

# Serving America: The USPTO's IP Attaché Program

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## INTRODUCTION

The Intellectual Property (IP) Attaché Program was established by the United States Patent and Trademark Office (USPTO) to assist U.S. stakeholders in other countries and improve IP systems worldwide. Operating across five continents, the IP attachés are diplomats with IP expertise assigned to U.S. embassies and consulates throughout the world.<sup>3</sup> The IP Attaché Program epitomizes the USPTO's mission of "foster[ing] innovation, competitiveness and economic growth, domestically and abroad, ... guiding domestic and international intellectual property policy, and delivering intellectual property information and education worldwide."<sup>4</sup>

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<sup>3</sup> Dominic Keating, *IP Attachés: Providing Services around the World to IP Practitioners and Their Clients*, LANDSLIDE® MAGAZINE, Vol. 10, No. 3, Jan. 2018, at 32.

<sup>4</sup> U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE, <https://www.commerce.gov/bureaus-and-offices/uspto> (last visited Jul. 11, 2021). See also *IP Attaché Program*, USPTO, <https://www.uspto.gov/ip-policy/ip->

IP protection affects commerce throughout the economy in a variety of ways, including: (i) providing incentives to invent and create; (ii) protecting innovators from unauthorized copying; (iii) facilitating financial investments in innovation; (iv) supporting startup liquidity and growth; (v) making licensing-based technology business models possible; and (vi) enabling technology transfer and trading in technology and ideas.<sup>5</sup>

The economic contributions of innovation and IP protection to the U.S. economy are profound. Innovation is a crucial driver of competitiveness, growth, and value. IP-intensive industries, measured by R&D expenditure, enjoy higher productivity and greater competitiveness than non-IP intensive industries.<sup>6</sup> Additionally, in the United States, small businesses are the lifeblood of the economy: they create approximately two-thirds of net new jobs, and drive U.S. innovation and competitiveness. Small businesses account for 44% of U.S. economic activity<sup>7</sup> and they often depend on IP protection for their survival.

According to the principle of territoriality, IP rights are enforceable only in the country where they have been granted. Even though some minimum standards for the protection and enforcement of intellectual property rights exist under treaties or other international agreements, there is no automatic worldwide protection of intellectual property rights. That is precisely where IP attachés can assist businesses with international IP protection.

This paper analyzes recent data and presents case studies related to the IP Attaché Program's assistance to U.S. stakeholders, as part of the USPTO mission. It concludes that, in its fifteen years of existence, the IP Attaché Program has provided significant benefits to U.S. stakeholders, working in collaboration with other U.S. government agencies. The IP attachés spread their intellectual property expertise across the globe, cultivate relationships, and provide a variety of services to a wide spectrum of U.S. stakeholders, including large companies, small and medium-sized enterprises (SMEs), industry associations, law firms, and academia. The assistance is provided across a broad range of industry sectors. The data highlight the variety of IP issues that the attachés support, the volume of support that the attachés provide, the impact of the domestic outreach on our stakeholder assistance, and the high quality of the services.

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attache-program?MURL=ipattache (last visited Jul. 11, 2021) (providing additional information about the IP Attaché Program and the services of the IP attachés).

<sup>5</sup> *Intellectual Property and the U.S. Economy*, USPTO, <https://www.uspto.gov/learning-and-resources/ip-motion/intellectual-property-and-us-economy> (last visited Jul. 12, 2021) (discussing the U.S. Department of Commerce's comprehensive report, *Intellectual Property and the U.S. Economy: 2016 Update*). The article summarized:

While IP is used in virtually every segment of the U.S. economy, the report identifies 81 industries that use patent, copyright, or trademark protections most extensively. These "IP-intensive industries" are found to be the source, directly or indirectly, of 45 million jobs—roughly 30 percent of all the jobs in the United States. Some of the most IP-intensive industries include software publishers, sound recording industries, audio and video equipment manufacturing, cable and other subscription programming, performing arts companies, and radio and television broadcasting.

*Id.*

<sup>6</sup> NAM D. PHAM, THE IMPACT OF INNOVATION AND THE ROLE OF INTELLECTUAL PROPERTY RIGHTS ON U.S. PRODUCTIVITY, COMPETITIVENESS, JOBS, WAGES, AND EXPORTS, NDP Consulting, (2010) (R&D expenditures are direct inputs for innovation and are the most widely used measures for intellectual property. Industry is the largest source of R&D funding.).

