



## American Intellectual Property Law Association

May 14, 2024

The Honorable Katherine K. Vidal  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
*Via Online Submission: Regulations.gov*

**Re: American Intellectual Property Law Association Response to United States Patent and Trademark Office Request for Comment regarding Unlocking the Full Potential of Intellectual Property by Translating More Innovation to the Marketplace, 88 Fed. Reg. 18907 (March 15, 2024), Docket No. PTO-C-2024-0004.**

Dear Director Vidal:

The American Intellectual Property Law Association (“AIPLA”) is pleased to have the opportunity to present its views to the United States Patent and Trademark Office (“USPTO”) in response to the Request for Comment published in 89 Fed. Reg. 18907 (March 15, 2024) (“RFC”) Docket No.: PTO-C-2024-0004.

Founded in 1897, the American Intellectual Property Law Association is a national bar association of approximately 7,000 members including professionals engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public’s interest in healthy competition, reasonable costs, and basic fairness.

AIPLA appreciates the USPTO’s interest in improving intellectual property protection and translating innovation to the market. In the last few years, the USPTO has taken noticeable strides to address concerns of stakeholders through various strategies to help increase innovation and help convert that innovation to use in the market.

### **Executive Summary**

The USPTO’s solicitation of public comments on matters related to commercializing innovation through intellectual property reflects a commitment to fostering dialogue and improvement in this critical area. We welcome the opportunity to contribute to this discussion by providing insights on the challenges and opportunities present in various aspects of intellectual property (“IP”) commercialization.

As outlined in our responses, we acknowledge the complexity faced by small- and medium-sized enterprises (“SMEs”) and individual inventors in navigating the IP system, while also

recognizing the potential for simplification and enhancement of support mechanisms. Addressing challenges in green and emerging technologies requires specialized approaches, including emphasis on IP as an innovation facilitator and clarity in patent eligibility. Moreover, streamlining commercialization efforts and incentivizing innovation necessitate collaborative efforts and targeted initiatives.

While AIPLA believes the USPTO should focus primarily on the core mission of issuing reliable patents and helping make the patenting process more accessible to all, we have done our best to provide suggestions in response to most of the questions presented. Many parts of government already actively encourage commercialization and new industry with many different programs at a much larger scale. We are mindful that the operational fees for any such ancillary commercialization programs will be passed down to the users (including SMEs) to run such programs.

In light of these considerations, our recommendations focus on practical steps to improve the commercialization landscape, including increased engagement with innovation hubs, development of specialized resources, and potential adaptation of successful international practices. By aligning policies and practices with the needs of innovators and stakeholders, a more robust and inclusive environment for IP commercialization is fostered -- while balancing public interest.

### **Responses to Specific Questions**

#### **1. Please identify the biggest challenges to, and opportunities for, commercialization of innovation through use of the intellectual property system. Please identify what concrete measures the USPTO can take to help.**

AIPLA supports the commercialization of innovation through use of the IP system, but this system can be challenging for some. The complexity and high cost associated with navigating the IP system, particularly for SMEs and individual inventors, represent the primary challenges. This complexity often extends beyond simply obtaining patents, but also into the enforcement and commercialization phases, where substantial legal and financial resources are further required. The uncertainty surrounding the commercialization process, especially post-patent acquisition, further complicates efforts for SMEs and individual inventors who might lack the requisite knowledge and resources to effectively market and license their innovations.

To address these issues, we propose that the USPTO consider implementing or facilitating implementation of, for example, the below-listed voluntary measures. These suggestions are made with the caveat that efforts to improve commercialization should not detract from the USPTO's primary function of efficient, affordable, and reliable examination of applications leading to greater certainty around granted patents.

- Simplification of the patent process, particularly for SMEs and individual inventors, to make it less daunting and more accessible. Streamlining application procedures and facilitating use by, for example, reducing fees might lower the barriers to entry for many parties.
- Further clarification on patentable subject matter (§ 101) because uncertainty

around patent eligibility remains a significant issue for innovation in software and life sciences.

