

Remarks by USPTO Director Kathi Vidal at the Global Forum on Intellectual Property

September 6, 2022

Remarks as delivered

Kathi Vidal, Under Secretary of Commerce for Intellectual Property and Director of the USPTO

Global Forum on Intellectual Property

Marina Bay Sands Expo and Convention Centre, Singapore

September 6, 2022

Thank you, Isabelle Tan, Director of the Registry of Trademarks at the IP Office of Singapore, for your kind introduction. Thank you also to Chief Executive Rena Lee and the entire Singapore IP community for hosting this major meeting. I had the great pleasure of meeting Ms. Lee when she came to visit the U.S. Patent and Trademark Office in Alexandria, Virginia, in April. It is good to be

in Singapore with all of the IP leaders you have gathered. I can think of no better place in the world to talk with all of you about charting our common property.

The last time I was in Singapore, I was representing one of your stakeholders, a company that was started in my own back yard in Palo Alto, California. The company had made a significant manufacturing operations here in Singapore.

As we think about how all countries — including the least underdeveloped countries — can attract similar investments, we must focus on helping them develop strong *and transparent* capabilities.

The way to solve inequities across the globe is through the empowerment of innovators, entrepreneurs, and creators everywhere. We can provide them with the tools they need to the most developed countries, we will all thrive in the future through robust, reliable, and transparent intellectual property rights and protection. . . and with governments and private industry that it is those rights — and only those rights — that drive sustainable economic development, economic prosperity, and opportunity for everyone.

We must unleash the potential of every one of our citizens. We must ensure that we have an intellectual property ecosystem that fosters and protects innovation, entrepreneurship, new and emerging technologies. We must promote the dissemination of information about this system for the good of all. And we must bring those ideas, companies, and creative talent is the primary means to vanquish inequities, generate economic growth, and solve world problems.

Unleashing Potential

If the pandemic and increased IP filings taught us anything, it is that innovators and entrepreneurs are everywhere. We must support SMEs and those who have traditionally lacked an innovation ecosystem. We must work together to share ways in which we are empowering all of the world's future innovators and entrepreneurs.

We particularly appreciate the World Intellectual Property Office's efforts to educate and encourage the involvement of more youth, women, and underrepresented groups as users with WIPO and with all of you in this mission.

We have been hard at work at the USPTO on rolling out new initiatives to increase participation in invention, entrepreneurship, and creativity. These new initiatives include an innovator first-time filer expedited examination petition; expansion of free legal services to new innovators; and community outreach and educational campaigns.

So far in 2022, the USPTO has provided innovation training to 250,000 American students and teachers. We are committed to vastly broadening the innovation community to include throughout our country. We launched the [Council for Inclusive Innovation \(https://www.uspto.gov/initiatives/equity/ci2/about\)](https://www.uspto.gov/initiatives/equity/ci2/about) or CI², and have created an inclusive innovation ecosystem <https://www.uspto.gov/initiatives/equity>, where inventors, entrepreneurs, and creators can find the tools and resources they need for their innovation journey.

We also host an ["Inventor and Entrepreneur" resources page \(http://www.uspto.gov/inventors\)](http://www.uspto.gov/inventors). This is the USPTO's hub for inventors looking to find resources on IP protection, trademark application processes, and much more. We support small and medium sized enterprises through our [SME resource webpage \(https://www.uspto.gov/learning-and-resources/inventors/small-and-medium-sized-enterprise-resources\)](https://www.uspto.gov/learning-and-resources/inventors/small-and-medium-sized-enterprise-resources).

In mid-August of this year, we hosted another successful Invention-Con, the USPTO's annual inventors conference. More than 1,500 inventors, small business owners, and entrepreneurs gathered to develop successful businesses, including tips on working with the USPTO to patent their inventions and register their trademarks.

We are already preparing for our next Women's Entrepreneurship Symposium (WES) scheduled for March 2023. We've held this conference for 25 years, and last year we had more attendees from around the world.

