

111TH CONGRESS  
1ST SESSION

# H. R. 3059

To amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2009

Ms. ZOE LOFGREN of California (for herself, Mr. BOUCHER, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. COHEN, and Mr. WILSON of Ohio) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Access to Repair Parts  
5 Act”.

1 **SEC. 2. EXCEPTION FROM INFRINGEMENT FOR CERTAIN**  
2 **COMPONENT PARTS.**

3 (a) **IN GENERAL.**—Section 271 of title 35, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new subsection:

6 “(j) It shall not be an act of infringement of any de-  
7 sign patent to make, use, offer to sell, or sell within the  
8 United States or import into the United States any article  
9 of manufacture that itself constitutes a component part  
10 of another article of manufacture, if the sole purpose of  
11 the component part is for the repair of the article of man-  
12 ufacture of which it is a part so as to restore its original  
13 appearance.”.

14 (b) **APPLICABILITY.**—The amendment made by sub-  
15 section (a) applies to acts done on or after the date of  
16 the enactment of this Act.

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