- Expansion of publicly run educational programs to cover not only patent and IP acquisition, but also the commercial aspects of IP. This could include practical guidance on commercialization strategies, IP management, and negotiation of licensing agreements.
- Enhancement of financial support mechanisms, such as grants or subsidies, specifically aimed at the patenting and commercialization stages, to alleviate the financial burden on SMEs and individual inventors.
- Improve useability and expand capabilities of the Patents4Partnerships Platform (P4P), or establish a new comprehensive platform, for potential licensors and licensees, discussed further in our response to Question 9, such as by:
  - providing more education about its existence;
  - improving search capabilities, expanding P4P scope beyond COVID-19 related patents, adding technology classifications, etc.; and
  - improving publicity around licenses and patents available to license under the Federal Laboratory Consortium for Technology Transfer.

The USPTO's efforts to expand its educational outreach and streamline its processes are commendable, and should be focused, continued, and intensified. Additionally, input from stakeholders as to the effectiveness of any program should be solicited and considered. By focusing on these areas, the USPTO can significantly enhance the commercialization of innovation, benefiting the economy and society at large.

**2. Are there any IP-related challenges or opportunities that are specific to commercializing green technology and climate technologies? Please identify what concrete measures the USPTO can take to help.**

Challenges include: the complex regulatory landscape; long development cycles with significant upfront costs; significant risk that investments will not result in a commercialized product; and the complicated nature of the innovations themselves, which in some examples can be difficult to protect through traditional IP mechanisms (e.g., patent, trade secret, trademark, and copyright). These challenges may hinder the speed and efficacy of bringing green technologies to market, and thereby discourage innovators from pursuing patents or initially developing these technologies. The USPTO can help by emphasizing in policy discussions that IP protection is an innovation and technology access facilitator, not a barrier.

Although the USPTO has already initiated some specialized patent examination processes to address the above-listed challenges, there is further room to improve (for example, see response to Question 5). Additionally, the introduction of technical assistance training could help bridge gaps between innovation and market readiness, thus aiding commercialization.

**3. Are there any IP-related challenges or opportunities that are specific to commercializing critical and emerging technologies? Please identify what concrete measures the USPTO can take to help.**

Emerging technologies, including those related to software and artificial intelligence (“AI”) (among other examples), pose unique challenges under traditional IP protection. The nature of software-related inventions, biotechnology, and other emerging technologies all too often fall into a gray area under current patentability guidelines and requirements—particularly Section 101. This uncertainty results in increased costs and hinders the ability of some innovators—especially startups and SMEs that compete with larger more established industry players—to secure enforceable IP protection for critical innovations and technologies. Such IP protection is crucial for attracting investment and commercialization.

Development of administration policies to enhance clarity and predictability in the patenting process—specifically for certain emerging technologies—would be helpful. AIPLA supports potential amendments or clarifications to Section 101 of the Patent Act to ensure that patent eligibility law accommodates the nature of modern technological advancements.

There is a need for further training for USPTO examiners focusing on emerging technologies, such as those relating to AI and in conjunction of AI with other technology areas. This training should encompass not only the technical aspects, but also unique challenges of assessing and applying patentability criteria like novelty and non-obviousness in these fields. Ideas for initiatives include the development of examples, internal guidelines, and best practices specifically tailored to critical and emerging technology sectors.

The USPTO can continue to aid innovators by providing targeted educational resources designed to navigate the complexities of IP law as it applies to emerging technologies. Workshops, webinars, and easily digestible content such as short video tutorials and frequently asked questions, specifically addressing the challenges faced in these fields are a few examples. Emphasis should be placed on making this content accessible and practical for innovators at all education and experience levels—including those in startups and SMEs (for example, through joint efforts between the USPTO and other groups, such as the AIPLA/USPTO Women Entrepreneur Mentoring Program that occurred March through May in 2024).

As AI plays an increasingly significant role in the invention process and continues to evolve, there is a continual need for clear guidance. In particular, carefully measured guidance concerning the use of AI tools and related AI inventorship (the topic of another USPTO Request for Comment) will be helpful, especially for SMEs and/or individual inventors.