We continue to conduct research on inventor demographics and trends. We recently hosted a symposium with economists, computer scientists, and others to discuss research methods to understand the demographic makeup of those who are applying for patents. We will soon release a study on trends of women involved in patenting.

We continue our work providing clear demonstrations on the value of IP. A widely quoted report the USPTO published in 2022 found that IP intensive industries account for 41% of product. Many of the businesses operating in those industries are SMEs. And it is well documented that startup companies with patents are far more successful than those without.

The USPTO recognizes that the cost of hiring competent legal representation is often a barrier for applicants. As a result, we have created numerous programs to provide free legal individuals, small entities, and disadvantaged innovators to help them acquire IP protection. We have a [Patent Pro Bono Program \(https://www.uspto.gov/patents/basics/using-free-bono/patent-pro-bono-program?MURL=probonopatents\)](https://www.uspto.gov/patents/basics/using-free-bono/patent-pro-bono-program?MURL=probonopatents); a [Law School Clinic Certification Program \(https://www.uspto.gov/learning-and-resources/ip-policy/public-information/practitioners/law-school-clinic-1\)](https://www.uspto.gov/learning-and-resources/ip-policy/public-information/practitioners/law-school-clinic-1); a new Patent Trademark and Appeal Board (PTAB) [Pro Bono Program \(https://www.uspto.gov/patents/patent-trial-and-appeal-board/patent-bono-program-independent\)](https://www.uspto.gov/patents/patent-trial-and-appeal-board/patent-bono-program-independent); and the Trademark Trial and Appeal Board (TTAB) [Pro Bono Clearinghouse Program \(https://www.uspto.gov/learning-and-resources/inventors-ar-bono-clearinghouse-program#:~:text=The%20Trademark%20Trial%20and%20Appeal%20Board%27s%20%28TTAB%29%20pro,nonprofit%20or%20charitable%20organizations%20with%20low%2](https://www.uspto.gov/learning-and-resources/inventors-ar-bono-clearinghouse-program#:~:text=The%20Trademark%20Trial%20and%20Appeal%20Board%27s%20%28TTAB%29%20pro,nonprofit%20or%20charitable%20organizations%20with%20low%2)

The USPTO offers a wide range of [free IP resources \(https://www.uspto.gov/learning-and-resources/access-our-free-services\)](https://www.uspto.gov/learning-and-resources/access-our-free-services), including application assistance, education, and training services to aspiring inventors, and those honing their IP skills. We offer a [Pro Se Assistance Program \(http://www.uspto.gov/ProSePatents\)](http://www.uspto.gov/ProSePatents), dedicated to helping inventors file patent use of a patent attorney. We also host our own USPTO's [YouTube channel \(https://www.youtube.com/user/USPTOvideo/featured\)](https://www.youtube.com/user/USPTOvideo/featured), for videos of events we've sponsored for invention-cons, trademark information and training, and much more.

In short, we will share with you the resources we have developed so that you can promote best practices that can benefit all the citizens of your countries.

Reshaping the IP Ecosystem

Secondly, we must reshape our IP ecosystems to promote robust, reliable, and transparent IP rights and enforcement.

Although the USPTO was one of the first organizations in the world to embrace telework years before the pandemic, we face many of the same manpower issues confronting IP office employees to take care of innovators and entrepreneurs, we must first take care of them.

If the pandemic taught us anything, it is that our employees are resilient, but that we cannot take their resiliency for granted. We must listen to them, and make sure we provide the culture needed for them to be their best and healthiest selves. It is for this reason that I undertook four months of listening sessions with our stakeholders and employees. We are working with USPTO with those who know it best: our workers.

We are also seeking input from stakeholders on measures to make IP rights more robust and reliable. In addition to rethinking the patent eligibility guidance that has vastly improved working on implementing new practices for examiner interviews, reasons for allowance, and support in specification, obviousness, and design protection.

