

BAD-FAITH PATENT INFRINGEMENT CLAIMS ACT (EXCERPT)
Act 550 of 2016

***** 446.171.new THIS NEW SECTION IS EFFECTIVE OCTOBER 1, 2017 *****

446.171.new Scope of act.

Sec. 11. (1) Subject to section 5, this act does not make it an unlawful practice for a person that owns or has the right to license or enforce a patent to do any of the following:

- (a) Advise others of that ownership or right of license or enforcement.
- (b) Communicate to others that the patent is available for license or sale.
- (c) Notify another of the infringement of the patent.
- (d) Seek compensation because of past or present infringement or for a license to the patent.

(2) This act does not limit rights and remedies available to this state or to any person under any other law and does not alter or restrict the attorney general's authority under the Michigan consumer protection act, 1976 PA 331, MCL 445.901 to 445.922, with regard to conduct involving assertions of patent infringement.

(3) This act does not apply to a written or electronic communication sent by any of the following:

(a) An owner or licensee of a patent that is using the patented invention in connection with research, development, production, manufacturing, processing, or delivery of products or materials.

(b) An institution of higher education as that term is defined in section 101 of the higher education act of 1965, 20 USC 1001.

(c) A technology transfer organization whose primary purpose is to facilitate the commercialization of technology developed by an institution of higher education, not-for-profit research institute, or health system.

(d) A person seeking a claim for relief arising under 21 USC 355, 35 USC 271(e)(2), or 42 USC 262.

History: 2016, Act 550, Eff. Oct. 1, 2017.