

PROMOTING AUTOMOTIVE REPAIR, TRADE, AND SALES (“PARTS”) ACT

ONE-PAGE SUMMARY

Background –

The PARTS Act narrowly amends U.S. design patent law to reduce, from 14 years to 30 months (or two-and-a-half years), the period of time during which it would be an act of infringement—of a car company’s design patent on an external collision repair part (e.g., fender, quarter panel, door)—for an alternative supplier to sell an aftermarket version of such a part for use in repairing a consumer’s car.

However, during that 30-month period it would not be an act of infringement for alternative suppliers to make, test, research and develop such parts on a not-for-sale basis. The current 14-year design patent term prevents aftermarket manufacturers from making or selling external collision repair parts, driving up repair costs by limiting consumer choice, crowding out competition, and leading to higher insurance rates and fees.

The legislation would do nothing to deter car companies from obtaining design patents on their collision parts and enforcing them—up to 14 years—against other car companies.

Key Provisions –

Generally, the bill would do two things:

- First, whoever uses or sells such collision repair parts 30 months *after* the patented component part is first offered for sale as part of a motor vehicle would not be liable for design patent infringement.
- Second, at no time would there be liability for infringement for making or offering to sell (i.e., advertising/marketing) in the U.S., or importing into the U.S., any repair part that is similar to or the same as a component part that is claimed in a design patent.

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