We are providing more certainty and clarity with post-grant challenges, and are starting the process of writing new rules. We are exploring and using artificial intelligence for prior art searches, and utility patents.

We are automating our IT systems at speeds never seen before. We are working with our own patent examiners, our trademark examining attorneys, and our external users to develop new technologies to conduct pre-examination of applications. In our Patents Business Unit, our push to implement DOCx by the end of 2022 will greatly enhance our modernization efforts.

We are working with WIPO — and many other international organizations — to reduce the barriers and costs of global IP protection. And, importantly, we are keenly focused on reforming the IP system. Abuses are counter to our communal and public goals, and they benefit the few at the exclusion of the many. Whether such abuses are on the trademark register, in design practice, they must be stopped.

Issues of Global Enforcement

Even with robust and reliable patent, trademark, and copyright protection, IP can only be an effective mechanism for growth and problem solving if we have strong and reliable enforcement. USPTO's Intellectual Property Attaché Program is well established here in the region. We have offices and IP experts located full time in Bangkok, New Delhi, Beijing, Shanghai, and attachés help U.S. inventors, businesses, and rights holders resolve IP issues in the region. But they also work with foreign governments on issues related to the judiciary, customs and prosecutors and law enforcement, exchanges with university technology transfer offices, and anti-counterfeiting strategies.

The USPTO is working across industries and organizations on campaigns to crack down on counterfeiting and piracy.

IP Policy for Emerging Issues and Technology

In addition to enforcing intellectual property, we must adapt IP for today and the future. Though the full impact of radical new technologies is looming in the future, for many of them it is already here.

While these new technologies are already being deployed within our own operations, we must work hard — and we must work together — on developing IP policies that promote innovation without unnecessarily locking it up. I look forward to collaborating with you all on those efforts.

For our part, the USPTO is fully engaged in addressing the issues posed by rapid commercialization of these new technologies.

We have conducted a study on our "article of manufacture" requirement for designs, and we are contemplating next steps.

We are collaborating with the U.S. Copyright Office on an NFT study.

This past June, the USPTO launched the AI/ Emerging Technology Stakeholder Partnership to provide independent inventors, small businesses, representatives from academia, industry, and nonprofits with an opportunity to share perspectives, experiences, and insights into the use of AI and other emerging technologies. Our next meeting of this new partnership will be at USPTO's Silicon Valley office. The focus will be on AI's impact on biotechnology and the life sciences. The event will be broadcast virtually, so please go to [USPTO.gov](https://www.uspto.gov) to register.

From Ideas to Impact

We must bring ideas and inventions that are protected by our intellectual property systems to impact: positive impact.

Intellectual property protections provide the structure for all players in the global innovation economy to collaborate and innovate at rates never seen before. We saw this with how those of us who have been entrusted with the operations of our national IP systems need to work together to solve other world problems: climate change; food production; and health and living conditions.

That is why I am proud to highlight the partnership USPTO recently entered into with [WIPO GREEN](https://www3.wipo.int/wipogreen/en/) (<https://www3.wipo.int/wipogreen/en/>). This is a global green-technology exchange. It connects providers of environmentally friendly technologies with those seeking to commercialize them.

The USPTO's work in this area complements and supports this partnership. We recently initiated the [USPTO Climate Change Mitigation Pilot Program](https://www.uspto.gov/patents/notice/climate-change-mitigation-pilot-program) (<https://www.uspto.gov/patents/notice/climate-change-mitigation-pilot-program>), to accelerate the examination of patent applications for innovations that reduce greenhouse gas emissions. Soon we will unveil our immensely successful Patents for Humanity Program with a focus on Clean Energy Technologies.

The USPTO has also just extended the pilot programs for the acceleration of examination of patent applications for cancer immunology, and COVID-19.

These programs are open to innovators from everywhere in the world.