Focusing on targeted measures, the USPTO can enhance the effectiveness of the IP system by supporting the commercialization of critical and emerging technologies -- thereby fostering increasing innovation and economic growth.

**4. Please identify any changes to IP policies and practices that may help streamline or accelerate commercialization of IP in general.**

The USPTO should continue to increase its direct engagement with innovation hubs, such as incubators and accelerators, to facilitate the dissemination of educational resources and support. By establishing regular “Innovation Showcases,” the USPTO might create platforms to voluntarily bring together inventive entities of all types (SMEs, universities, research

institutions, and large companies) and investors to explore commercialization opportunities. Such events may create a forum to teach about patenting, enhance networking opportunities, and allow for the direct exchange of ideas and strategies relevant to navigating the IP system effectively. They could further be hosted on an industry-by-industry basis, enabling visibility into industries of particular importance to the government or national security.

Improving the overall quality and consistency of patent examination across different art units to ensure that issued patents are reliable and enforceable will make patents more valuable for commercialization. Along with further training for examiners (as suggested above), the USPTO should focus on standardizing examination procedures and outcomes to reduce variability and unpredictability in the quality of issued patents.

Implementing these strategic changes to policies and practices, the USPTO can enhance the effectiveness and efficiency of IP commercialization by supporting the innovation ecosystem, making it more dynamically competitive and accessible to a broader range of participants in the economy.

**5. Please identify any changes to IP policies and practices that may help streamline or accelerate commercialization of green technology and climate technologies.**

The USPTO's current implementation of its Climate Change Mitigation Pilot Program (CCMPP) is commendable and can be improved to accelerate the examination of patent applications, and in turn, facilitate the swift introduction of these vital technologies into the market. More specifically, the USPTO should eliminate the number of applications on which joint inventors can be named for eligibility under the program. If elimination cannot be accomplished, then an increase from the current number would be beneficial.

Under the CCMPP, qualifying nonprovisional utility patent applications involving technologies that mitigate climate change are advanced out of turn for examination (i.e., accorded special status) until a first action on the merits. However, a nonprovisional utility patent application may qualify for this special status if all its joint inventors have not been named as a joint inventor on more than twelve nonprovisional applications made special under the CCMPP.

The CCMPP's current limitation that a joint inventor cannot be named on more than twelve nonprovisional applications is arbitrary. In fact, when the CCMPP was introduced on June 3, 2022, the limitation was four nonprovisional applications. Without explanation, the USPTO, on June 6, 2023, increased the limit from four to twelve.

The CCMPP's current limitation that a joint inventor cannot be named on more than twelve nonprovisional applications hinders prolific researchers and teams that frequently collaborate on multiple projects, especially within large research groups or across various institutions. Given the collaborative nature of climate and green technology research, which often involves interdisciplinary teams contributing to multiple innovations, this restriction may inadvertently slow down the pace at which new solutions are patented and brought to market.

We encourage the USPTO to expand the CCMPP's eligibility requirements by either 1) increasing the limit on the number of applications that an inventor can file under the CCMPP

or 2) eliminating this arbitrary restriction.

**6. Please identify any changes to IP policies and practices that may help streamline or accelerate commercialization of critical and emerging technologies.**

AIPLA suggests the USPTO look to other jurisdictions for successful models of incentivizing and protecting emerging technologies (see the response to Question 15). By examining and possibly emulating successful international practices, the USPTO can adapt and implement robust mechanisms that foster innovation while considering the global context of technology development. This could not only accelerate the commercialization of critical and emerging technologies, but also ensure a balanced approach that fosters innovation while maintaining fair competition and protecting public interests.

**7. Please identify any IP-related challenges that interested parties face when licensing or acquiring technologies and identify any changes in the law, policies or practices which could help alleviate these challenges.**

Successful technology transfer and commercialization transactions are less likely to occur when patents do not exist or are devalued because of long or inconsistent examination, high costs, burdensome and complex rules, poor normative law, and difficult enforcement. All rulemaking, guidance, and policy recommendations from the USPTO should consider effects on licensing and, ultimately, commercialization.