<sup>7</sup> KATHRYN KOBE & RICHARD SCHWINN, SMALL BUSINESS GDP 1998–2014, U.S. SMALL BUSINESS ADMINISTRATION, OFFICE OF ADVOCACY (2018), available at <https://cdn.advocacy.sba.gov/wp-content/uploads/2018/12/21060437/Small-Business-GDP-1998-2014.pdf>.

## ECONOMIC BENEFITS OF IP TO THE U.S. ECONOMY

Patents, trademarks, trade secrets, and copyrights are the principal means for establishing ownership rights to the inventions, brands, and creations that can be used to generate tangible economic benefits to their owners. These intellectual property rights have a measurable impact on business performance. For example, empirical studies have confirmed that patents have a causal impact on the growth potential of startups. Patents do in fact help startups secure investment, create jobs, grow their sales, innovate, and eventually succeed.<sup>8</sup>

In 2016, the U.S. Department of Commerce released a comprehensive report, “Intellectual Property and the U.S. Economy: 2016 Update,”<sup>9</sup> which found that IP-intensive industries support at least 45 million U.S. jobs and account for \$6 trillion, or 38.2%, of U.S. gross domestic product (GDP).<sup>10</sup>

The report highlights the importance of IP issues in the United States.<sup>11</sup> It provides further evidence that “IP-intensive industries continue to be an important and integral part of the U.S. economy.”<sup>12</sup> This report identifies 81 industries (from among 313 total) as being IP-intensive.<sup>13</sup>

“While jobs in IP-intensive industries increased between 2010 and 2014, non-IP-intensive jobs grew at a slightly faster pace. Consequently, the proportion of total employment in IP-intensive industries declined slightly to 18.2% (from 18.8% in 2010).”<sup>14</sup>

In contrast, between 2010 and 2014, the value added by IP-intensive industries increased substantially in both (i) total amount and (ii) GDP share. IP-intensive industries accounted for \$6.6 trillion in value added in 2014, up more than \$1.5 trillion (30%) from \$5.06 trillion in 2010. The share of total U.S. GDP attributable to IP-intensive industries also increased from 34.8% in 2010 to 38.2% in 2014.<sup>15</sup>

Revenue specific to the licensing of IP rights totaled \$115.2 billion in 2012, with 28 different industries deriving revenues from licensing. Total merchandise exports of IP-intensive industries increased from \$775 billion in 2010 to \$842 billion in 2014. Exports of service-providing IP-intensive industries totaled about \$81 billion in 2012, and accounted for approximately 12.3% of total U.S. private services exported in 2012.<sup>16</sup>

<sup>8</sup> Joan Farre-Mensa, Deepak Hegde, & Alexander Ljungqvist, *What is a Patent Worth? Evidence from the U.S. Patent “Lottery”* (Nat’l Bureau of Econ. Rsch., Working Paper No. 23268, 2017, revised 2018), available at <https://www.nber.org/papers/w23268> (By employing an instrumental-variables approach, the authors were able to identify a causal relationship, as opposed to a mere correlation.).

<sup>9</sup> ECONOMICS AND STATISTICS ADMINISTRATION AND UNITED STATES PATENT AND TRADEMARK OFFICE, *INTELLECTUAL PROPERTY AND THE U.S. ECONOMY: 2016 UPDATE* (2016), available at <https://www.uspto.gov/sites/default/files/documents/IPandtheUSEconomySept2016.pdf>.

<sup>10</sup> *Id.* at ii.

<sup>11</sup> *Id.* at i (finding “Trademark-intensive industries contributed 23.7[41] million jobs in 2014 (up from 22.6 million in 2010). Copyright-intensive industries supplied 5.6[72] million jobs (compared to 5.1 million in 2010). Patent-intensive industries contributed 3.9[27] million jobs (compared to 3.8 million in 2010)”).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at ii.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at ii-iii.

To maximize global innovation with the goal of advancing our progress on commonly shared global challenges such as climate change, disease prevention and treatment, and economic growth, we will need a stronger and wide-ranging consensus on the importance of IP to every country. Accordingly, countries with robust IP rights should work together to educate that IP is central to global progress; they should push back against opponents, and should aim to strengthen the international framework of IP rules, norms, and cooperation.<sup>17</sup> In that context, there is a paramount importance of international protection of IP rights of U.S. stakeholders throughout the world. This is where the IP attachés can make their greatest contributions.