We also need to work together on standard-essential patent policy and dispute resolution. This is a global issue. We need to encourage the efficient adoption of key technologies.

WIPO and the USPTO also recently signed an MOU addressing SEPs, titled: "Concerning Alternative Dispute Resolution in the Area of Standard Essential Patents." This is an area of interest for the United States and global innovators. SEPs touch on all aspects of modern life including video compression, wireless communication technologies, computer connection standards, and many industries that are busy developing new products.

As part of the agreement with WIPO, we intend to raise awareness of the services provided by the WIPO Arbitration and Mediation Center for those involved in disputed SEP licenses.

And I'd be remiss if I didn't mention the WIPO Conversation on IP and Frontier Technologies program. We have been closely tracking this initiative, and we see that it complements our work regarding data privacy, control, and data ownership.

In Closing

Let me close by noting that the United States has long recognized the Indo-Pacific region's importance both strategically and economically.

The Indo-Pacific is home to more than half of the world's people, and nearly two-thirds of the world's economy. It is a crucial part of the global value chain in many important tech and growing export destination for U.S.-made goods and services. And the United States is the number-one destination for goods that are produced here for export.

As of last year, six of the United States' top 15 trading partners were in the region, including Japan, South Korea, China, Vietnam, India, and Malaysia. Not only does the United States trade commerce and exchange – *and thank you to Thailand for its leadership as the 2022 APEC host which the U.S. will build on when we host in 2023* — we are working in this region and around the world to advance all the goals I have mentioned.

The USPTO has been active in this region since the mid-1970s when we hosted our first group of patent examiners from Thailand. This one meeting launched decades of IP collaboration with ASEAN Member States on a broad scope of IP issues. From our initial focus of sharing best practices for patent and trademark examination, our collaboration over the years has

The USPTO just conducted an ASEAN regional patent examiner training at the Department of Intellectual Property in Bangkok. We just launched a bilateral Patent Prosecution High Office of Malaysia. We have signed a bilateral memorandum of understanding with the IP Office of Vietnam to further our cooperation together. The USPTO has signed similar agreements with the Philippines, the Directorate General for Intellectual Property of Indonesia, and last but not least, with IPOS here in Singapore.

In addition, we have had a long and productive relationship with ASEAN. The USPTO was the first U.S. federal government agency to enter into a formal MOU promoting the development, administration, protection, and enforcement of IP in the region.

Over the years, our Office has provided scores of training programs and capacity building activities to local governments, NGOs, businesses, and innovators. We have provided technical assistance to member states, and have trained and reached thousands of government officials in the region.

Through such activities, we hope IP offices in the region are better equipped to protect and enforce IP for the benefit of all inventors, innovators and creators and to address IP concerns. The USPTO continues to maintain long-standing and deep bilateral relations with the IP offices in China, Japan, and Korea. These are among the largest and highest volume offices

I have had the pleasure of meeting with Commissioner Lee of the IP office in Korea, and Commissioner Hamano of the Japan Patent Office. I am glad to be meeting virtually with Commissioner Chen of the Office of China for the first time. Our relationships have been further enhanced by our commitment to the IP5, ID5, and TM5 partnerships. Our Heads of Office meetings are always open and forward to every one of them.

These forums are part of our continuing efforts to improve the efficiency of patent, industrial design, and trademark examination processes across the globe.

We are invested in working with the Indo-Pacific region to meet 21st-century challenges in order to drive towards a more resilient, connected, and prosperous region. I will be visiting the region over the next two weeks. My goal is to assure you that the United States is committed to promoting innovation to enhancing our strategic bilateral and multilateral cooperation so that we can be creative in attracting and motivating the next generation of innovators.

We are invested in working with all of you toward a more resilient, connected, and prosperous world. Thank you!

Submit feedback about this page to [Office of the Chief Communications Officer](#).

Published on: Sep 6, 2022 04:00 PM EDT

Last Modified: Sep 7, 2022 08:24 AM EDT