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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-197643
CED 0-141

March 5, 1980

^{A.}
The Honorable Abraham Ribicoff
Chairman, Committee on
Governmental Affairs *SEN 06/6/80*
United States Senate

Dear Mr. Chairman:

[Comments on]

Your letter of January 25, 1980, enclosed a copy of S. 2079 a bill "to improve the administration of the patent and trademark laws by establishing the Patent and Trademark Office as an independent agency, and for other purposes." and requested our views and recommendations on this proposed legislation.

*ACC 00373
AGC 00074*

The provisions of this bill are directed toward removing the Patent and Trademark Office from the Department of Commerce. Implicit in this proposed action is the assumption that the Patent and Trademark Office would be more effective in performing its functions if it were a separate organizational entity, directly responsible to the President and the Congress. Although the GAO has not examined issues concerning the administration of the Patent and Trademark Office, we recognize that numerous problems have been identified through Commerce Department appropriations hearings as well as from other sources. Among these concerns are a need to increase the number of patent examiners; an increase in the time it takes to obtain a patent; and the integrity of the patent once it has been issued.

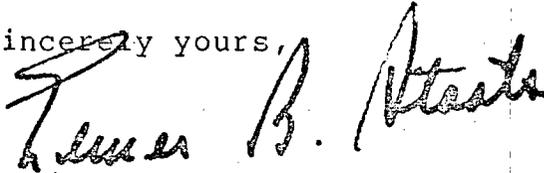
It appears that many of the problems that beset the Patent and Trademark Office are purported to stem from the lack of sufficient funds. Some attribute this condition to the requirement that the Patent and Trademark Office must communicate its needs indirectly to the Congress and OMB through the Department of Commerce. This has led to charges that the Commerce Department has not adequately supported the Patent and Trademark Office's needs. On the other hand, the President recently reported that the Patent and Trademark Office has been directed to undertake a major effort to upgrade and modernize its processes. It is *GAO opinion* that commitment to get the job done and appropriate allocation of resources can be accomplished within an organization whether it is an independent agency or housed within a department.

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In light of these considerations, ^{GAO Res} ~~we have~~ no basis with which to formulate a position regarding this bill.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Thomas B. Atwater". The signature is written in dark ink and is positioned to the right of the typed name.

Comptroller General
of the United States