

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Office of Policy and International Affairs (OPIA)

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UNITED STATES
PATENT AND TRADEMARK OFFICE

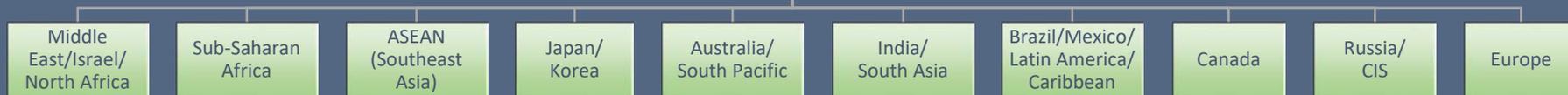


International update

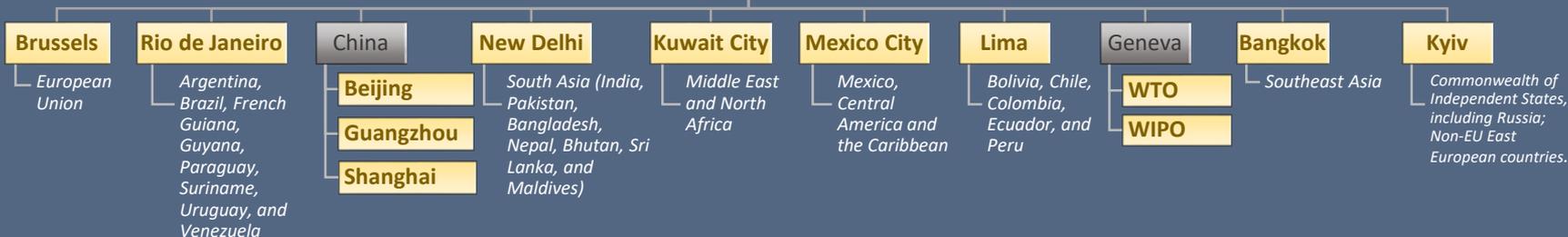
- Overview of OPIA's role
- China IP Roadshows
- Overview of the Hague Agreement



Cross-Discipline Regional Teams



IP Attaché Posts



Statutory basis: 35 U.S.C. § 2(b)

- Assist the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office in advising the President, through the Secretary of Commerce, and other federal agencies, on national and international IP policy issues in the United States and on IP protection in other countries.
- Provide guidance on assisting foreign governments and international organizations on matters of IP protection.
- Conduct programs and studies regarding domestic and international IP law and the effectiveness of IP protection domestically and throughout the world.

IP and trade engagement

Provide expert advice in trade matters:

- Free Trade Agreements (FTAs)
- Special 301 and Notorious Markets Reports
- TRIPS Council
- WTO Accessions
- WTO Trade Policy Reviews



Economic analysis

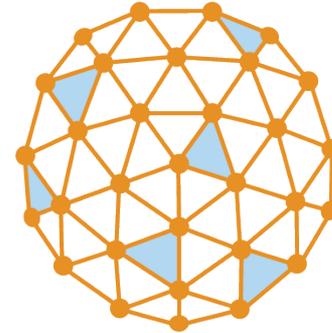
Office of the Chief Economist

- Provides expertise that allows the USPTO to respond to emerging economic issues in the U.S. and global IP systems.
- Supports evidence-based policy making in all areas of IP, advising the USPTO Director and other government officials.
- Supports the operational work of the USPTO, analyzing data relevant to patent and trademark operations and planning, and making analytical data available to the public.

Training and outreach

Global Intellectual Property Academy (GIPA)

- IP capacity-building and training programming at the USPTO, around the U.S. and overseas
- Training modes: In-person, virtual
- On-demand modules covering all areas of IP protection and enforcement in several languages at www.uspto.gov/GIPA
- Participants: Legislators, judges, IP office officials, prosecutors, customs officials, police, U.S. stakeholders, and USG