## SERVICES PROVIDED BY THE IP ATTACHÉS

The IP Attaché Program helps secure high IP standards in trade agreements and laws, and assists with monitoring implementation of these provisions. The IP attachés advocate for the benefit of U.S. stakeholders to improve policies, laws, and regulations that protect their IP abroad. The program's services include raising issues with foreign government officials, providing training on IP law, enforcement, and administration, conducting public awareness programs, and presenting and explaining U.S. government positions.

IP attachés also provide information to help U.S. stakeholders entering foreign markets or conducting business abroad, including how to navigate foreign laws and regulations, how foreign courts and governments work, and how to protect and enforce IP abroad. Through their IP and foreign affairs expertise, the IP attachés can help U.S. stakeholders address IP challenges and issues they may face in foreign markets.

The IP Attaché Program is present in thirteen cities worldwide. The attachés are IP experts posted to various U.S. embassies, consulates, and missions in Belgium, Brazil, China, India, United Arab Emirates, Mexico, Peru, Switzerland, Thailand, and Ukraine. Other than the IP attachés based in China and Switzerland, each attaché has regional coverage. Their mission is to advocate for U.S. IP policies and stakeholder interests in their countries or regions.<sup>18</sup>

The IP attachés are directed by the USPTO, and they work closely with various federal agencies. The IP attachés provide technical assistance and training to IP offices within their areas of responsibility, and advocate for improvements to IP policies, laws, and regulations in their host countries and regions. This includes direct and indirect advocacy, for example (i) raising issues with foreign government officials, (ii) providing training on IP law, enforcement, and administration, (iii) conducting public awareness programs, and (iv) presenting and explaining U.S. government positions.

<sup>17</sup> Stephen Exell & Nigel Cory, *The Way Forward for Intellectual Property Internationally*, Information Technology & Innovation Foundation (Apr. 25, 2019), <https://itif.org/publications/2019/04/25/way-forward-intellectual-property-internationally>.

<sup>18</sup> Thomas Young & Dominic Keating, *USPTO's IP Attaché Program*, AIPLA Innovate Articles (Dec. 12, 2019), <https://www.aipla.org/list/innovate-articles/uspto-s-ip-attach%C3%A9-program>.

The IP attachés also provide information to help Americans entering foreign markets, conducting business abroad, or dealing with infringement problems. This includes (i) how to navigate foreign laws and regulations, (ii) how foreign courts and governments work, and (iii) how to protect, enforce, and license IP abroad.

Incoming IP attachés begin their assignment with orientation and training. Orientation at the International Trade Administration (ITA) introduces new attachés to the structure and function of the ITA, the attaché's role in the development and implementation of U.S. foreign policy, terms of employment, and core skills needed by all Foreign Service employees. Orientation at the USPTO educates the attaché on U.S. government positions on international IP issues, introduces the attaché to colleagues from other U.S. government agencies who work on IP-related matters, connects new attachés with representatives from trade associations with knowledge of the host country's intellectual property rights environment, and acquaints the attaché with the functioning of the USPTO and specifically with the work of the USPTO's Office of Policy and International Affairs (OPIA).

The work of the IP attachés touches many areas of business, and the value of this work is bolstered by the continuous rise in the importance of intellectual property issues, in the United States and globally.<sup>19</sup> Protection of intellectual property rights affects commerce throughout the economy in a variety of ways, such as:

- providing incentives to invent and create,
- protecting innovators from unauthorized copying,
- facilitating vertical specialization in technology markets,
- creating a platform for financial investments in innovation,
- supporting startup liquidity and growth through mergers and acquisitions,
- making licensing-based technology business models possible, and
- enabling a more efficient market for technology transfer and trading in technology and ideas.

USPTO attachés may be contacted directly. The USPTO's website provides contact information for IP attachés by specific location, and includes emails, phone numbers and office addresses. Also provided are the IP attaché biographies outlining specific IP attaché responsibilities at each location.<sup>20</sup>

Described below are a few real-life examples of the services an IP attaché can provide:

### *Case study 1: Preventing the flow of dangerous and harmful products*

A prominent U.S. pharmaceutical company discovered that one of their patented lifestyle medicines was being used in herbal supplements in Kazakhstan without

<sup>19</sup> Sarah Morgan, The "Gems" of the U.S. Patent and Trademark Office, World Intellectual Property Review (May 21, 2018), <https://www.worldipreview.com/contributed-article/the-gems-of-the-u-s-patent-and-trademark-office>.

