

Passed the House of Representatives April 27, 2022.

Attest:

Clerk.

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