

98TH CONGRESS  
2D SESSION

# H. R. 5324

To prohibit the designation of countries as beneficiary developing countries under title V of the Trade Act of 1974 unless adequate and effective protection is provided for United States patent, trademark, and copyright rights.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 1984

Mr. DOWNEY of New York (for himself, Mr. GORE, Mr. FRANK, Mr. LEVINE of California, Mr. MATSUI, Mr. CARNEY, Ms. KAPTUR, Mr. OXLEY, Mr. VENTO, Mr. STOKES, Mr. SIMON, Mr. SMITH of Florida, Mr. STUDDS, Mr. WALGREN, and Mr. PATTERSON) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To prohibit the designation of countries as beneficiary developing countries under title V of the Trade Act of 1974 unless adequate and effective protection is provided for United States patent, trademark, and copyright rights.

- 1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That section 502 of the Trade Act of 1974 (19 U.S.C. 2462)  
4 is amended—  
5           (1) by striking out “and” at the end of subsection  
6       (b)(6);

1           (2) by striking out the period at the end of subsec-  
2           tion (b)(7) and inserting in lieu thereof “; and”;

3           (3) by adding at the end of subsection (b)(7) the  
4           following:

5           “(8) if such country fails to provide under its law  
6           adequate and effective means for foreign nationals to  
7           secure, exercise, and enforce exclusive rights and intel-  
8           lectual property, including patent, trademark, and  
9           copyright rights, unless the President receives assur-  
10          ances satisfactory to him that the country is taking ap-  
11          propriate steps to provide such means and he submits a  
12          written report to both Houses of Congress detailing the  
13          nature of those assurances.”;

14          (4) by amending the last paragraph of subsection  
15          (b) to provide: “Paragraphs (4), (5), (6), (7), and (8)  
16          shall not prevent the designation of any country as a  
17          beneficiary developing country under this section if the  
18          President determines that such designation will be in  
19          the national economic interest of the United States and  
20          reports such determination to the Congress with his  
21          reasons therefor.”;

22          (5) by striking out the “and” at the end of subsec-  
23          tion (c)(3);

24          (6) by striking out the period at the end of subsec-  
25          tion (c)(4) and inserting in lieu thereof “; and”;

1           (7) by adding at the end of subsection (c)(4) the  
2 following:

3           “(5) the extent to which such country is providing  
4 under its law adequate and effective means for foreign  
5 nationals to secure, exercise, and enforce exclusive  
6 rights in intellectual property, including patent, trade-  
7 mark, and copyright rights.”; and

8           (8) by adding at the end of section 502 the follow-  
9 ing:

10          “(e)(1) Not later than January 1, 1986, the President  
11 shall determine whether each beneficiary developing country  
12 designated as of the effective date of this Act satisfies the  
13 requirements of section 502(b)(8) and he shall report to Con-  
14 gress his determination and the reasons therefor. If the Presi-  
15 dent determines that any such country fails to satisfy these  
16 requirements, he shall terminate such designation consistent  
17 with the provisions of section 502(a)(2).

18          “(2) With respect to any country for which the Presi-  
19 dent has received assurances under section 502(b)(8), the  
20 President shall, not later than January 1, 1987, and annually  
21 thereafter, report to Congress the extent to which such as-  
22 surances have been satisfied.”.

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