

HISPANIC LEADERSHIP FUND™

LEAD TOGETHER, OUR COMMUNITIES, OUR NATION.

February 4, 2014

Mail Stop Comments—Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Attn: Boris Milef, Senior PCT Legal Examiner, Office of PCT Legal Administration

Dear Mr. Milef:

I am writing today out of concern for U.S. design patent reform and commending protections under the Hague Agreement. The Hispanic Leadership Fund is a non-partisan advocacy group dedicated to strengthening working families through common-sense public policy that promotes prosperity and liberty for all. We support several provisions established under the Hague Agreement and encourage policymakers to include them in U.S. design patent reform.

First, the Hague Agreement allows applicants across the globe to acquire international protection on design patents spanning multiple countries, which saves capital and resources. It also allows patent owners to collect infringement royalties after the design patent application publication but before the patent is issued. This deters bad behavior.

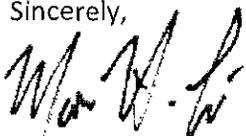
Second, design patents in the US currently have a closed-door application process. The Hague Agreement is a positive step toward making the design patent process as transparent and open as utility patents. Providing publication and allowing public comments in the pre-grant period has strengthened the utility patent system, and is an important element to include in design reform.

Also different from utility patents, the term of design patents is 15 years from issuance and utility patents is 20 years from filing. The term of U.S. utility patents was recently amended to begin from filing rather than from issuance to avoid the situation where utility patents lay in wait and spring forth to ensnare an emerging technology. We urge policymakers to consider adjusting the design term to begin from the application filing instead of issuance, which will prevent abuses.

Lastly, the Hague Agreement recognizes that design patents are published 6 months after filing, whereas utility patents are published after 18 months. We commend the writers of the Hague Agreement for recognizing differences such as these and not disrupting the established system.

The U.S. design patent system is in need of modernization and openness. We encourage policymakers to consider these relevant provisions within the Hague Agreement when reforming the U.S. design patent process.

Sincerely,


Mario H. Lopez
President