

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Outreach: International update

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Patent Public Advisory Committee quarterly meeting

UNITED STATES
PATENT AND TRADEMARK OFFICE



Overview

- IP5 perspective on the UN Sustainable Development Goals (SDGs)
- Certification and legalization of patent documents
- Congressional study on impact of subject matter eligibility jurisprudence
- Summary of comments from Federal Register Notice on section 171

IP5 strategic topics (background)

2021 objective

To identify major challenges and changes in prosecution due to the pandemic and propose solutions

IP5 industry proposals

- ✓ Enhancing digitization in patent prosecution
- ✓ Enhancing online communication
- ✓ Sustainable Development Goals

IP5 perspective on SDGs

IP5 objectives

- To identify ways that intellectual property rights contribute to solving social issues
- To enhance the IP system in a way that promotes the IP offices' contributions to solving social issues

17 SDGs

1. No poverty
2. Zero hunger
3. Good health/well-being
4. Quality education
5. Gender equality
6. Clean water/sanitation
7. Affordable/clean energy
8. Decent work/economic growth
9. Industry, innovation and infrastructure
10. Reduced inequalities
11. Sustainable cities/communities
12. Responsible consumption and production
13. Climate action
14. Life below water
15. Life on land
16. Peace, justice, and strong institutions
17. Partnerships for the goals



Examples of SDG contributions

EPO

- Reduced environmental footprint using green technology/digitization
- Upgraded Patent Information Center to promote tech transfer

JPO

- Joined WIPO Green and provided aid to developing countries to advance their IP systems
- Created mentoring programs for startups

KIPO

- Developed economic programs for socially vulnerable people
- Created animated tutorials about IP for children

USPTO

- Established Patents for Humanity
- Established the National Council for Expanding American Innovation (NCEAI)

CNIPA

- Helped local farmers commercialize reed leaves (Zongzi)
- Helped local farmers brand locally grown white tea

IP5 Initiative (SDG Contributions)

Next Steps

- Compile and disseminate information on how each office contributes to solving social issues
- Share best practices
- Promote the ways that IP supports SDGs

Certification and legalization of patent documents

- USPTO certification update
- Update from Department of State
- OPIA and IP Attachés are gathering further information from, and exploring potential flexibilities with, various foreign IP Offices
 - Jurisdictions where we are currently engaging with patent offices: Bolivia, China, Egypt, Ethiopia, Panama, Saudi Arabia, Thailand
 - Several offices have highlighted extensions of deadlines already in place due to COVID-19 or identified remedial measures that may provide relief.

Legalization of patent documents for use abroad

- WIPO DAS may help avoid issues in certain jurisdictions
 - 30 participating offices for patents
 - 19 participating offices for industrial designs
 - <https://www.wipo.int/das/en/>
- We welcome information from stakeholders including about:
 - Whether there are additional jurisdictions in which delays in obtaining attestations pose particularly difficult challenges;
 - The circumstances in which attestations are being required; and
 - The types of attestation documents that are being required.

Legalization of patent documents for use abroad

- To provide further information or feedback to USPTO in relation to this topic:
 - Please email the USPTO IP Policy inbox at IP.Policy@uspto.gov and place “Legalization of patent documents” in the subject field.
- For further information or substantive questions please contact:
 - David R. Gerk, Principal Counsel and Director for Patent Policy, Office of Policy and International Affairs, david.gerk@uspto.gov

Congressional study on impact of subject matter eligibility jurisprudence

- Congressional request
 - At the request of Senators Tillis, Hirono, Cotton, and Coons, the USPTO published a Federal Register Notice (FRN) to research and analyze the impacts of current patent eligibility jurisprudence (86 FR 36257)
- Area of focus
 - Senators expressed specific interest in learning how the current jurisprudence has adversely impacted investment and innovation in critical technologies like quantum computing, artificial intelligence (AI), precision medicine, diagnostic methods, and pharmaceutical treatments.
 - Current state of eligibility is understood to be the body of patent subject matter eligibility decisions issued by the U.S. Federal Judiciary

Federal Register Notice

- Published July 9, 2021
- Data gathering and questions from the FRN:
 - Observations and experiences including:
 - Experiences related to patent prosecution, portfolio management, enforcement and litigation; research and development; employment, procurement, marketing; investments; product development, innovation, and competition
 - Impact on technological fields of quantum computing; AI; precision medicine; diagnostic medicine; pharmaceutical treatments; and other computer related inventions
 - Experiences in foreign jurisdictions
 - Changes in business practices to adjust to current state of eligibility