<sup>20</sup> See USPTO, Find an attaché, <https://www.uspto.gov/ip-policy/ip-attache-program/regions> (last visited July 15, 2021).

the company's consent. Alarming, these supplements contained one of the company's active ingredients at two to three times the maximum recommended dose, which was presenting a health risk to unsuspecting consumers.

The U.S. pharmaceutical company initially relayed its concerns to the U.S. Commercial Service at the U.S. embassy in Almaty, Kazakhstan, which in turn alerted the IP attaché responsible for covering the post-Soviet republics of Central Asia. The attaché met with officials of the government of Kazakhstan to raise the company's concerns. A subsequent review of the matter by Kazakhstani officials led to the cancellation of the Kazakhstani company's registration for the dangerous and potentially harmful herbal supplements, and they were removed from the market.

### *Case study 2: Combating streaming content piracy*

The market for streaming creative content in Latin America is expanding rapidly. As technology allows the convenience of watching a variety of content anytime and anywhere, it also opens the door for techsavvy individuals to steal and resell content at a significant discount, to the detriment of U.S. creators. Such piracy of copyrighted software, music, TV, and movie content has become a major concern in Latin America. From the downloading of unauthorized versions of copyrighted content from file-sharing sites, to illegally copying music using stream-ripping software or mobile apps, to the unauthorized use of illicit pay-TV streaming boxes to stream TV and movies, U.S. producers are having their content pirated at an alarming rate.

Although digital piracy can be reduced if treated in an organized and systematic manner, law enforcement and other government officials in Latin America often lack the skills and resources to combat piracy effectively.

The IP attaché based in Peru organized a U.S. government-led training on digital IP rights enforcement. The training covered a wide range of topics, including: (i) the prosecution of IP crimes, (ii) best practices in identifying suspicious sites and digital data stores, (iii) collecting and examining electronic data forensics, (iv) cybercrime, and (v) a private-sector outlook for the theft of music, software, movies, and digital streams. U.S.-based holders of Peruvian IP rights also participated in the training, and were able to meet and strategize with Peruvian officials. Following the training, U.S.-based IP rights-holders informed the newly trained police and prosecutors about one of the most prolific digital piracy sites in the region: a Peru-based site that infringed more than 5,000 works belonging to U.S. copyright holders and that was attracting more than 25 million monthly visitors from throughout Latin America. Subsequently, Peruvian officials were able to seize the site and arrest the site's operators.

### *Case study 3: Preventing the use of confusingly similar trademarks*

An Indonesian company had registered a number of trademarks with the Indonesian Trademark Office that were confusingly similar to those of an Illinois-

based small manufacturer of electric grooming devices. The IP attaché in Bangkok worked with the U.S. Embassy in Jakarta and coordinated with other U.S. government agencies to ensure that the issue was regularly raised with Indonesian officials.

The U.S. manufacturer then prevailed in 18 trademark opposition proceedings, effectively wiping out all of the infringing trademark registrations.

#### *Case study 4: Securing punishments for counterfeiters*

Counterfeiting of goods has become a major concern for U.S. companies doing business in foreign markets. Counterfeit activity in online markets causes significant losses for U.S. trademark owners and undermines their comparative advantages in innovation and creativity — ultimately to the detriment of U.S. workers. Nowhere is counterfeiting more evident than in China, where the annual value of counterfeit goods produced was estimated by the U.S. Chamber of Commerce to be US\$ 396.5 billion in 2016<sup>21</sup>. Moreover, a recent Chinese government survey found that more than 40% of goods purchased online have been reported as “not genuine.”<sup>22</sup> Although some online sales platforms in China have instituted procedures to remove offerings of infringing articles, rights holders report that the procedures are burdensome and that penalties do not deter infringers. Moreover, despite some Chinese markets’ adoption of practices to limit the availability of counterfeit goods, these policies are not widely adopted, and enforcement remains inconsistent.