UNITED STATES PATENT AND TRADEMARK OFFICE

GLOBAL INTELLECTUAL PROPERTY ACADEMY

IN 2018

7,240
PARTICIPANTS

83

COUNTRIES

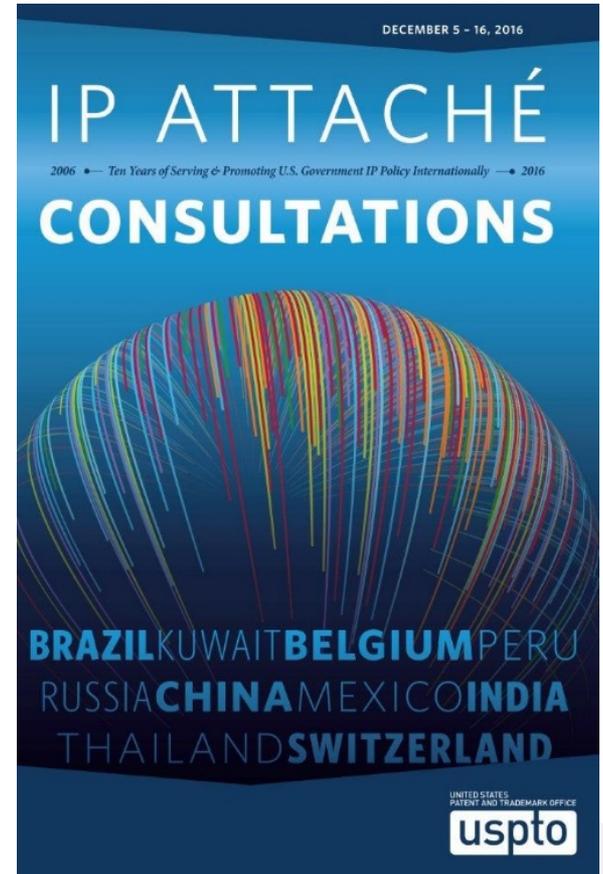


IP Attaché program

13 attaché posts based in 10 countries

Responsibilities:

- Promote U.S. government IP policies
- Help secure high standards in international agreements and host country laws
- Encourage effective IP protection and enforcement by U.S. trading partners
- Assist U.S. stakeholders with IP issues in their host countries and regions



China IP Roadshows

- One-day and half-day programs to help U.S. rights holders navigate the IP landscape in China
- Free and open to the public
- Since 2017, 23 China IP Roadshows throughout the United States
- Topics include:
 - How to file patent and trademark applications in China
 - How to enforce IP rights in Chinese administrative, civil, and criminal proceedings
- Presentations tailored to the interests of the program locale
 - Detroit: Counterfeit vehicle components
 - Silicon Valley: Software patents

China IP Roadshows

- USPTO experts provide in-depth analysis about the IP landscape in China
- Experienced IP practitioners share insights on how U.S. companies can best protect and enforce their IP rights in China and the U.S.
- Law enforcement officials highlight U.S. efforts to protect IP and describe prosecutions of infringers
 - U.S. Immigration and Customs Enforcement/Homeland Security Investigations (ICE/HSI)
 - Federal Bureau of Investigation (FBI)
 - U.S. Customs and Border Protection (CBP)
 - United States Attorney's Offices, Department of Justice (DOJ)
- Members of Congress address their constituencies and federal judges share observations

