

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Public Advisory Committee Quarterly Meeting

International Update

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UNITED STATES
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Topics

- World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)
- Trade-Related International Intellectual Property Updates

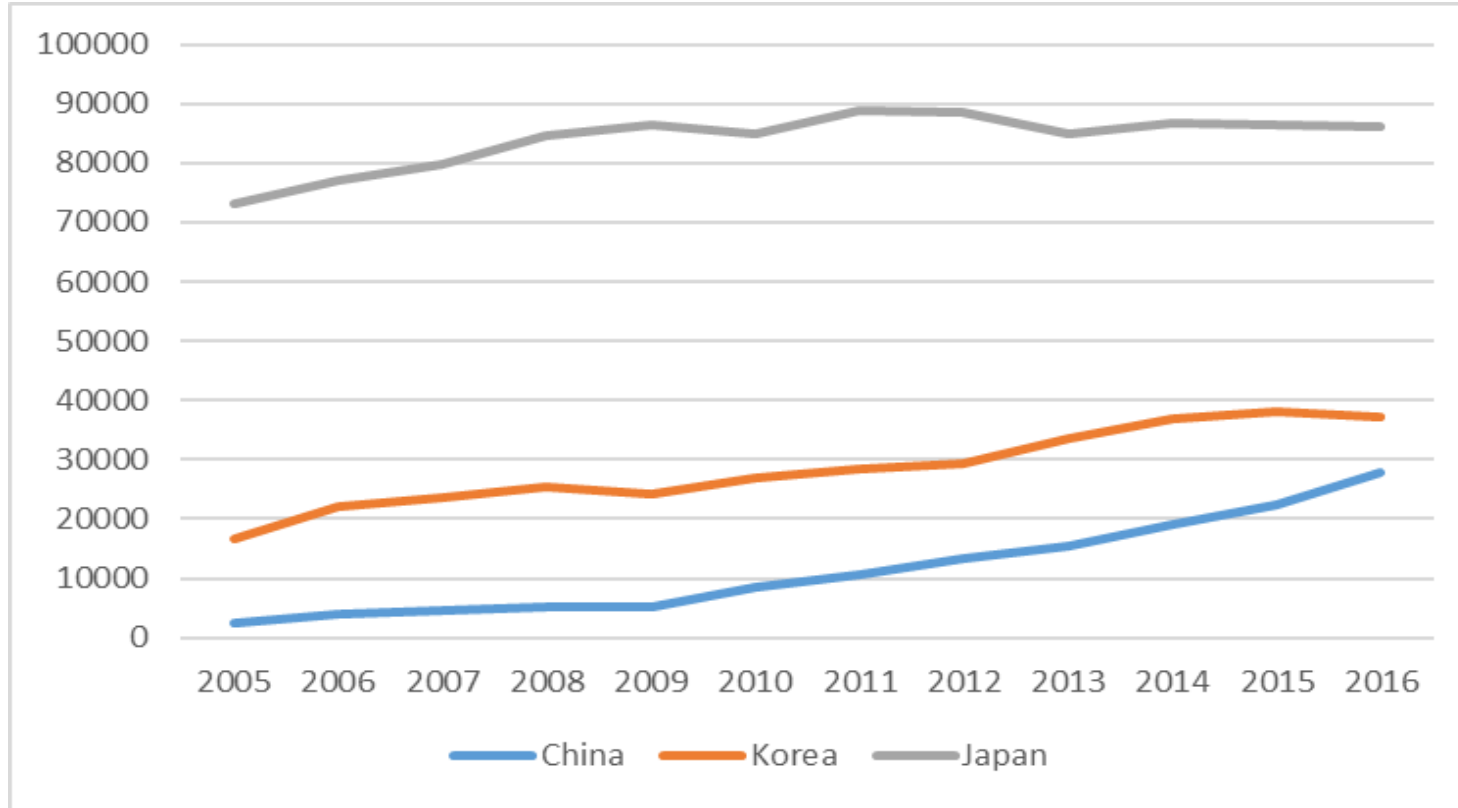
WIPO IGC

- Mandate 2018-2019
- “[...] continue to expedite its work, with the objective of reaching an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs).” **(extract)**