Recently, a major U.S. apparel and sporting goods company discovered that their trademarked products were being counterfeited in China. The company took measures to bring legal action against the suspected infringers in Anhui Province, but the prosecution eventually reached an impasse. In need of help, the U.S. company contacted the IP attaché assigned to Shanghai. The attaché organized an outreach program that brought together U.S. companies with officials of Anhui Province, and included the aggrieved company’s representatives. In subsequent legal proceedings, a judgment was entered against the counterfeiters, finding them guilty of counterfeiting the registered trademarks of the U.S. company, sentencing them to significant jail time, and requiring the payment of substantial monetary penalties.<sup>23</sup>

All of the engagements recounted here show how the attachés can be a valuable resource for U.S. companies by safeguarding the intellectual property rights of U.S. companies. By directly engaging with foreign government entities, the attachés help secure the enforcement of U.S. companies’ IP rights in a given country or region.

<sup>21</sup> U.S. Chamber of Commerce Global Intellectual Property Center. Measuring the Magnitude of Global Counterfeiting, 3, (2016).

<sup>22</sup> Over 40 percent of China’s online sales counterfeit, shoddy: Xinhua, Reuters (Shanghai) (Nov. 2, 2015), <https://www.reuters.com/article/us-china-counterfeits/over-40-percent-of-chinas-online-sales-counterfeit-shoddy-xinhua-idUSKCN05S02820151103>. See also: Office of the United States Trade Representative (USTR): 2016 Special 301 Report (2016), <https://ustr.gov/sites/default/files/USTR-2016-Special-301-Report.pdf>.

<sup>23</sup> Aaron Winger, Interview with US Shanghai Consulate IP Attaché Michael Mangelson, Perkins Coie China IP Legal Report, December 3, 2018, at <https://www.chinaiplegalreport.com/2018/12/interview-us-shanghai-consulate-ip-attache-michael-mangelson/>.



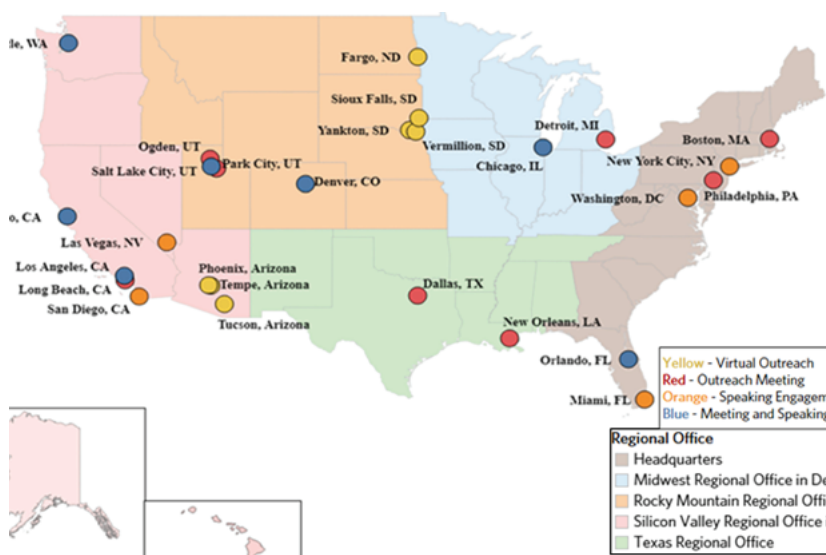
## OUTREACH IN THE UNITED STATES

The IP Attaché Program is characterized by its connection to U.S. stakeholders. The IP attachés provide public outreach programs in the United States to inform the public of important IP developments abroad and the services provided by the attachés. Major outreach events are organized in a given region over a period of approximately three days, often on a semi-annual basis. These outreach events include both speaking events and meetings with stakeholders and interested partners.

The locations of the IP Attaché Program's outreach meetings in recent years have included New Orleans, Boston, and Philadelphia (in 2019); Chicago and Seattle (in 2018); Dallas and Long Beach (in 2017); Denver and Orlando (in 2016); Detroit and Southern California (in 2015); and Northern California (in 2014). In the pandemic year of 2020, virtual outreach events included meetings and speaking engagements with stakeholders in North Dakota and South Dakota (July), Utah (October), and Arizona (December).

Figure 1 depicts the broad scope of the IP attachés' engagement locations in the United States, shown in relation to USPTO headquarters (Alexandria, VA) and to the USPTO's regional offices located in Detroit, Dallas, Denver, and San Jose. The circle sizes correspond to the relative volume and the number of activities and engagements by the IP attachés. The total number of stakeholder groups was 141. The total number of engagements was 55. Red shading indicates an outreach meeting, orange indicates a speaking engagement, and blue indicates both an outreach meeting and speaking engagement.