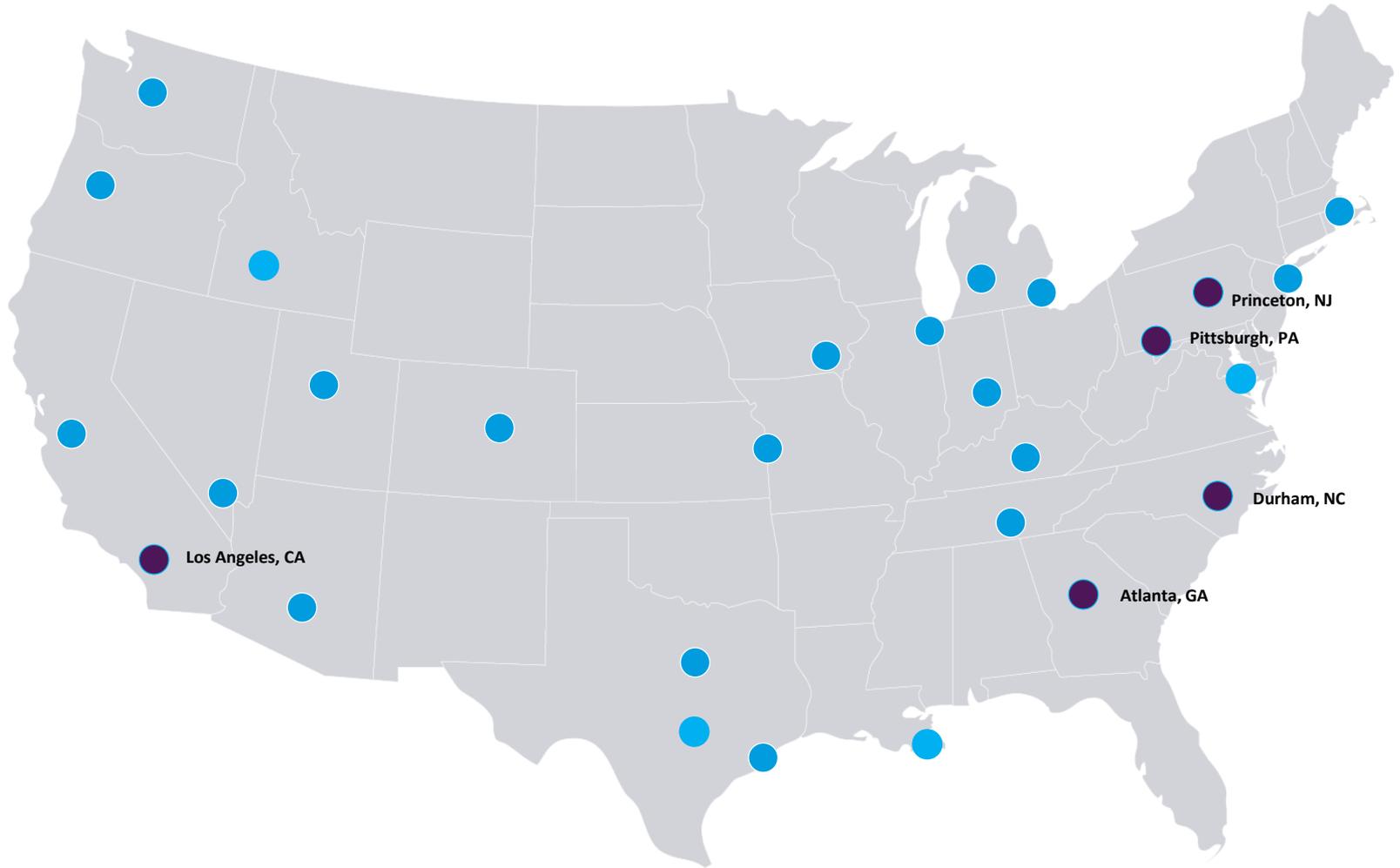
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Upcoming
Road Shows
(FY 19)

23

Previous
Road Shows
(FY 17/18/19)

- Austin, TX
- Boise, ID
- Baltimore, MD
- Boston, MA
- Chicago, IL
- Dallas, TX
- Denver, CO
- Detroit, MI
- Grand Rapids, MI
- Houston, TX
- Kansas City, MO
- Indianapolis, IN
- Iowa City, IA
- Las Vegas, NV
- Louisville, KY
- Phoenix, AZ
- Portland, OR
- Nashville, TN
- New Orleans, LA
- New York City, NY
- San Jose, CA
- Salt Lake City, UT
- Seattle, WA



