Don't Fall for Phony "Patent Reform"

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All the bad deals made by the late Secretary of Commerce Ron Brown, unfortunately, did not die with him in his tragic plane crash. His deal to betray our unique American patent system, which we thought we killed in the 105th Congress, has been resurrected in the 106th.

Last year, it was called the Omnibus Patent Act, nicknamed the Ominous Patent Act. To make the sell-out palatable, the bill's sponsors rechristened it the American Inventors Protection Act, H.R. 1907, but it ought to be called the Inventor Elimination Act.

One has to ask, what powerful forces are so determined to change (in the phony name of "reform") our enormously successful patent system, the keystone of America's technological superiority and economic success? The answer is the suspect "partnership" fabricated between the Clinton Administration and Japan and China, plus the multinationals whose god is globalism.

The unique American patent system, which was created by the writers of the U.S. Constitution and crafted by our nation's preeminent engineers George Washington and Thomas Jefferson, is the reason why America has produced more major inventions than all the rest of the world combined. They set up the U.S. Patent Office to protect the constitutional right of independent inventors to the "exclusive" ownership of their inventions for a limited number of years, after which the inventions belong to the public.

The American system, founded in freedom, gives every American the democratic opportunity to develop and own his invention, with that ownership protected by the government. Other countries are very different.

The Japanese system is based on collusion between the government and the big corporations, and the Chinese Communist system is based on military control of the economy. Those systems are very efficient in low-cost copying of American inventions, but they don't invent anything important.

The chief argument we hear in behalf of patent "reform" legislation is "harmonization." But why should America harmonize with unsuccessful systems? Let other countries harmonize with us!

Phony "reform" of the U.S. system is aggressively sought not only by the foreigners, whose motive is to steal U.S. intellectual property, but also by the multinationals that want to control all innovation and therefore look upon independent inventors as their natural enemies. If you are DaimlerChrysler or IBM, for example, you certainly don't want an independent inventor working in his garage to develop a new product that you don't control and which might cut in on your market share.

So, the lobbyists for patent "reform" have made some cosmetic changes in last year's Ominous Patent bill and reintroduced it as H.R. 1907. The bottom-line purpose remains the same, namely, to advantage the multinationals at the expense of independent inventors.

The essence of H.R. 1907 is to deliver control of the U.S. Patent Office, its policies and functions, to the big corporations. In the name of creating "an independent agency, separate from any department of the United States," the U.S. Patent Office would be changed from a government agency protecting independent inventors to a tool of the multinational corporations.

Title VI would make the U.S. Patent Office subject to "review" by a newly created "Patent Public Advisory Committee," which "shall include individuals with substantial background and achievement in finance, management, labor relations, and office automation." People with those resumes would be like foxes guarding the chicken coop.

The duties of this Public Advisory Committee are to "review the policies, goals, performance, budget, and user fees" of the Patent Office. And, this Committee must be "consulted" about any changes in the regulations.

The setting of patent policies, fees, and regulations is vitally important to America's independent inventors, and H.R. 1907 turns this over to control by the inventors' natural enemies. It makes no more sense to let big corporations (who are more likely to be infringers than innovators) have a voice in patent policies than to let organized crime review criminal law policy for the Justice Department.

Title II undermines the rights of independent inventors by providing for "prior user rights." This will enable corporations to claim a "prior use right" and thereby steal the independent inventor's constitutional right to "exclusive" ownership of his discovery.

Title V, which allows third parties to participate in an expanded reexamination process, gives infringers the opportunity to delay an inventor's effective use of his patent rights. Because it will encourage litigation, it should be called the "patent lawyers' full employment act."

The Internet and advances in technology are facilitating the creation of brilliant inventions that compete against existing products -- for the benefit of the public. The objective of many corporations, however, is to use their lobbyists and political contributions to induce Congress to enact legal protections for the status quo.

"Patent reform" is a code word for discouraging potential competitors by weakening the rights of independent inventors. All patent "reform" bills should be defeated if we care about America's future.