

117TH CONGRESS
1ST SESSION

S. 632

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

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2021

Ms. HIRONO (for herself, Mr. TILLIS, Mr. COONS, and Mr. LEAHY) 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 inventors, 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 2021” or the “IDEA Act”.

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

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

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

8 “(a) VOLUNTARY COLLECTION.—The Director shall
9 provide for the collection of demographic information, in-
10 cluding gender, race, military or veteran status, and any
11 other demographic category that the Director determines
12 appropriate, related to each inventor listed with an appli-
13 cation for patent, that may be submitted voluntarily by
14 that inventor.

15 “(b) PROTECTION OF INFORMATION.—The Director
16 shall—

17 “(1) keep any information submitted under sub-
18 section (a) confidential and separate from the appli-
19 cation for patent; and

20 “(2) establish appropriate procedures to en-
21 sure—

22 “(A) the confidentiality of any information
23 submitted under subsection (a); and

24 “(B) that demographic information is not
25 made available to examiners or considered in
26 the examination of any application for patent.

1 “(c) RELATION TO OTHER LAWS.—

2 “(1) FREEDOM OF INFORMATION ACT.—Any
3 demographic information submitted under subsection
4 (a) shall be exempt from disclosure under section
5 552(b)(3) of title 5.

6 “(2) FEDERAL INFORMATION POLICY LAW.—
7 Subchapter I of chapter 35 of title 44 shall not
8 apply to the collection of demographic information
9 under subsection (a).

10 “(d) PUBLICATION OF DEMOGRAPHIC INFORMA-
11 TION.—

12 “(1) REPORT REQUIRED.—Not later than Jan-
13 uary 31 of each year, the Director shall make pub-
14 licly available a report that, except as provided in
15 paragraph (3)—

16 “(A) includes the total number of patent
17 applications filed during the previous year
18 disaggregated—

19 “(i) by demographic information de-
20 scribed in subsection (a); and

21 “(ii) by technology class number,
22 technology class title, country of residence
23 of the inventor, and State of residence of
24 the inventor in the United States;

1 “(B) includes the total number of patents
2 issued during the previous year disaggregated—

3 “(i) by demographic information de-
4 scribed in subsection (a); and

5 “(ii) by technology class number,
6 technology class title, country of residence
7 of the inventor, and State of residence of
8 the inventor in the United States; and

9 “(C) includes a discussion of the data col-
10 lection methodology and summaries of the ag-
11 gregate responses.

12 “(2) DATA AVAILABILITY.—In conjunction with
13 issuance of the report under paragraph (1), the Di-
14 rector shall make publicly available data based on
15 the demographic information collected under sub-
16 section (a) that, except as provided in paragraph
17 (3), allows the information to be cross-tabulated to
18 review subgroups.

19 “(3) PRIVACY.—The Director—

20 “(A) may not include personally identifying
21 information in—

22 “(i) the report made publicly available
23 under paragraph (1); or

24 “(ii) the data made publicly available
25 under paragraph (2); and

1 “(B) in making publicly available the re-
2 port under paragraph (1) and the data under
3 paragraph (2), shall anonymize any personally
4 identifying information related to the demo-
5 graphic information collected under subsection
6 (a).

7 “(e) BIENNIAL REPORT.—The Director shall submit
8 to Congress a biennial report that evaluates the data col-
9 lection process under this section, ease of access to the
10 information by the public, and recommendations on how
11 to improve data collection.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections at the beginning of chapter 11 of
14 title 35, United States Code, is amended by adding at the
15 end the following:

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

16 (c) DEADLINE FOR BIENNIAL REPORT.—Not later
17 than 2 years after the date of enactment of this Act, and
18 every 2 years thereafter, the Under Secretary of Com-
19 merce for Intellectual Property and Director of the United
20 States Patent and Trademark Office shall submit to Con-
21 gress the biennial report required under section 124(e) of
22 title 35, United States Code, as added by subsection (a).

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