Summary of the Hague System

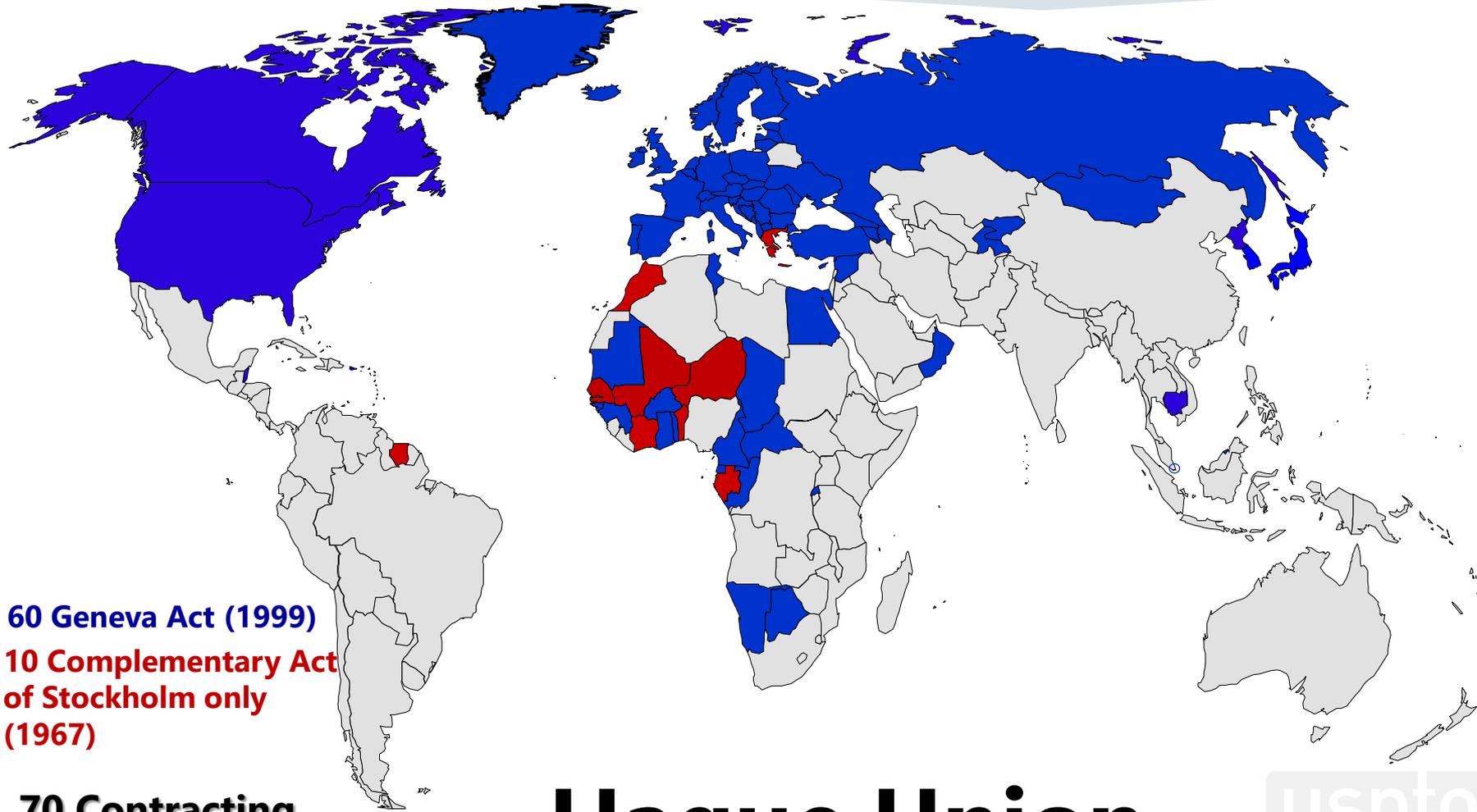
- Centralized acquisition and maintenance of industrial design rights
- Filing single international application
- Single international registration
- One or more designated member countries

Analogous WIPO Treaties

- Comparison with **PCT** and **Madrid**:
 - Like **PCT and Madrid**: a procedural treaty
 - Like **Madrid**, **unlike PCT**: a registration treaty
 - Acquisition and maintenance of rights
 - **Unlike Madrid** – centralized through one shop
 - No basic application required – file with WIPO
 - Self -designation possible
 - No “office of origin role” – WIPO is central shop

History of the Hague Agreement

- Hague Agreement
 - London Act (1934)
 - “frozen” as of Jan 1, 2010
 - Hague Act (1960)
 - Euro-centric membership
 - New members are not joining this act
 - Geneva Act (1999)
 - **U.S. signed on July 6, 1999**
 - **U.S. deposited instrument of ratification on February 13, 2015**
 - Took **effect** with respect to the **United States** on **May 13, 2015**