The IP Attaché Program continues the expansion of its outreach and



**Figure 1.** Types and Locations of IP Attachés' Engagement and Outreach Events in the United States



stakeholder engagement activities throughout the United States. Large and small hubs of innovation and creativity benefit from their access to the attachés, who help businesses navigate and understand local IP regimes abroad.

## ASSISTANCE TO U.S. STAKEHOLDERS ABROAD

The IP attachés provide information to U.S. stakeholders to assist them with their current and future IP protection, in addition to enforcement. Protecting U.S. technology in its early stages helps ensure that Americans can reap the rewards of their massive investments in research and development. The attachés cooperate with host governments and stakeholders to improve local and international IP frameworks and environment. They are on the front lines when advocating with our trading partners for the protection of America's current and future economic interests.

The IP attachés regularly meet with stakeholders to provide assistance on IP issues. Thousands of such meetings have been conducted to date. Typically, after meeting with a stakeholder, the IP attaché completes documentation, which is sent to USPTO headquarters for processing. A representative sample of the data on attaché assistance to U.S. stakeholders, divided across twenty industry sectors, is summarized below.<sup>24</sup>

Table 1 shows the number of stakeholders seeking IP assistance by industry sector and business type. The types of interested stakeholders (businesses or government agency) are significantly varied with respect to the industry sectors. The data also shows that the attaché assistance is broadly distributed across a wide spectrum of industries.

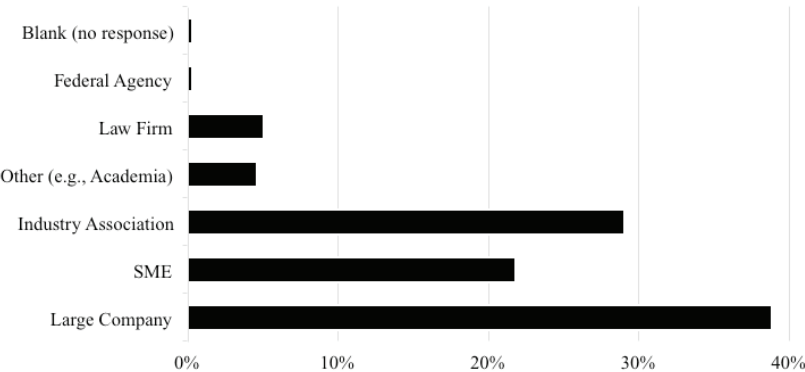
Figure 2 depicts the relative frequency of the business types seeking IP assistance from the attachés. Large companies approached the IP attachés in 34.70% of the total number of analyzed cases. SMEs and industry associations followed, with 27.71% and 26.51% of the total cases, respectively. The category "blank (no response)" means that the respondent(s) did not specify the business type.

Table 2 illustrates the regional distribution of the relative frequency of the business types seeking IP attaché assistance, at seven different locations worldwide (reflecting contributions by seven different IP attachés). The category "blank (no response)" means that the respondent(s) did not specify the business type.

<sup>24</sup> Small and Medium-Sized Enterprises (SMEs) are herein defined as non-subsidary, independent firms which employ fewer than 500 employees. Large companies are those having more than 500 employees. This number varies across countries. The most frequent upper limit designating an SME is 250 employees, as in the European Union. However, some countries set the limit at 200 employees, while the United States considers SMEs to include firms with fewer than 500 employees. See, for example, the definition of Small and Medium-Sized Enterprises (SMEs). Organisation for Economic Co-operation and Development (OECD), Glossary of Statistical Terms, <https://stats.oecd.org/glossary/detail.asp?ID=3123> (last updated December 2, 2005).

**Table 1.** Relative Number of Stakeholders by Industry Sector and Business Type

Industry Sector	Federal Agency	Industry Association	Large Company	Law Firm	Other (e.g., Academia)	SME	Grand Total
Agriculture	0	2	4	0	0	5	11
Arts and Entertainment	0	45	13	0	8	4	70
Automotive	0	0	10	0	0	2	12
Business Services	1	21	1	19	15	7	64
Clothing and Fashion	0	0	24	0	0	0	24
Cosmetics, Personal Care	0	0	4	0	0	8	12
Defense	0	1	2	0	0	4	7
Education	0	0	2	0	1	3	6
Electronics	0	0	11	0	0	7	18
Energy	0	0	2	0	0	1	3
Engineering	1	0	5	0	0	3	9
Environmental	0	0	0	0	0	6	6
Food and Drink	0	4	5	0	0	9	18
Homewares	0	0	2	0	0	8	10
Industrial and Chemical	0	3	7	0	0	9	19
Information Technology	0	12	11	0	0	9	32
Manufacturing	0	0	4	0	0	11	15
Pharmaceutical and Medical	0	20	24	0	0	8	52
Sporting Goods and Toys	0	1	3	0	0	10	14
Telecommunications	0	1	9	0	0	1	11
Total, all industries	2	110	143	19	24	115	413



