# The Taj Mahal Could Be the Tomb of Our Patent System

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The elaborate marble mausoleum in India called the Taj Mahal, one of the world's most extravagant monuments, was built as the tomb of an emperor's favorite wife. The proposed new building complex to house the U.S. Patent and Trademark Office (PTO) has been tagged with the label Taj Mahal, not only because of its extravagant cost, but also because it threatens to become the tomb of America's unique patent system.

The price tag of $1.3 billion only buys a 20-year lease for an Alexandria, Virginia property; the PTO may have the option to buy it at market price at the end of that period. Funds for the lease will come from the patent fees paid by struggling inventors, that small group of individuals to whom we owe so much for creating the inventions that have made America the economic leader of the world.

The proposed PTO Taj Mahal is lavish beyond the dreams of any 17th century emperor in India. Furniture for the PTO's Taj Mahal is budgeted at $64 million, including $250 shower curtains, $750 baby cribs for daycare, $308 ash cans, and $1000 coat racks, according to a PTO-funded study.

There's more here than meets the eye. It's not just an excess of bureaucratic extravagance and the lust of former Patent Commissioner Bruce Lehman and Acting Patent Commissioner Q. Todd Dickinson to live in the luxurious style to which they would like to become accustomed.

The PTO Taj Mahal is part of a plan to radically change our unique American patent system by "corporatizing" it into what the Commerce Department's Inspector General calls a "Performance Based Organization." This means pretending that the PTO is a business that is selling products, and modelling it after the multinationals that are lobbying aggressively for this change.

But the PTO is not a business; it is the guardian and facilitator of one of our most precious constitutional rights: the Article I, Section 8 inventors' "exclusive right" to their inventions "for limited times." The move to the proposed PTO Taj Mahal is part of an overall plan to change the PTO from a successful, free-from-fraud federal agency into a stand-alone, semi-private corporation, without essential public oversight of its activities.

Last year's patent bills (S. 507 and H.R. 400), which fortunately did not pass, would have created this pseudo-governmental corporation with guaranteed seats on the board of directors for representatives of the multinational corporations. The independent inventors, disdained by PTO Commissioner Lehman as "weekend hobbyists," would have been left out in the cold.

The multinationals are pushing hard for major changes in our patent law in order to "harmonize" U.S. patent law with foreign law, especially Japanese. But it's the unique American system that is responsible for the fact that more than 90 percent of inventions are American, and it makes no sense to harmonize down to unsuccessful foreign systems (which are skewed to corporate control instead of inventors' rights) instead of up to the successful U.S. system.

In March 1998, the Commerce Department's Inspector General reported that the Space Allocation Plan for the proposed PTO Taj Mahal contains no space for the paper search files, which are now the principal resource used by patent examiners in granting new patents. Two centuries of paper records of American inventions, the greatest technical teaching library in the history of the world, will be banished, reducing us to total faith in electronic files.

The patent examiners are fighting hard to save the paper search files because they are more complete, more accurate, and contain thousands of original articles so essential to proving that new patent applications are for original work. Loss of these records will drastically diminish the examiners' ability to do an effective search.

In the new PTO building, public access will be restricted and the area of public search rooms will be reduced. All these curious facts indicate that the move to the Taj Mahal will not be merely a change in location or a modernization of facilities, but a drastic transformation of the function and purposes of the PTO in order to diminish the inventors' rights it is supposed to protect.

There is no pressing need for a new building; current leases cost less and can run until 2014. Moving costs from current PTO offices in Arlington, Virginia are estimated at $5 million, but others claim it is closer to $130 million.

The constitutional property right of individual inventors is the mainspring of America's remarkable prosperity, high standard of living, and continual generation of new jobs and businesses. To borrow Winston Churchill's famous line, "Never in the field of human endeavor was so much owed by so many to so few."

That's why 25 Nobel Laureates joined together to oppose all patent legislation to "harmonize" our patent system with foreign systems and to corporatize the procedure. We hope Congress is listening.