For example, patents in critical technology areas are often the subject of frequent invalidity challenges that destabilize patent rights and make them less attractive for licensing and technology transfer, particularly for SMEs operating in high-stakes technology sectors. PTAB reforms should be considered that limit serial and/or parallel patent challenges, as they can be particularly calamitous to SMEs and impede licensing.

Furthermore, collaborating with other government agencies, industry associations, and academic institutions to create a supportive ecosystem for the transfer and commercialization of technologies can alleviate many of the challenges currently faced by entities attempting to license or acquire technology.

These suggestions aim to create a more predictable and supportive environment for the commercialization of innovations through licensing, benefiting not only SMEs but the entire innovation landscape. By addressing these specific IP-related challenges, the USPTO would enhance its role in promoting a robust, efficient, and equitable technology market.

**9. Please provide any feedback on the USPTO's Patents 4 Partnerships platform, including any experience with the same, whether it should be expanded to include patents across all sectors, and any comments on how it can otherwise be improved. Please also identify what additional, concrete measures the USPTO can take to better facilitate connections between innovators and funders.**

The Patents4Partnerships (P4P) Platform is commendable but could be improved to facilitate better connections between innovators and funders by expanding to include patents across all

sectors. The P4P platform, initially focused on COVID-19 related technologies, has demonstrated potential as a facilitator for innovation and collaboration. Expanding this platform to include patents from all sectors—such as AI, data security, medical treatments (e.g., further to the USPTO’s cancer moonshot pilot program), renewable energy and green technology, and digital communications—could enhance its utility. This expansion would create a comprehensive marketplace for IP assets, thereby fostering innovation in critical sectors by making it easier for innovators to license their technology and collaborate with others at their discretion. In particular, the P4P platform provides some features that many other patent licensing platforms do not: (i) P4P makes pending, published patent applications available for licensing; and (ii) P4P provides a non-binding, open marketplace in the early stages of the patenting process. *See Patel and Zhang, Examining the USPTO’s Patents 4 Partnerships Platform*, June 2, 2020, available at <https://ipwatchdog.com/2020/06/02/examining-usptos-patents-4-partnerships-platform/>.

The P4P Platform could be enhanced in the following ways:

- Implementing advanced search algorithms, filtering capabilities, and matchmaking features on the P4P platform could dramatically improve user experience. These enhancements would allow users to more efficiently find relevant technologies and potential partners, thereby potentially accelerating the licensing process.
- On a voluntary basis, participants should have the option to provide more detailed information about each patent, including its development stage, potential applications, and specific licensing terms. This would enable potential licensees to make more informed decisions. Increased transparency would foster greater trust and utility of the platform.
- Offering support services such as references to experts providing pro bono legal advice, online tutorials about IP licensing agreements, and negotiation strategies could lower the barriers to entry for smaller entities and individual inventors who may lack expertise in these areas.

The USPTO could integrate listings from the P4P platform into the Official Gazette (“OG”) and WIPO’s searchable database. The USPTO could consider including a checkbox or other easy option for P4P participants to list their patents in the OG, like the “Licensing Availability” parameter in the WIPO database for published PCT patent applications. This would provide an opportunity for cross-promotion and increase the visibility of available patents.

The USPTO may consider additional measures to facilitate connections between innovators and funders, such as:

- Organizing regular pitch events and webinars would give innovators a platform to showcase their technologies to potential funders and collaborators. These events would also foster a community of innovation, providing networking opportunities that could lead to meaningful partnerships and funding.

- Adding a dedicated section on the P4P platform for posting and discovering funding opportunities—including details about available grants, venture capital options, and other financing mechanisms—would directly support innovators in securing the necessary funds to advance their technologies to market.
- Establishing formal partnerships with key industry leaders and academic institutions could enhance the platform's reach and effectiveness. These partnerships would help in identifying emerging technologies and connecting them with appropriate funding and commercialization opportunities.

**10. Please provide any feedback on the WIPO GREEN initiative including any experience with the same and any comments on how the USPTO may better leverage its role as a partner to enhance the success and influence of the initiative.**

One significant challenge currently facing the WIPO GREEN initiative is the apparent lack of visibility and awareness among stakeholders, particularly within the U.S. The limited mentions of WIPO GREEN on the USPTO website suggest that there is a substantial opportunity for improvement in disseminating information about this important initiative.

