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**Patenting and Protecting Extraordinary Technology 2017-18**

(Statutory Amendment)

Text of Measure:

Be it Enacted by the People of the State of Colorado:

**SECTION 1.** In Colorado Revised Statutes, add 7-70-110 as follows:

**7-70-110. Declaration.** (1) THE ELECTORATE OF COLORADO HEREBY FINDS, DETERMINES AND DECLARES THAT PATENTING EXTRAORDINARY TECHNOLOGY IS VITAL FOR THE PROGRESS AND FULFILLMENT OF HUMAN CIVILIZATION.

(2) PROTECTING EXTRAORDINARY TECHNOLOGY RESEARCH AND DEVELOPMENT, AND ITS ACCESS TO A FAIR AND OPEN MARKET WILL HELP TO ENSURE HUMAN AND ENVIRONMENTAL HEALTH, SECURITY, ENERGY INDEPENDENCE AND ECONOMIC STRENGTH, AND REDUCED DEADLY AIR POLLUTION.

(3) OVER 19,000 SCIENTISTS HAVE SIGNED A WARNING TO HUMANITY THAT IF WE DO NOT STOP POLLUTING, CATASTROPHIC CONSEQUENCES WILL RESULT.

(4) TOXIC POLLUTION, HUMAN SUFFERING AND DEATH, ENVIRONMENTAL DEVASTATION; EXTREME WEATHER CONDITIONS CAUSING INCREASING FIRES, FLOODS, AND HURRICANES; AND WARS, HAVE RESULTED FROM OUR DEPENDENCE ON OBSOLETE ENERGY TECHNOLOGIES AND UNAFFORDABLE AND INEFFECTIVE HEALTHCARE. THESE TRAGEDIES CONTINUE DESPITE SAFE AND COST-EFFECTIVE EXTRAORDINARY TECHNOLOGIES DEVELOPED OVER THE LAST ONE HUNDRED YEARS FOR ENERGY AND HEALTHCARE. THIS INCLUDES A CATEGORY CALLED TECHNOLOGIES OF

ELECTRICAL COHERENCE, DEVELOPED IN THE 1980s, WHICH CAN REDUCE THE HEALTH HAZARDS OF ELECTROMAGNETIC FIELDS, INCREASE POWER GRID EFFICIENCY, AND EVEN REDUCE CITYWIDE POLLUTION WITHIN ONLY A FEW WEEKS.

(5) THE FINANCIAL ELITE, GOVERNMENT AGENTS, AND CORPORATIONS IN THE OBSOLETE FOSSIL FUEL, NUCLEAR, AUTOMOTIVE AND HEALTHCARE INDUSTRIES, HAVE SUPPRESSED EXTRAORDINARY TECHNOLOGIES AND TREATMENTS, AND OBSTRUCTED THEIR RESPECTIVE INVENTORS, FOR MANY DECADES.

(6) SUPPRESSION OF EXTRAORDINARY TECHNOLOGIES AND PERSECUTION OF THEIR INVENTORS HAS INCLUDED HARASSMENT, INTIMIDATION, COERCION, THREATS, RAIDS, PHYSICAL ASSAULT, DAMAGE OR DESTRUCTION TO REAL, PERSONAL, AND INTELLECTUAL PROPERTY, SEIZED ASSETS, GAG ORDERS, UNLAWFUL SURVEILLANCE, AND MORE.

(7) UNDER THE CLAIM OF NATIONAL SECURITY INTERESTS, AND CITING A SECRECY ORDER UNDER TITLE 35, USC (1952), SECTIONS 181-188, THE US PATENT AND TRADEMARK OFFICE (USPTO) HAS UNJUSTLY DELAYED, CONFISCATED OR UNDERMINED INVENTIONS OF EXTRAORDINARY TECHNOLOGIES.