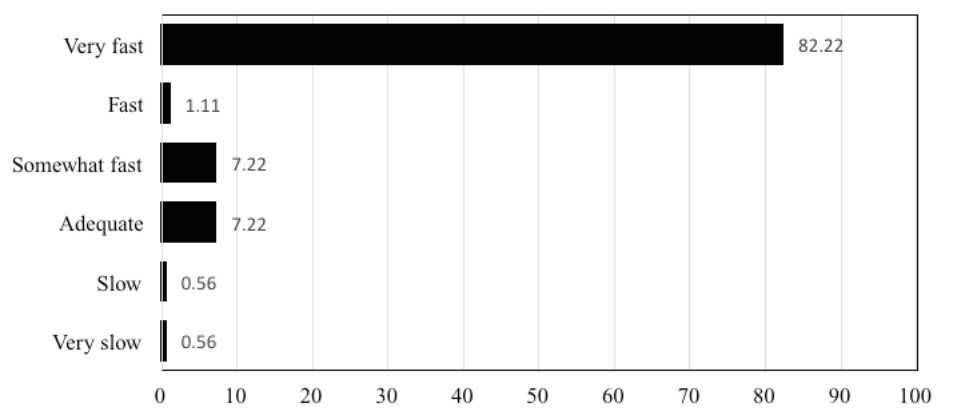
**Figure 2.** Relative Frequency of Business Types Seeking IP Assistance (percent)

**Table 2.** Regional Distribution of the Frequency of Business Types Seeking IP Attaché Assistance (percent)

	Brazil	China	EU	Kuwait	Mexico	Peru	Thailand
Federal Agency	1.19%						3.33%
Industry Association	42.86%	7.86%	19.35%	28.57%	16.67%	47.27%	36.67%
Large Company	21.43%	40.71%	54.84%	34.92%	58.33%	23.64%	33.33%
Law Firm	5.95%	0.71%		7.94%	8.33%	10.91%	3.33%
Other (e.g., Academia)	5.95%	1.43%	19.35%	6.35%		9.09%	6.67%
SME	22.62%	49.29%	3.23%	22.22%	16.67%	9.09%	16.67%
(blank – no response)			3.23%				
Total, all business types	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

To obtain additional feedback on the IP Attaché Program, the USPTO recently conducted a survey of a representative sample of 247 U.S. stakeholders who worked with an IP attaché during 2019-2020. Some of the results of the survey are summarized in the Figures shown below.

Figure 3 shows that more than 82% of the respondents considered attaché response time to be “very fast” (highest possible ranking). Only 0.56% (n = 1) of the respondents considered the attaché’s response time to be “very slow” (lowest possible ranking) or “slow” (second lowest possible ranking). Seven received responses were “N/A”; these were excluded from the calculation.



**Figure 3.** Stakeholders’ Responses to the Question “How Quickly Did the IP attaché Respond to Your Initial Request for Assistance?” (percent)

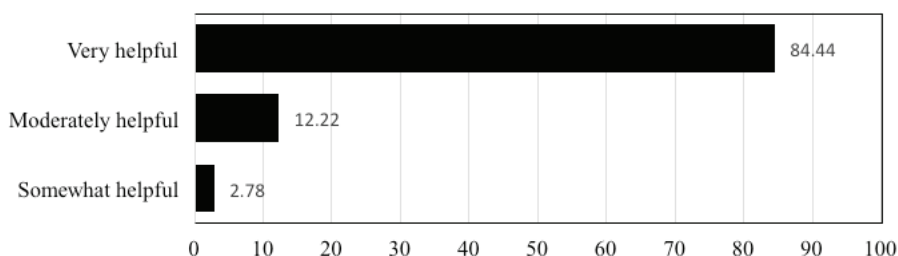
Figure 4 shows that more than 84% (n = 206) of the surveyed stakeholders consider the information or assistance provided by their attaché “very helpful” (highest possible ranking). Only 2.78% (n = 9) of the respondents considered the information or assistance provided by the attaché as “somewhat helpful” (lowest possible ranking).