Enhancing awareness could play a crucial role in increasing participation and engagement from U.S.-based entities. The USPTO should inform patent applicants, whose inventions will enhance the goals of WIPO GREEN, that they may designate their applications as voluntarily willing to be listed for technology seekers, and provide those who do with contact information to enable their registration as technology providers in the easiest manner possible.

The USPTO should amplify its efforts to promote the WIPO GREEN initiative through its various communications channels. This could include more prominent placement on the USPTO website, regular updates in newsletters, and dedicated informational sessions or webinars. By raising awareness of the initiative, the USPTO can encourage more U.S. entities to participate, which could lead to greater collaborative opportunities in developing and deploying green technologies.

The USPTO should integrate WIPO GREEN more closely with existing programs and initiatives that focus on green technologies and sustainability. For instance, linking WIPO GREEN with the USPTO's Patents for Humanity program could create synergies between these initiatives, promoting a broader exchange of sustainable innovations and best practices. Highlighting other governmental accomplishments, consistent with WIPO GREEN, may draw attention and possibly help facilitate participation.

Developing specific educational and outreach programs targeted at sectors that can contribute to, or benefit from, WIPO GREEN could enhance engagement. These programs could focus on explaining the benefits of participating in WIPO GREEN, such as accessing a global network of sustainability-focused innovations, potential partners, and funding opportunities to enhance the reach of inventors' patentable ideas.

Establishing a feedback mechanism for participants to share their experiences with WIPO



GREEN through the USPTO platform could provide valuable insights into how the initiative is performing and areas where it could be improved. This feedback could be used to tailor the initiative more closely to the needs of U.S. innovators and businesses engaged in green technologies.

Although it is important for the USPTO to support external initiatives like WIPO GREEN, it is equally important to maintain a balanced focus that ensures the core functions and responsibilities of the USPTO are not overshadowed. The USPTO should ensure that its involvement in international sustainability efforts complements its primary mission and adds value to its stakeholders.

**11. Please identify opportunities for the USPTO to minimize any current challenges related to commercialization for certain persons, technologies, industries, or companies. If available, please provide supporting data that illustrates the impact of these challenges on those select groups.**

As stated herein, limited resources and lack of education or awareness of support programs is a common thread among those operating within emerging technologies—particular for SMEs. This gap often results in lack of awareness and/or underutilization of IP rights, which can stifle innovation.

Further, there is often a notable lack of awareness about existing programs that can aid in the commercialization process. This includes federal and state grants, USPTO programs such as the Pro Bono Program or the Law School Clinic Certification Program, and international collaborations such as the WIPO GREEN initiative.

The USPTO can expand and continue to promote its educational initiatives to provide more comprehensive, easily accessible information about the IP system and commercialization processes. This can be achieved through online modules, workshops, and webinars designed specifically for SMEs and individual inventors. The content should include practical guidance on navigating the patent process, leveraging IP assets, and understanding commercialization pathways. Increasing the visibility of the programs that support commercialization can significantly aid underrepresented inventors and small businesses.

The USPTO should use its platform to more actively promote these programs, potentially through a dedicated section on its website, regular newsletters, or partnership with innovation hubs and incubators to reach a wider audience. To maximize the impact of its programs, the USPTO should consider integrating and cross-promoting initiatives like the P4P Program and educational outreach with enforcement support. This integration can help ensure that inventors not only understand their rights, but also have the tools and support necessary to enforce them effectively.

**12. Please identify opportunities for the USPTO to help underrepresented groups, individual inventors, and small and medium-sized enterprises to gain enhanced awareness of and access to resources for commercializing their innovations and suggest ways to overcome existing challenges that undermine the realization of this goal.**

The USPTO can play a pivotal role in promoting and incentivizing best practices by showcasing case studies and success metrics for the highlighted groups. Creating and promoting a dedicated platform that features stories of successful patent commercialization by underrepresented groups and SMEs could serve as both an educational resource and a motivational tool. This platform could include detailed case studies, interviews, and breakdowns of the strategies used to achieve success in commercialization along with resources, access to pro bono information, and other aspects.