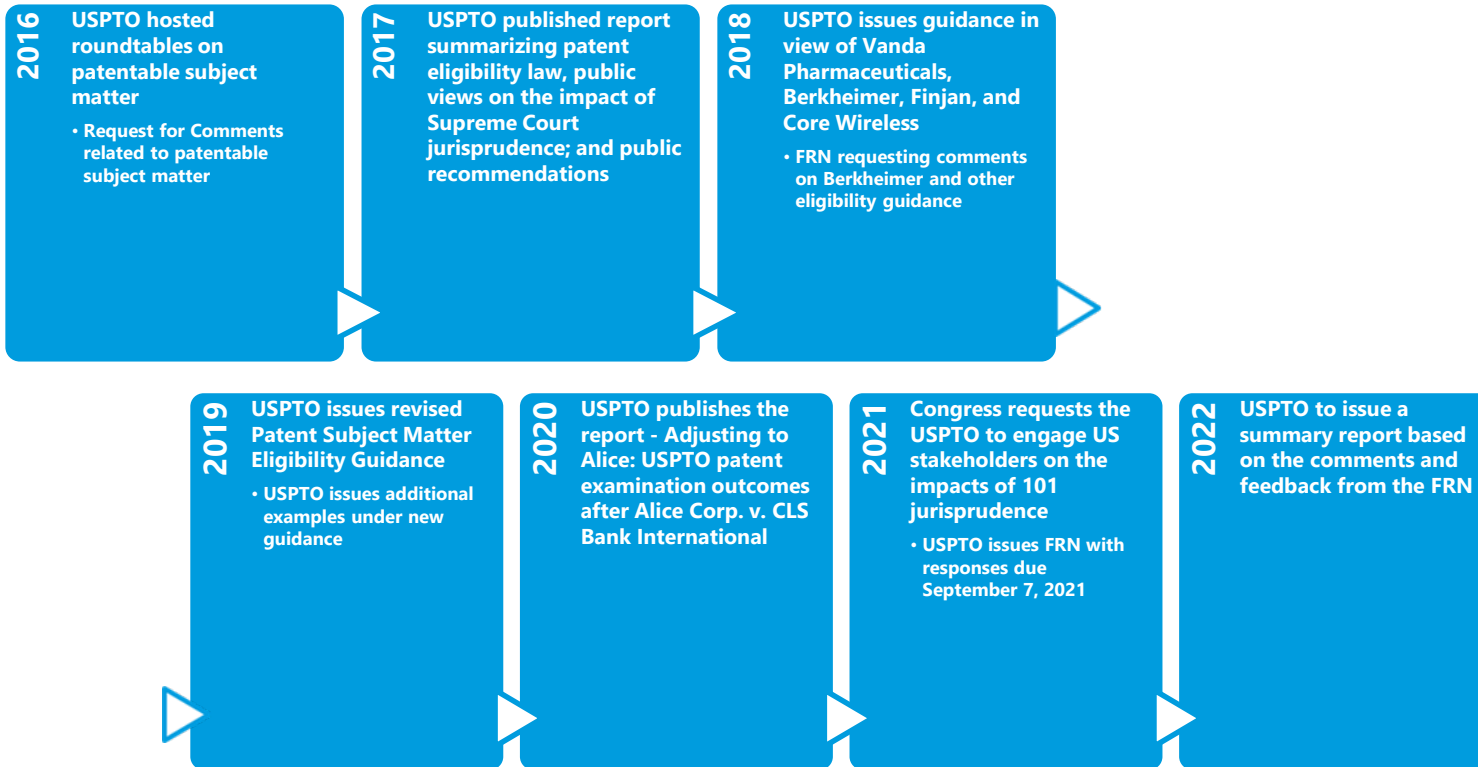
Federal Register Notice

- Data gathering and questions from the FRN (cont'd):
 - Impacts on the general marketplace including:
 - Impacts on the global strength of U.S. intellectual property;
 - Impacts on the U.S. economy as a whole;
 - Impacts, either positively or negatively, on the availability, effectiveness, or cost of personalized medicine, diagnostics, pharmaceutical treatments, software, or computer-implemented inventions?
- **Comments close September 7, 2021**



Federal Register Notice on section 101

USPTO 101 actions and next steps



Federal Register Notice on section 171

- The USPTO published an FRN related to the article of manufacture (AoM) requirement recited in 35 U.S.C. 171 on December 21, 2020
 - Specifically, the FRN focused on the AoM requirement as it relates to new and emerging technologies such as holograms, virtual and augmented realities, GUIs, etc.
- 19 comments were received
- The USPTO is currently drafting a summary report of the comments for publication



Thank you!

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