(8) THE USPTO SPECIAL APPLICATION WARNING SYSTEM (SAWS), USED FROM 1994-2015, WAS A SECRET PROGRAM THAT DELAYED REVIEW OF PATENTS, IN SOME CASES FOR MANY YEARS, WITHOUT EXPLANATION TO THE APPLICANT FOR THE DELAY. THE SAWS PROGRAM WAS SO SECRET THAT IT WAS NOT MENTIONED ON THE PATENT OFFICE WEBSITE NOR THE DETAILED 1,500-PAGE MANUAL OF PATENTING EXAMINATION PROCEDURE. THE SAWS PROGRAM WAS EXPOSED BY A DENVER LAW FIRM IN DECEMBER 2014 THROUGH MAINSTREAM MEDIA. THE USPTO FINALLY ACKNOWLEDGED THE SAWS PROGRAM IN JANUARY 2015 AND CLAIMED IN MARCH 2015 THAT IT WOULD END SAWS. HOWEVER, STATUTES AND OTHER RULES ARE STILL IN PLACE TO DELAY OR REJECT TARGETED PATENTS, THOUGH PRESUMABLY WITHOUT THE ELEMENT OF SECRECY. A CLASS ACTION SUIT FOLLOWED, CLAIMING THE SAWS PROGRAM WAS UNCONSTITUTIONAL AND HAD NO ORIGINS IN EITHER STATUTE OR FEDERAL RULES.

(9) THE CRITERIA OF THE SAWS PROGRAM WERE SO VAGUE AND BROAD THAT ALMOST ANY INVENTION WAS A POTENTIAL TARGET. HOWEVER, THE INVENTIONS PRIMARILY TARGETED WERE THOSE THAT COULD POTENTIALLY REDUCE PROFITS OF THE FOSSIL FUEL AND NUCLEAR ENERGY INDUSTRIES, AND THE PHARMACEUTICAL AND MEDICAL INDUSTRIES. EXTRAORDINARY TECHNOLOGIES WERE AT RISK OF DELAY OR REJECTION BY THE USPTO BECAUSE THEY APPEARED TO VIOLATE THE LAWS OF PHYSICS, WERE ALLEGED TO CURE PREVIOUSLY INCURABLE DISEASES, PREVENT GLOBAL WARMING, OR WERE VIEWED AS USELESS.

(10) THE USPTO ASSERTED THAT SAWS AFFECTED ONLY .04% OF PENDING APPLICATIONS. THAT WOULD EQUAL APPROXIMATELY THREE THOUSAND TWO HUNDRED PATENT APPLICATIONS DURING THE SAWS PROGRAM. THAT IS ABOUT THE SAME NUMBER OF TOTAL PATENTS HELD BY THE WRIGHT BROTHERS, NIKOLA TESLA, STEVE JOBS, BILL GATES, THOMAS EDISON, AND AMAZON. MANY OF THEIR INVENTIONS, THAT WE USE DAILY AND TAKE FOR GRANTED, WERE VIEWED BY TOP SCIENTISTS AT THE TIME AS VIOLATING THE LAWS OF PHYSICS, OR SIMPLY USELESS.

(11) U.S. PATENT LAWS DERIVE FROM ARTICLE 1, SECTION 8, CLAUSE 8 OF THE US CONSTITUTION, WHICH GAVE CONGRESS THE POWER "TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS, BY SECURING FOR LIMITED

TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHT TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES.” THAT SAME POWER CANNOT BE USED TO ALSO IMPEDE SUCH PROGRESS, AS THE USPTO HAS DONE.

(12) FEDERAL LAW DOES NOT PREEMPT STATE-LEVEL PATENT PROTECTION. THERE IS NO FEDERAL LAW THAT PROHIBITS A STATE FROM PROTECTING INVENTIONS WITHIN THE STATE, AS LONG AS IT DOES NOT CONFLICT OR INTERFERE WITH FEDERAL PATENTS AND ENFORCEMENT. THIS IS SIMILAR TO THE USPTO ISSUING TRADEMARKS, AND YET BUSINESSES CAN OBTAIN A STATE-LEVEL TRADEMARK THROUGH THE COLORADO SECRETARY OF STATE IF THEY ARE NOT DOING INTERSTATE COMMERCE.

(13) A STATE-LEVEL PATENT REGISTRY OFFICE WOULD ONLY COMPLIMENT THE POWER OF CONGRESS WHILE OPERATING IN A DIFFERENT FIELD AND WITH MINIMAL RESOURCES AND GREATLY SHORTENED PATENT REGISTRATION TIMES.

(14) THE U.S. FOSSIL FUEL INDUSTRY’S LUST FOR PROFIT DROVE MUCH OF THIS SUPPRESSION, AND EVEN PROVIDED THE AVIATION FUEL FOR ADOLF HITLER’S NAZI MILITARY ATROCITIES DURING WORLD WAR II, FOR WHICH IT RECEIVED NEGLIGIBLE PENALTIES. IN A SIMILAR VEIN, THE ACTIONS OF THE USPTO SAWS PROGRAM AND SECRECY ORDERS APPEAR TO SERVE THE SAME PROFIT MOTIVE OF SPECIAL INTERESTS AND FEDERAL LEVEL POLITICS MORE THAN THEY SERVE THE PUBLIC.