Establishing clear metrics for, and examples of, success in IP commercialization can help inventors and businesses gauge their progress and adjust their strategies accordingly. The USPTO could develop these metrics in collaboration with academic researchers and industry experts to ensure they are comprehensive and applicable across different sectors, including for underrepresented groups, individual inventors, and others.

The USPTO could further establish formal partnerships with the Small Business Administration (SBA)—particularly leveraging programs like the 8(a) Business Development program—and other related entities such as the Department of Commerce (DOC), Department of Transportation (DOT), Department of Energy (DOE), and the National Minority Supplier Development Council (NMSDC). These partnerships could focus on creating IP-aligned programs that specifically support equity initiatives for startups and SMEs. This can facilitate improved access to resources that aid in the protection and commercialization of their innovations.

The ProBoPat program, which provides pro bono patent legal assistance to under-resourced inventors, should be expanded to offer more comprehensive services. This expansion might include post-patenting support, such as assistance with commercialization and licensing considerations.

Furthermore, creating resources specifically designed for less-sophisticated inventors, such as simplified guides to IP law and commercialization, webinars, and workshops, could significantly improve their ability to navigate the patent system.

Improving access to information is crucial. The USPTO should improve and enhance its website (including the form of training, education, and the search function for accessing other materials) and other communication channels to provide easy-to-navigate, comprehensive information on available resources, upcoming training sessions, and funding opportunities specifically aimed at commercialization.

Facilitating networking opportunities through conferences, online forums, and collaborative projects (both on regional, local, and other levels) can help bridge the gap between underrepresented inventors and potential commercial partners, mentors, and investors.

Establishing regular networking events and innovation hubs can foster a community that supports the growth and development of innovations by underrepresented groups.

The USPTO should further consider expanding its internship program to remote or regional offices, removing the requirement for a physical presence in Washington, DC to participate in these programs in person.

**13. Please identify opportunities for the USPTO to expand research commercialization opportunities through IP rights for MSIs, and HBCUs, including any data or information related to the development of research commercialization at these institutions.**

Minority serving institutions (“MSIs”) and historically black colleges and universities (“HBCUs”) would benefit significantly from targeted educational resources and training programs designed specifically to address the unique challenges they face in IP management and commercialization. The USPTO should consider developing and providing workshops, seminars, and online courses that cover IP rights management, patent filing processes, and strategies for commercialization. These programs should be tailored to enhance the institutional capacity of MSIs and HBCUs to manage and leverage their IP assets effectively.

Fostering formal partnerships between MSIs, HBCUs, and major industry players would serve to facilitate the transfer of technology and foster commercialization opportunities. Collaborative programs with the Department of Commerce and other relevant government agencies can provide the necessary support structures, such as funding for commercialization projects, which would help these institutions bring innovations to market.

The USPTO can advocate for, or help facilitate, dedicated funding and grant programs that support the commercialization of research specifically at MSIs and HBCUs. These funds could be used to support patent filings, market research, proof of concept development, and other commercialization activities.

Expanding access to, and awareness of, pro bono IP legal assistance programs would benefit MSIs and HBCUs by helping institutions navigate the complexities of the patent process and manage IP portfolios more effectively, thereby reducing the barriers to commercialization. Many MSIs and HBCUs face financial constraints that limit their ability to secure high-quality IP legal services. By partnering with organizations that offer pro bono or reduced-fee IP legal assistance, these institutions would gain access to the expertise needed to protect their valuable research and innovations.

Hosting regular networking events, including “Innovation Showcases” and investor meet-ups, would provide vital exposure for the innovations developed at MSIs and HBCUs. These events would also facilitate connections with potential commercial partners and investors interested in licensing or investing in new technologies. Offering insight into IP audits and strategy development sessions would help MSIs and HBCUs understand the value of their current IP assets and identify potential opportunities for commercialization.

