

May 23, 1930.
[S. 4015.]

[Public, No. 245.]

Patents.

Title of invention and term of grants to be given.

R. S., sec. 4884, p. 945, amended.

U. S. C., p. 1163.
Plant reproduction added.

Inventions patentable, including plant reproduction.

Vol. 29, p. 692.
R. S., sec. 4886, p. 946, amended.

U. S. C., p. 1167.

Specific requirements of application.

Vol. 38, p. 959, amended.

R. S., sec. 4888, p. 946, amended.

U. S. C., p. 1167.

Oath required of applicant.

R. S., sec. 4892, p. 947, amended.

U. S. C., p. 1167.
Vol. 32, p. 1226.

Information to be furnished Commissioner of Patents.

Plant varieties introduced hitherto not subject to patent.

Invalidity of any provision, etc., not to affect remainder of Act.

CHAP. 312.—An Act To provide for plant patents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4884 and 4886 of the Revised Statutes, as amended (U. S. C., title 35, secs. 40 and 31), are amended to read as follows:

"SEC. 4884. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery (including in the case of a plant patent the exclusive right to asexually reproduce the plant) throughout the United States and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor."

SEC. 2. Section 4888 of the Revised Statutes, as amended (U. S. C., title 35, sec. 33), is amended by adding at the end thereof the following sentence: "No plant patent shall be declared invalid on the ground of noncompliance with this section if the description is made as complete as is reasonably possible."

SEC. 3. The first sentence of section 4892 of the Revised Statutes, as amended (U. S. C., title 35, sec. 35), is amended to read as follows:

"SEC. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, or of the variety of plant, for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen."

SEC. 4. The President may by Executive order direct the Secretary of Agriculture (1) to furnish the Commissioner of Patents such available information of the Department of Agriculture, or (2) to conduct through the appropriate bureau or division of the department such research upon special problems, or (3) to detail to the Commissioner of Patents such officers and employees of the department, as the commissioner may request for the purposes of carrying this Act into effect.

SEC. 5. Notwithstanding the foregoing provisions of this Act, no variety of plant which has been introduced to the public prior to the approval of this Act shall be subject to patent.

SEC. 6. If any provision of this Act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application thereof to other persons or circumstances shall not be affected thereby.

Approved, May 23, 1930.