



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

Submitted via: www.regulations.gov

Re: Request for Comments: Unlocking the Full Potential of Intellectual Property by Translating More Innovation to the Marketplace; Docket No.: PTO-C-2024-0004

Dear Director Vidal:

Intellectual Property Owners Association (IPO) appreciates the opportunity to respond to the request for comments entitled “Unlocking the Full Potential of Intellectual Property by Translating More Innovation to the Marketplace,” Docket No.: PTO-C-2024-0004.

IPO is an international trade association representing a “big tent” of diverse companies, law firms, service providers and individuals in all industries and fields of technology that own, or are interested in, intellectual property rights. IPO membership includes over 125 companies and spans over 30 countries. IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; supporting and advocating for diversity, equity, and inclusion in IP and innovation; and disseminating information to the public on the importance of IP rights.

IPO’s vision is the global acceleration of innovation, creativity, and investment necessary to improve lives. The Board of Directors has adopted a strategic objective to foster diverse engagement in the innovation ecosystem and to integrate diversity, equity, and inclusion in all its work to complement IPO’s mission of promoting high quality and enforceable IP rights and predictable legal systems for all industries and technologies.

General Comments

IPO greatly appreciates the USPTO’s efforts to “seek input on new ways to unlock the potential of intellectual property for the public good by fostering pathways for innovation to reach the marketplace, with particular attention to green, critical, and emerging technologies.”

The current IP framework, embodied in the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), provides for the protection of innovation and assists in the sharing of

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intellectual property which enables more rapid and effective innovation, collaboration, and partnership.

The unprecedented development of innovative technology platforms and solutions that allowed us to quickly pivot to tackle the COVID-19 pandemic provides an emphatic demonstration of an effective IP framework. The incentives provided by the IP system enabled innovators to build the infrastructure that allowed them to devote the resources, technical knowledge, and know-how necessary to develop the solutions that were ultimately required to counter COVID-19. The IP system enabled an unprecedented amount of innovation and facilitated collaboration between innovators and their partners. Companies worked together to produce vaccines and needed respirators, for example. They cooperated to provide technology to facilitate contact tracing, produce high quality personal protective equipment, improve testing, and create treatments for COVID-19.

The IP framework, as referenced above, helps facilitate technology transfer. It enables people to exchange and share information and grow the global network of technology in a practical sense. This framework allows innovators to partner to create new technologies and to share technical information with trusted suppliers and manufacturers with the knowledge it will be protected and used effectively. Innovators, suppliers, investors, and manufacturers can partner effectively with each other because their inventions are protected by the IP system.

Below, IPO offers responses to certain of the questions posed by USPTO in its Notice, including a number of the questions that relate to green technologies. The relationship between green innovation and the IP system is a very important issue to IPO. Sustainability is a global goal that will require innovative technologies, and high quality and enforceable IP rights and predictable legal systems will enhance the prospects of developing such solutions. IPO believes that there are opportunities for the USPTO to help facilitate pathways for green innovations to reach the marketplace, as discussed below.

Responses to Specific Questions

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

Changes for consideration that might help in streamlining or accelerating commercialization of green technology and climate technologies include: (1) a list of criteria detailing the basis for technologies to be considered as green or climate technologies to ensure objective understanding of how these technologies are defined and (2) communication and transparency about the results of those examinations (e.g., statistics of grants and areas of technology granted) and conclusions within the respective defined areas. This may further development of those technologies, and demonstrate where innovation is taking place, thus encouraging further innovation and commercialization.

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

Changes for consideration that may help in streamlining or accelerating commercialization of critical and emerging technologies include: (1) a list of criteria detailing the basis for technologies to be considered as critical or emerging technologies to ensure objective understanding of how these technologies are defined and (2) communication and transparency about the results of those examinations (e.g., statistics of grants and areas of technology granted) and conclusions within the respective defined areas. This may further development of those technologies, and demonstrate where innovation is taking place, thus encouraging further innovation and commercialization.

10. Please provide any feedback on the WIPO GREEN¹ 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.

WIPO GREEN can be an important tool for companies to identify and establish partnerships, funding, and expertise in the green technology space. If the public were to better understand how WIPO GREEN may be useful in advancing business goals for both licensors and licensees, WIPO GREEN would likely be more successful in helping green innovations reach the marketplace.

IPO believes that the USPTO should consider further efforts to encourage U.S. companies and practitioners to use WIPO GREEN by additional outreach. Such outreach could be in the form of newsletters, blog posts, email blasts, and hosting events either by videoconferencing or in person. WIPO GREEN has a newsletter, which the USPTO could also share through its various channels. The USPTO could also flag certain applications as potentially eligible for registration with WIPO GREEN to encourage participation in the program.

Additionally, the USPTO might consider whether to offer assistance to inventors in the climate tech space as part of WIPO GREEN. For example, the USPTO could develop a group of liaisons to help companies and individuals learn how to use WIPO GREEN. The liaisons could be USPTO examiners on special assignments or the USPTO could help identify volunteers to assist companies and individuals with the WIPO GREEN platform.

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,

¹ [WIPO GREEN – The Marketplace for Sustainable Technology](#)

or explain what new legislation would be needed.

Bringing technologies to market requires funding for the start-ups developing the technologies. To attract more investors for green technologies, start-ups could benefit from having a green label on their patent applications and patents. At present, start-ups might communicate the fact that they are being treated as a green technology by the USPTO through participation in the acceleration program. If, however, upon filing, the technologies that belong to a green category (defined by the USPTO with input from Industry) could be green stamped (similar to the Patentes Verdes in Brazil), the start-ups could better promote their efforts to investors or the public at large.

Having a green label would not just benefit start-ups. As companies of all sizes attempt to greenify their portfolio and methods of operation, one can imagine that having green patents as labeled by the USPTO would allow them to have better rating in certifications such as Ecovadis.

Further, if the IP5 Offices could agree upon a definition of what constitutes a green invention (and, thus, a green patent), this could be a stepstone to a common acceleration program, such as a green PPH.

IPO thanks the USPTO for its attention to IPO's comments submitted herein. Further dialogue and opportunities to comment would be welcome.

Sincerely,



Krish Gupta
President