The USPTO should continue to develop an enhanced online platform that aggregates resources, funding opportunities, and networking events specifically aimed at aiding MSIs and HBCUs in their commercialization efforts. The platform could also feature success stories and case studies from other institutions as models for successful commercialization strategies. Further encouraging or otherwise supporting the incorporation of IP and commercialization training

within the academic curriculum at MSIs and HBCUs would serve to prepare the next generation of researchers and entrepreneurs with the knowledge they need to succeed in bringing innovations to market.

**14. Please identify any role that the USPTO can play in incentivizing innovations in commercially viable technologies.**

The USPTO could enhance the commercialization of innovations by further collaborating with various federal agencies (e.g., sister agencies in the Department of Commerce such as the SBA, and the USDA, Department of the Treasury, DOE, and EXIM Bank). Working with other agencies to develop financial funding programs to support innovators in commercially viable emerging technologies with benefits, such as reduced interest rates on loans used to pay for patenting and licensing efforts, could encourage innovation and early commercialization of new technologies.

**15. Are there any laws or practices in other countries that are effective in bringing IP to market? If so, please identify, explain, and indicate how they can be adapted to be applied within the framework of the U.S. patent law, or explain what new legislation would be needed.**

Canadian Programs

Canada's Industrial Research Assistance Program (NRC IRAP): Canada's NRC IRAP offers a compelling model of providing financial support, technical advice, and IP assistance to R&D focused SMEs. This program could serve as a template for a similar initiative in the U.S., where a federally supported program could offer comprehensive IP support services, including guidance on IP landscape navigation, technical assistance, and market linkage for emerging technologies. The establishment of such a program within the USPTO could facilitate the commercialization of innovations developed within the U.S., particularly for SMEs.

Provincial IP Networks like Ontario's IP Ontario (IPON): The model of provincial IP networks providing localized support for IP-intensive businesses, as seen with Ontario's IP Ontario, could be replicated by establishing regional IP centers across the U.S. These centers could collaborate with local universities, research institutions, and business incubators to provide targeted support for IP protection and commercialization, thereby enhancing regional economic development through innovation.

Canada's CanExport Program: Canada's CanExport program, which supports international market access and IP filing internationally, could inspire a U.S. equivalent to help U.S. companies expand their market presence globally. Such a program could be particularly beneficial for U.S. companies looking to understand and navigate international IP regulations and market conditions, thereby supporting the global commercialization of American innovations.

European Union Programs

Patent Box Incentive Programs: The patent box programs in various EU countries offer tax incentives for income derived from IP, encouraging companies to engage in innovation and

R&D. Implementing a similar system in the U.S. could incentivize licensing and commercialization of IP. For more on Patent Box Incentive Programs: <https://taxfoundation.org/data/all/eu/patent-box-regimes-europe-2023/>

### Other Initiatives

China, India, Japan, Singapore, and the United Kingdom have all implemented various patent incentive programs, each designed to encourage innovation, support technological advancement, and boost economic growth within their respective countries by providing financial benefits, tax breaks, and streamlined processes for companies and individuals who file for and secure patents.

To remain competitive in the global innovation landscape and foster economic growth, the United States should consider implementing targeted tax incentives to encourage patent monetization. Such measures have proven effective in stimulating research and development, attracting foreign investment, and promoting the commercialization of novel technologies in other leading economies.

### Considerations and Cautions for Adoption of other International Programs

While some countries like India have adopted patent working requirements to ensure that patented inventions are actively utilized, such requirements would likely diminish the value of patents and disincentivize innovation. Instead of adopting such requirements, the U.S. might focus on incentive-based programs that encourage the utilization and commercialization of patents without imposing penalties.

When considering the integration of successful international practices into U.S. law, it is crucial to ensure that these practices are tailored to fit within the existing legal and economic frameworks of the U.S. This might involve collaborative efforts across government agencies, tailored legislative changes, and extensive stakeholder consultations to adapt these models effectively.

Thank you for the opportunity to provide our comments and thank you in advance for consideration of these comments. Please do not hesitate to contact us at any time.

Sincerely,



Ann M. Mueting  
President  
American Intellectual Property Law Association