



The Quality Parts Coalition Announces the Release of the Whitepaper Written by Distinguished Intellectual Property Law Professor, Joshua Sarnoff, of DePaul University College of Law.

The White Paper Supports the Passing of the PARTS Act

November 29, 2017 – Washington, D.C. – The Quality Parts Coalition (QPC) welcomes the release of a white paper, entitled: [Protecting the Consumer Patent Law Right of Repair and the Aftermarket for Exterior Motor Vehicle Repair Parts: The PARTS Act, S. 812; H.R. 1879, 115th Congress](#), which was written by distinguished intellectual property law professor, Joshua Sarnoff, of DePaul University College of Law.

In his white paper, Professor Sarnoff concludes that "Congress did not intend to authorize partial-product or fragment design patents when providing for design patents in and since 1842 ... and Congress did not intend for such patents to deprive consumers of their right to repair their purchased products." Notwithstanding this, Professor Sarnoff finds that an "appellate court precedent in 1980 ... has led to widespread patenting of designs for parts of useful products and for fragments of such parts" and this judicial activism "effectively overrides" the patent law consumer repair right that "exists because of the patent law exhaustion doctrine" under which "the original purchase (the 'first sale') of a product embodying a patent exhausts all patent rights as to a particular product." Professor Sarnoff notes that this judicial expansion of 15-year design patent rights is especially problematic with respect to patents that car companies are getting on their exterior collision parts of their cars (such as hoods and fenders).

Professor Sarnoff explains in the White Paper how the "recent granting to and assertion by OEMs of partial-product design patents for repair parts now threatens the repair parts aftermarket, and the valuable consumer and insurance savings that have resulted." He makes a strong patent policy argument for Congress to pass the PARTS Act in order to "restore the patent law consumer right to repair purchased, patented products in the context that matters most -- the repair of motor vehicles that have been damaged in collisions to their original appearance."

The full White Paper is available on the Quality Parts Coalition website:

http://www.KeepAutoPartsAffordable.org/sites/all/themes/framework/pdf_resource/Sarnoff-white-paper-on-PARTS-Act.pdf

The PARTS Act (S. 812 and H.R. 1879), bipartisan legislation introduced by Senators Hatch (R-UT) and Whitehouse (D-RI) and Representatives Issa (R-CA) and Lofgren (D-CA), would create a narrow exception from design patent infringement for collision repair parts for cars. The QPC strongly supports the PARTS Act, which also has been endorsed by all major consumer groups (i.e., Consumer Federation of America, Consumers Union, Public Citizen, Center for Auto Safety, and Advocates for Highway and Auto Safety).

ABOUT QPC: The Quality Parts Coalition represents the interests of the independent parts industry, repairers, insurers, consumers and seniors. The goal of the Quality Parts Coalition is to develop and secure a permanent legislative change to U.S. design patent law to protect the consumer's right to benefit from quality, lower-cost alternative replacement parts and to preserve competition. For more information, visit www.KeepAutoPartsAffordable.org.