Figure 5 shows that 85% (n = 153) of surveyed stakeholders are “very likely” to recommend the IP Attachés’ services to a colleague (highest possible ranking). Only 0.56% (n = 1) of the respondents said that it is “not at all likely” to recommend the IP attachés’ services to a colleague (lowest possible ranking). Eighty received responses were “N/A”; these were excluded from the calculation.

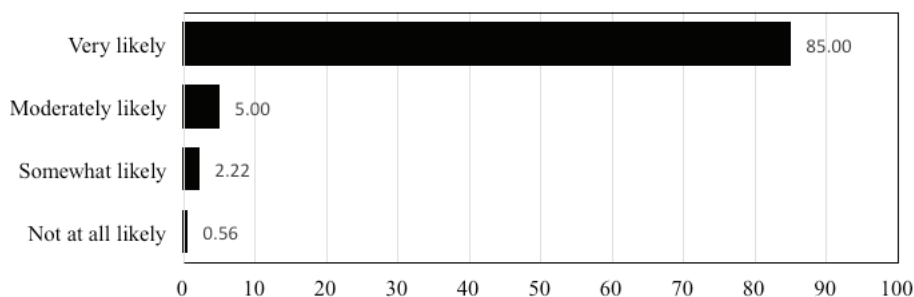
In summary, the survey data provide further evidence that the U.S. stakeholders are generally very satisfied with, and highly recommend the services provided by, the IP attachés.

This is also supported by additional comments from the surveyed stakeholders conveying general satisfaction with, and praise for, the work of the IP attachés.<sup>25</sup>

<sup>25</sup> The survey data and comments are available online at <https://www.uspto.gov/ip-policy/ip-attache-program/stakeholder-testimonials>.



**Figure 4.** Stakeholders’ Responses to the Question “How Helpful Was the Information or Assistance You Received from the IP Attaché?” (percent)



**Figure 5.** Stakeholders’ Responses to the Question “How Likely Is It That You Would Recommend IP Attaché Services to a Colleague?” (percent)

## CONCLUSION<sup>26</sup>

Since the IP Attaché Program formally launched in 2006, the attachés have provided significant benefits to the United States and U.S. stakeholders, working in close collaboration with USPTO headquarters and other U.S. government agencies. The IP attachés utilize their intellectual property expertise to advocate for effective IP systems across the globe, cultivate relationships, and provide a variety of services to a broad base of U.S. stakeholders. Their expertise is a key component of their success, allowing them to address everything from broad policy issues to specific legal problems.

The assistance provided by the attachés is broadly distributed across a wide spectrum of U.S. stakeholders, including large companies, SMEs, industry associations, law firms, academia, and others.

The IP attachés also work with U.S. businesses and their counsel to organize and conduct training workshops for foreign judges, prosecutors, police and investigators, customs officials, patent examiners, trademark examiners, and other officials about best practices for IP protection and enforcement. The workshops address a variety of topics, such as how to identify and seize counterfeit and pirated goods, as well as strategies for executing search warrants and charging entities engaged in IP misappropriation and theft. These workshops have led to tangible improvements in IP regimes in regions and countries in which they have been held, sometimes resulting in the seizure of counterfeit goods or a reduction in patent pendency.

The IP attachés also promote respect for intellectual property in both emerging and established foreign economies, encouraging cooperation and mutual respect for IP rights. They can be a valuable resource to U.S. IP rights holders and practitioners, by virtue of their unique expertise, foreign contacts, and locations abroad. Indeed, the IP Attaché Program epitomizes the USPTO's mission of "foster[ing] innovation, competitiveness and economic growth, domestically and abroad, ... guiding ... international intellectual property policy, and delivering intellectual property information and education worldwide."<sup>27</sup>

<sup>26</sup> Additional information about the IP Attaché Program and the services of the IP attachés can be found at the USPTO website, [www.uspto.gov/ipattache](http://www.uspto.gov/ipattache) (last accessed July 15, 2021).

<sup>27</sup> U.S. Department of Commerce, <https://www.commerce.gov/bureaus-and-offices/uspto> (last visited July 15, 2021).