



7 July 2017

John J. Kim
Assistant Legal Adviser
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520
Kimmjj@state.gov

Joseph Matal, Interim Head of the USPTO
U.S. Patent and Trademark Office
600 Dulany St., Madison West, 10th Fl.
Alexandria, VA 22314
OfficeoftheUSPTODirector@USPTO.GOV

Maria Pagan
Deputy General Counsel
Office of the United States Trade Representative
600 17th Street, NW
Washington, D.C. 20508
mpagan@ustr.eop.gov

RE: Draft Convention on the Recognition and Enforcement of Foreign Judgments
Relating to Civil or Commercial Matters

Dear Mr. Kim, Mr. Matal, and Ms. Pagan:

I write to express the concerns of Intellectual Property Owners Association (IPO) with regard to the Draft Convention on the Recognition and Enforcement of Foreign Judgments currently being negotiated at The Hague Conference on Private International Law. Specifically, I write to encourage you to ask the US to advocate for the exclusion of patent rights from the scope of the Convention. We believe this is appropriate in light of the complexity of the issues involved, which merit further consideration and more input from the intellectual property stakeholder community.

IPO is an international trade association representing companies and individuals in all industries and fields of technology who own, or are interested in, intellectual property rights. IPO's membership includes roughly 200 companies and more than 12,000 individuals who are involved in the association either through their companies or as inventor, author, law firm, or attorney members. IPO membership spans over 30 countries.

The risk of unintended consequences resulting from adopting the draft convention as currently proposed could outweigh any potential benefit to patent owners. For example, the Convention might be subject to an interpretation that one can adjudicate infringement or invalidity of a patent in one country in another foreign jurisdiction, which conflicts with the territorial nature

President
Kevin H. Rhodes
3M Innovative Properties Co.
Vice President
Henry Hadad
Bristol-Myers Squibb Co.
Treasurer
Daniel J. Staudt
Siemens

Directors
Scott Barker
Micon Technology, Inc.
Edward Blocker
Koninklijke Philips N.V.
Amelia Buharin
Intellectual Ventures
Management, LLC
Karen Cochran
Shell International B.V.
John Conway
Sanofi
William J. Coughlin
Ford Global Technologies LLC
Robert DeBerardine
Johnson & Johnson
Buckmaster de Wolf
General Electric Co.
Anthony DiBartolomeo
SAP AG
Daniel Enebo
Cargill, Incorporated
Louis Foreman
Enventys
Shawn Foster
Exxon Mobil Corp.
Scott M. Frank
AT&T
Darryl P. Frickey
Dow Chemical Co.
Creighton Frommer
RELX Group plc
Gary C. Ganzi
Evoqua Water
Technologies LLC
Krish Gupta
Dell Technologies
Aamir Haq
Hewlett Packard Enterprise
Heath Haglund
Dolby Laboratories
Philip S. Johnson
Immediate Past President
Thomas R. Kingsbury
Bridgestone Americas
Holding Co.
William Krovatin
Merck & Co., Inc.
Peter Lee
Thermo Fisher Scientific
Elizabeth Ann Lester
Equifax Inc.
Allen Lo
Google Inc.
Timothy Loomis
Qualcomm, Inc.
Thomas P. McBride
Monsanto Co.
Elizabeth McCarthy
Avaya, Inc.
Todd Messal
Boston Scientific Co.
Steven W. Miller
Procter & Gamble Co.
Kelsey Milman
Caterpillar Inc.
Micky Minhas
Microsoft Corp.
Lorie Ann Morgan
Gilead Sciences, Inc.
Ted Naccarella
InterDigital Holdings, Inc.
Douglas K. Norman
Eli Lilly and Co.
Dana Rao
Adobe Systems Inc.
Paik Saber
Medtronic, Inc.
Matthew Sarbaroria
Oracle Corp.
Manny Schechter
IBM, Corp.
Steven Shapiro
Pitney Bowes Inc.
Jessica Sinnott
DuPont
Thomas Smith
GlaxoSmithKline
Brian R. Suffredini
United Technologies, Corp.
James J. Trussell
BP America, Inc.
Roy Waldron
Pfizer, Inc.
BJ Watrous
Apple Inc.
Stuart Watt
Amgen, Inc.
Mike Young
Roche Inc.

General Counsel
Michael D. Nolan
Milbank Tweed

Executive Director
Mark W. Lauroesch

INTELLECTUAL PROPERTY OWNERS ASSOCIATION

of patent rights. We suggest that member states to the Convention engage in additional outreach to patent experts, and in the meantime that patents should be excluded from the scope of the draft convention. After language is reviewed and considered acceptable to stakeholders in the patent community, perhaps a provision addressing enforcement of patent judgments could be added as a protocol to the Convention.

We would welcome any future opportunity to assist with reviewing proposed language.

Sincerely,



Mark W. Lauroesch
Executive Director

cc: Mr. Timothy Schnabel
Attorney-Adviser, Office of the Legal Adviser
U.S. Department of State
schnabeltr@state.gov

Shira Perlmutter
Chief Policy Officer and Director for International Affairs
U.S. Patent and Trademark Office
Shira.Perlmutter@USPTO.GOV

Elizabeth Kendall
Acting Assistant U.S. Trade Representative for Innovation and Intellectual Property
Elizabeth_L_Kendall@ustr.eop.gov

John J. Strickler
Chief Counsel for Negotiations, Legislation and Administrative Law,
Office of the U.S. Trade Representative
John_Strickler@ustr.eop.gov