

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Outreach: International Update

David Gerk
Principal Counsel and Director for Patent Policy
Office of Policy and International Affairs
May 6, 2021
Patent Public Advisory Committee quarterly meeting

UNITED STATES
PATENT AND TRADEMARK OFFICE



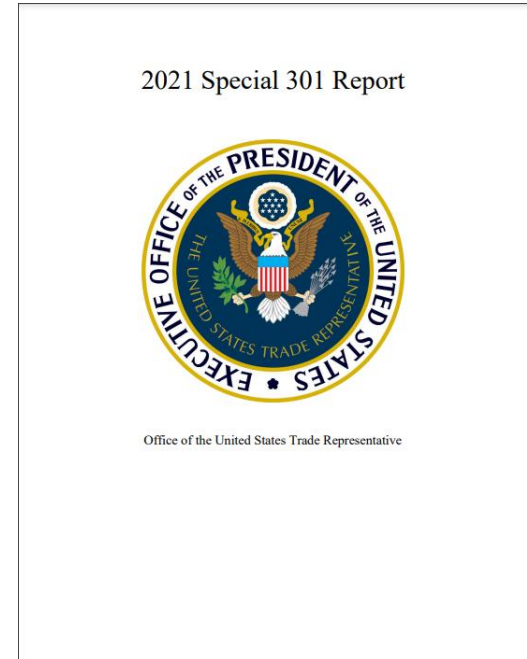
Overview

- Special 301 Report
- Patent filings in China
- Patents for Humanity

Special 301 Report

- Congressionally-mandated annual review of the global state of intellectual property (IP) rights protection and enforcement.
- Utilized to encourage and maintain enabling environments for innovation, including effective IP protection and enforcement, worldwide.
- United States uses the review and resulting report each year to focus our engagement on these issues.

<https://ustr.gov/issue-areas/intellectual-property/Special-301>



Patent filings in China

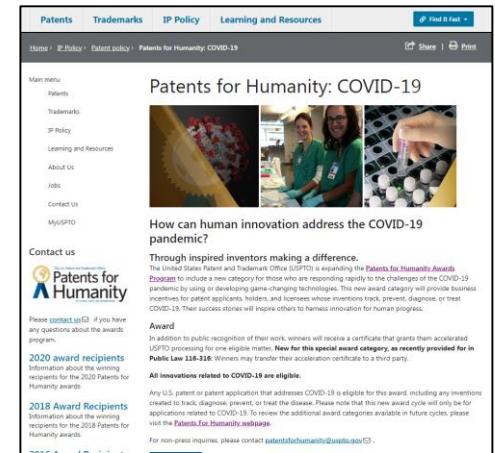
- On February 10, CNIPA issued draft *Measures for Standardizing Patent Application Conduct*
- Identify certain behaviors they consider abnormal with regard to applications:
 1. the simultaneous or successive submission of multiple patent applications that are obviously the same in inventive creation content or are essentially formed of simple combinations of different inventive creation characteristics or elements
 2. the submission of a patent application with fabricated, falsified or altered inventive creation contents, test data or technical effects copied, simply replaced, or recombined existing technologies or existing designs or the like
 3. the submission of an inventive creation patent application that is obviously inconsistent with the applicant's or inventor's actual research and development capability
 4. the submission of multiple patent applications with inventive creation contents that have been randomly generated primarily using a computer program or other technology
 5. the submission of a patent application the inventive creation of which has been deliberately devised to evade patentability examination and which is obviously inconsistent with technical improvement or common sense in design or the innovative creation of which affords no actual value in the protection thereof, is degraded, consists of ornate phrasing, has an unnecessarily narrowed scope of protection, or lacks content with any significance with regard to search and examination

Patent filings in China

- Identify certain behaviors they consider abnormal with regard to applications (cont'd).
 6. the submission of multiple patent applications that are substantially associated with a specific business unit, individual or address in a scattered or temporally staggered manner or at different locations in order to avoid regulatory measures against improper patent applications
 7. the active submission, without substantive legal or technical necessity, of multiple divisional applications based on an original application with good prospects of being granted
 8. the buying or selling of patent application rights or patent rights other than for the implementation of patented technologies, designs, or other legitimate and reasonable legal purposes or the false changing of the inventor or designer
 9. an act of inducing, abetting, assisting or conspiring with another by a patent agency, patent attorney, or other institution or individual who knows or should know of an improper patent application and acts as an agent or assists another in implementing various types of improper patent applications
 10. other improper patent application conduct and related conduct that violates the principle of honesty and credibility and disrupts the normal order of patent work.

Patents for humanity

- On April 5, the USPTO announced that it launched a special category of its Patent for Humanity Program for inventions that address the COVID-19 pandemic.
- Patents for Humanity Award winners receive a certificate to accelerate USPTO processing for one eligible matter, as well as public recognition of their work.
- Under the Patents for Humanity Program Improvement Act, award winners now may transfer their acceleration certificates to third parties, including for compensation.



www.uspto.gov/ip-policy/patent-policy/patents-humanity-covid-19



Thank you!

David Gerck

Principal Counsel and Director
for Patent Policy, OPIA

David.Gerck@uspto.gov

(571) 272-0205

www.uspto.gov