

PROMOTING AUTOMOTIVE REPAIR, TRADE, AND SALES (“PARTS”) ACT OF 2017
ONE-PAGE SUMMARY

Background

In recent years, car manufacturers have begun filing design patent infringement claims against collision repair parts manufacturers on the ground that the repair parts (bumpers, fenders, door panels, etc.) too closely mimic the shape and appearance of the original part. This has enabled car manufacturers to drive up the cost of collision repair parts.

Because collision repair parts need to closely match the original part, it’s difficult for repair parts manufacturers to create repair parts that can survive a design patent infringement claim. As a result, the current 14-year design patent term prevents aftermarket parts manufacturers from making or selling external collision repair parts. This in turn drives up repair costs by limiting consumer choice and crowding out competition, leading to higher insurance rates.

Key Provisions

The PARTS Act:

- Narrowly amends U.S. design patent law to reduce—from 14 years to 2.5 years—the period of time during which car manufacturers can enforce design patents on collision repair parts (bumpers, fenders, door panels, etc.) against alternative parts suppliers.
- Specifies that it is not an act of infringement for an alternative parts supplier to sell an aftermarket collision repair part once 2.5 years have elapsed from the date of the design patent.
- Allows alternative parts suppliers to research, develop, make, and test collision repair parts on a not-for-sale basis during the 2.5-year patent period.
- Does not affect the ability of car companies to enforce design patents against other car companies for up to 14 years. The bill exempts only collision repair parts.
- Does not affect patents on interior parts such as engines, transmissions, or undercarriages or on parts covered by a utility patent.