

Trademark Public Advisory Committee Meeting Legislative Update



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Activity on Copyright Issues

DOC/PTO Green Paper issued:

“Copyright Policy, Creativity, and Innovation in the Digital Economy”

- Conference held Dec. 12, 2013 at the USPTO
- Carefully reviewing comments submitted by interested parties
- Additional roundtables and discussions planned for 2014 throughout the country

Congressional Activity

- On March 20, 2013, House Judiciary, Subcommittee Hearing, “The Register’s Call for Updates to U.S. Copyright Law.” Copyright Office Register Maria Pallante testified.
- On April 24, 2013 House Judiciary Chairman Goodlatte announced sweeping review of U.S. copyright law.
- Ongoing hearings before the House Judiciary Committee and House Energy and Commerce Committee on various copyright issues.
- House Stop Online Piracy Act (SOPA) and the Senate’s Protect IP Act in the 112th Congress created a high hurdle for any future proposal for statutory changes to copyright law.



Activity on Patent Issues: Proposals Address Abusive Patent Litigation

White House Activity

- June 4, 2013 – 5 executive actions and 7 legislative recommendations
- February 20, 2014 - White House event -- *3 new executive actions announced*

Congressional Activity

- H.R. 3309, “The Innovation Act” (Goodlatte, R-VA-6) – **passed Dec. 5, 2013**
- S. 1720, the “Patent Transparency and Improvements Act of 2013” (Leahy, D-VT)
- Several other bills introduced; Numerous hearings and staff briefings held

USPTO Activity

- Meetings with various stakeholders
- Software partnership roundtables
- Increased engagement House and Senate Judiciary Staff

State of the Union – January 28, 2014

“..let's pass a patent reform bill that allows our businesses to stay focused on innovation, not costly and needless litigation.”



Activity on Trademark Issues

Congressional activity:

Marks consisting of flag, coat of arms, and other official seals

- H.R. 3713 - “To amend the Trademark Act of 1946 to provide for the registration of marks consisting of a flag, coat of arms, or other official insignia of the United States or of any State or local government” (Rep. Jeffries, D-NY-8, introduced 12/12/2013)
- S. 1816, Sen. Klobuchar, D-MN (introduced 12/12/2013 - Senate Companion)

Non Disparagement of Native American Persons

- H.R.1278 – “Non-Disparagement of Native American Persons or Peoples in Trademark Registration Act of 2013” (Faleomavaega, D-AS) & 19 cosponsors (introduced 4/15/2013)
- Letter from Senator Cantwell (D-WA) and Rep. Cole (R-OK-4) to NFL Commissioner Goodell (2/10/2013)



Other Considerations for the 113th Congress

○ **Opening USPTO Satellite Offices**

- ↗ Denver will open summer 2014!
- ↗ Briefings conducted with the CO and CA delegations in February; Additional briefings planned for Dallas and Denver
- ↗ Local support for outreach and education (Detroit and in Silicon Valley, Denver, Dallas)
- ↗ Start-up listening tours in Silicon Valley and Denver area

○ **International Treaties – implementation**

- ↗ Beijing Treaty on Audiovisual Performances
- ↗ Marrakesh Treaty for the Visually Impaired
- ↗ The Geneva Act of the Hague Treaty on Industrial Designs

○ **USPTO Funding**

- ↗ USPTO to keep all fees it collects for FY 2014

○ **Capitol Hill Awareness and Outreach:**

- ↗ Meetings with Judiciary Committee Members/Staff, New Members, Caucuses
- ↗ Preparing for Telework Meetings with Oversight Committees
- ↗ “Everything You Ever Wanted to Know About IP in China (and More)” at GIPA



Thank you.

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