(15) THE SEPTEMBER 11, 2001 TERRORIST ATTACKS IN THE UNITED STATES RESULTED IN PASSAGE OF THE USA PATRIOT ACT. THIS ACT DEFINES DOMESTIC TERRORISM AS INCLUDING “...ACTS DANGEROUS TO HUMAN LIFE THAT ARE A VIOLATION OF THE CRIMINAL LAWS OF THE UNITED STATES OR OF ANY STATE”, THAT “APPEAR TO BE INTENDED—TO INTIMIDATE OR COERCE A CIVILIAN POPULATION” AND ARE “RELATING TO THE DESTRUCTION OF AN ENERGY FACILITY” AND “MASS TRANSPORTATION”.

(16) DELIBERATE DESTRUCTION AND CONFISCATION OF EXTRAORDINARY TECHNOLOGIES ARE ACTS OF TERRORISM BECAUSE SUCH TECHNOLOGIES COULD OTHERWISE PROVIDE LIFE-SAVING CLEAN ENERGY AND HEALTHCARE FOR THE MASSES.

(17) SUPPRESSION OF EXTRAORDINARY TECHNOLOGIES IS AN ACT OF TERRORISM AGAINST ALL COUNTRIES, AND A CRIME AGAINST HUMANITY.

(18) U.S. GOVERNMENT OFFICIALS HAVE ENDORSED ENERGY AND HEALTHCARE POLICIES THAT ARE DANGEROUS TO HUMAN LIFE, ABUSIVE, AND AN ASSAULT ON HUMAN POPULATIONS AND THE ENVIRONMENT.

(19) EVERY ELECTED OR APPOINTED PERSON IN THE GOVERNMENT IS AN EMPLOYEE ACCOUNTABLE TO THE PEOPLE. A STATE-LEVEL PATENT REGISTRY OFFICE WILL HELP END THE WAR ON EXTRAORDINARY TECHNOLOGY.

(20) IN COUNTRIES OUTSIDE OF THE U.S., NON-POLLUTING ZERO POINT ENERGY POWER PLANTS, CARS THAT RUN ON SALT-WATER DERIVATIVES, AND OTHER EXTRAORDINARY TECHNOLOGIES, ARE BEING DEVELOPED AND PUT INTO PRACTICE.

(21) EXTRAORDINARY TECHNOLOGIES COULD HELP COLORADO AND THE WORLD TRANSITION FROM POLLUTING AND HAZARDOUS ENERGY SOURCES, TO SAFE AND CLEAN ENERGY, WITHIN FIVE TO EIGHT YEARS. THEY COULD ALSO OFFER LONGER, HEALTHIER, AND MORE PRODUCTIVE LIVES FOR U.S. RESIDENTS, WHILE INCREASING JOBS AND ECONOMIC GROWTH.

(22) IT IS IMPERATIVE THAT STATES BEGIN TO PATENT AND PROTECT CRITICAL EXTRAORDINARY TECHNOLOGY INVENTIONS WITHIN THEIR STATE BOUNDARIES AND EVEN JOIN IN A LARGER COLLABORATIVE NETWORK.

**SECTION 2.** In Colorado Revised Statutes, **add** 7-70-101 as follows:

**7-70-101. Definitions.** As used in this article, unless the context otherwise requires:

(1) "EXTRAORDINARY TECHNOLOGY" MEANS COLLECTIVELY THE AREAS OF INNOVATION INCLUDING, WITHOUT LIMITATION:

(A) INVENTIONS THAT ARE PIONEERING IN SCOPE

(B) NEW ENERGY

(C) A MOTOR OR POWER PLANT, WHICH HAS EXCEPTIONALLY HIGH, NON-POLLUTING, NON-HAZARDOUS, AND SUSTAINED ENERGY OUTPUT RELATIVE TO INPUT

(D) INVENTIONS THAT APPEAR TO VIOLATE THE COMMON SCIENTIFIC UNDERSTANDING OF LAWS OF PHYSICS OR CHEMISTRY (E.G. ANTIGRAVITY, FASTER THAN THE SPEED OF LIGHT, ACCESSING DARK ENERGY, ETC.)