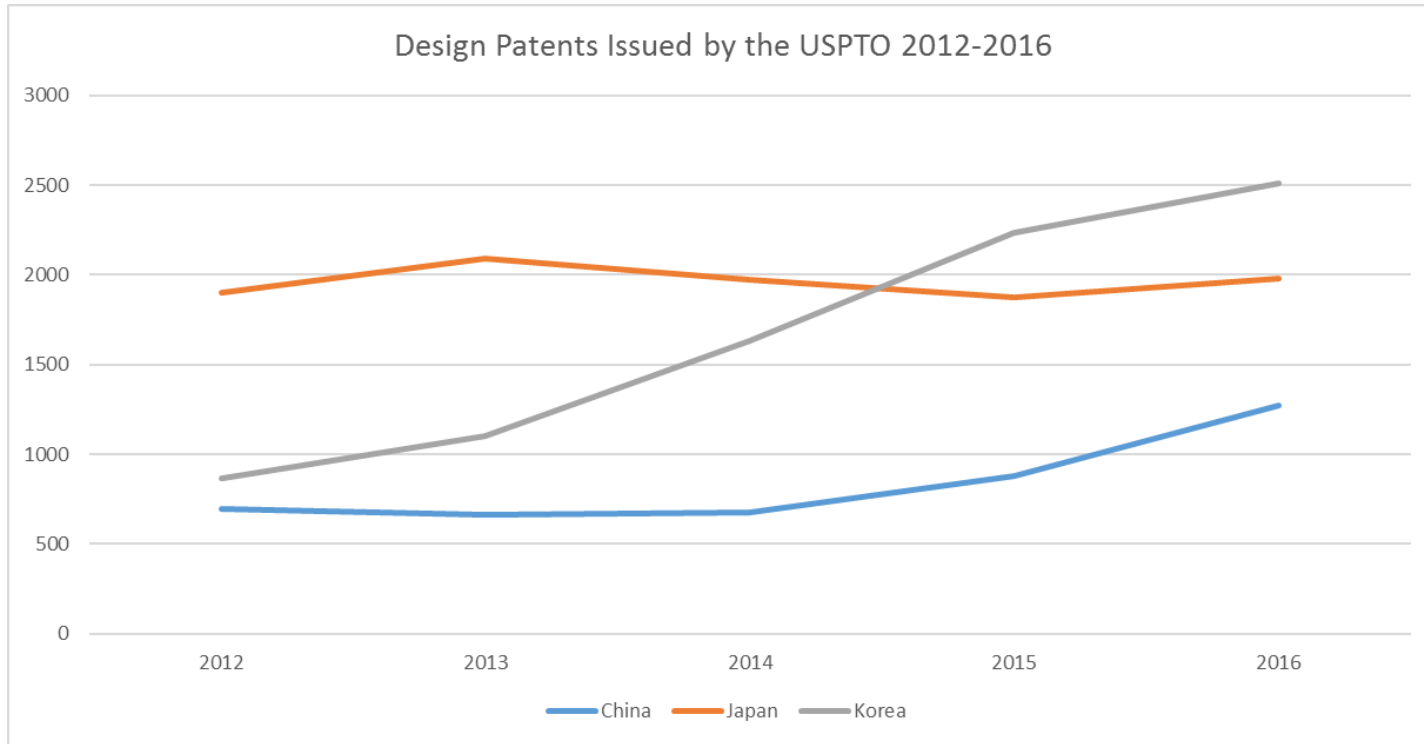
Trade-Related International Intellectual Property Updates

- China Filing and Patent Trends
- Section 301
- Special 301

Patent Applications filed by applicants from China, Korea and Japan



Design Patents Issued to Chinese, Korean, and Japanese Applicants



Updates on 301 Investigation on China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation:

On April 6, 2018, USTR proposed an additional duty of 25 percent on a list of products from China estimated at \$60 billion. USTR is seeking public comment and will hold a public hearing.

Timelines:

- April 23, 2018: Due date for filing requests to appear and a summary of testimony at the public hearing.
- May 11, 2018: Due date for submission of written comments.
- May 15, 2018: Public hearing at 10am at ITC main hearing room.
- May 22, 2018: Due date for submission of post-hearing rebuttal comments.

2018 Special 301 Report



Office of the United States Trade Representative



2018 Special 301 Report Highlights

- The report identifies 12 **countries—Algeria, Argentina, Canada, Chile, China, Colombia, India, Indonesia, Kuwait, Russia, Ukraine, and Venezuela**—on the Priority Watch List.
- **China** is on the Priority Watch List for the 14th consecutive year. Longstanding and new IP concerns include China’s coercive technology transfer practices, range of impediments to effective IP enforcement, and widespread infringing activity—including trade secret theft, rampant online piracy, and counterfeit manufacturing.
- **India** also remains on the Priority Watch List this year for longstanding challenges in its IP framework and lack of sufficient measurable improvements.
- USTR downgrades **Canada** from the Watch List to the Priority Watch List this year for failing to make progress on overcoming important IP enforcement challenges. Key concerns include poor border enforcement generally and, in particular, lack of customs authority to inspect or detain suspected counterfeit or pirated goods shipped through Canada, concerns about IP protections and procedures related to pharmaceuticals, deficient copyright protection, and inadequate transparency and due process regarding the protection of geographical indications.

2018 Special 301 Highlights continued

- **Colombia** was downgraded from the Watch List to the Priority Watch List for its longstanding failure to make meaningful progress in fulfilling obligations under the United States-Colombia Trade Promotion Agreement. USTR is also announcing an Out-of-Cycle Review of Colombia
- **Saudi Arabia** and the **United Arab Emirates (UAE)** were placed on the Watch List. For **Saudi Arabia**, there are recent deteriorations in IP protection for pharmaceutical products, in addition to outstanding concerns regarding IP enforcement and the continued use of unlicensed software by the government. For the **UAE**, the placement on the Watch List is in response to longstanding concerns about the sale and transshipment of counterfeit goods and the establishment of collecting management organizations, as well as recent policy changes that may not provide adequate and effective IP protection for pharmaceutical products.
- The report describes engagement with trading partners to address concerns related to IP protection and enforcement and market access barriers with respect to pharmaceuticals and medical devices so that trading partners contribute their fair share to research and development of new treatments and cures.

Questions and Comments

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