(E) PREVENTION OR CURING OF DISEASES, PREVIOUSLY CONSIDERED IMPOSSIBLE TO PREVENT OR CURE

(F) ROOM TEMPERATURE SUPERCONDUCTIVITY

(G) SEEMINGLY FRIVOLOUS OR SILLY SUBJECT MATTER, SIMILAR TO HISTORIC BREAKTHROUGH INVENTIONS SUCH AS

(H) WIRELESS COMMUNICATION AND ENERGY DISTRIBUTION, HEAVIER THAN AIR FLYING MACHINES, TELEPORTATION, ETC.

(I) ANTI-GLOBAL WARMING DEVICES OR ANY OTHER DEVICE OPERATING AT THE GLOBAL SCALE

(J) TREATMENTS TO ENHANCE INTELLIGENCE

(K) POLLUTION REMEDIATION TECHNOLOGIES

(L) TECHNOLOGIES OF ELECTRICAL COHERENCE

(2) "NEW ENERGY" MEANS AN AREA OF INNOVATION FOR SPECIFIC TECHNOLOGIES DESCRIBED AS INCLUDING, WITHOUT LIMITATION: ZERO-POINT, OVER-UNITY, COLD FUSION, HYDROGEN PRODUCTION THROUGH WATER-SPLITTING USING CATALYSTS, RESONANT FREQUENCIES, RADIANT ENERGY, PERMANENT-MAGNET-POWERED MOTORS, IMPLOSION AND VORTEX ENGINES, AND SUPER-EFFICIENT ELECTROLYSIS.

(3) "PATENT" MEANS A PROPERTY RIGHT GRANTED BY THE STATE OF COLORADO TO AN INVENTOR TO EXCLUDE OTHERS FROM MAKING, USING, OFFERING FOR SALE, OR SELLING THE INVENTION THROUGHOUT THE STATE OF COLORADO OR IMPORTING THE INVENTION INTO THE STATE OF COLORADO, FOR A LIMITED TIME IN EXCHANGE FOR PUBLIC DISCLOSURE OF THE INVENTION WHEN THE PATENT IS GRANTED.

(4) "USA PATRIOT ACT" MEANS THE FEDERAL "UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT ACT) ACT OF 2001", FEDERAL PUBLIC LAW 107-56.

**SECTION 3.** In Colorado Revised Statutes, **add** 7-70-103.5 as follows:

**7-70-103.5. Patenting Extraordinary Technology.** (1) THE STATE OF COLORADO SHALL ESTABLISH STATE-LEVEL PATENT REGISTRATION WITHIN THE OFFICE OF THE COLORADO SECRETARY OF STATE FOR PROTECTION OF EXTRAORDINARY TECHNOLOGY WITHIN THE LEGAL BOUNDARIES OF THE STATE OF COLORADO.

**SECTION 4.** In Colorado Revised Statutes, **add** 18-13-131 as follows:

**18-13-131. Protecting Extraordinary Technology.** (1) THE STATE OF COLORADO SHALL AFFIRM, THROUGH A PUBLIC AWARENESS CAMPAIGN, THE LEGALITY OF RESEARCH, DEVELOPMENT, MANUFACTURE, SALE, POSSESSION, AND USE OF EXTRAORDINARY TECHNOLOGY WITHIN THE STATE OF COLORADO.

(2) REQUIRE THAT, WITHIN THE STATE OF COLORADO, EXTRAORDINARY TECHNOLOGY AND RELATED PROPERTY HAVE THE SAME LEGAL STATUS PURSUANT TO STATE LAW AS AN "ENERGY FACILITY," AS THAT TERM IS DEFINED BY THE FEDERAL "USA PATRIOT ACT", 18 U.S.C. SEC. 1366 (C), HAS PURSUANT TO FEDERAL LAW.

**SECTION 5. Implementation and Enforcement.** (1) BY THE EFFECTIVE DATE, SPECIFIED IN SECTION 6, THE STATE OF COLORADO SHALL ADOPT ALL MEASURES NECESSARY FOR THE PROPER AND EFFECTIVE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THIS ARTICLE.

**SECTION 6. Effective date.** (1) THIS ARTICLE SHALL BE EFFECTIVE THIRTY (90) DAYS FROM AND AFTER THE DATE OF ITS ENACTMENT.