60 Geneva Act (1999)

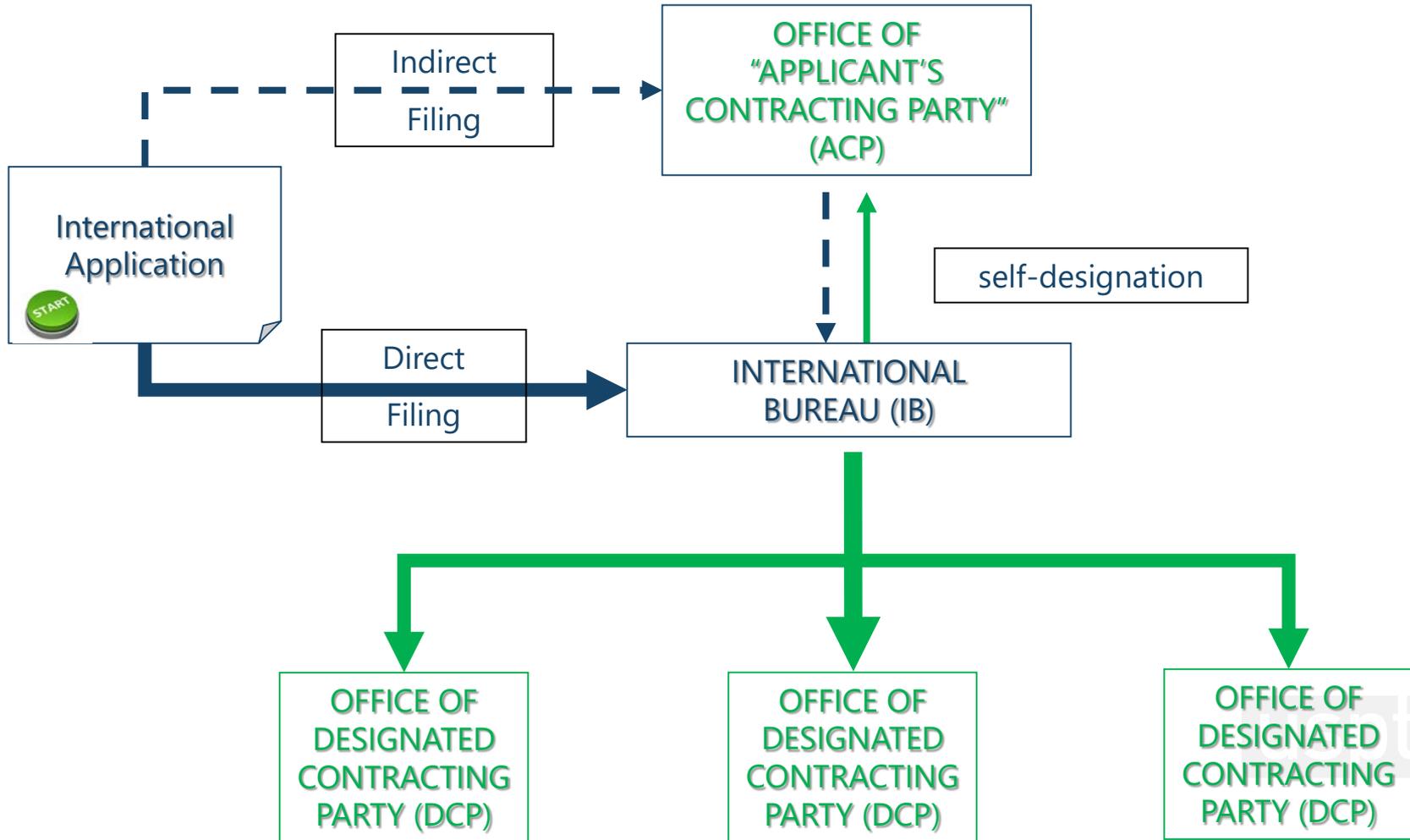
**10 Complementary Act
of Stockholm only
(1967)**

**70 Contracting
Parties**

Hague Union



Hague System procedure



What Hague does not cover

- Hague Agreement is *primarily* a procedural treaty
- Not addressed:
 - Conditions for protection
 - Refusal procedure to be applied in deciding whether protection should be granted
 - Rights that result from protection
- These issues are left to the laws of each of the member countries

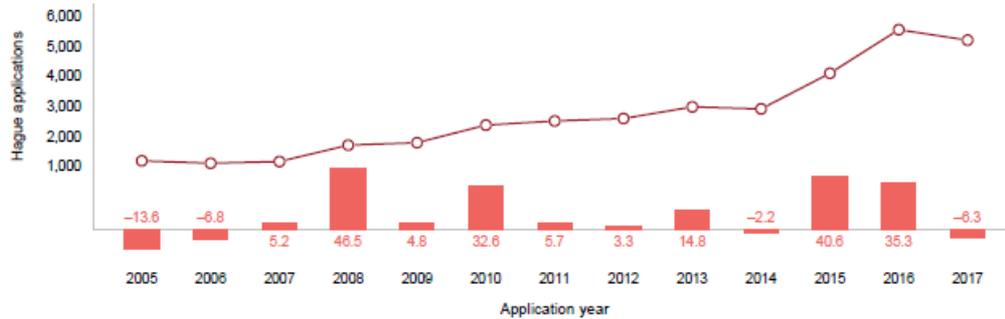
Hague System is a closed system

- Applicant must be entitled to file an International Application
 - “Entitlement” = connection with a contracting party
 - Nationality
 - Domicile
 - Habitual Residence
 - Real and Effective Industrial or Commercial Establishment
- Entitlement also needed to file through a contracting party as an office of indirect filing (e.g., through USPTO instead of with WIPO directly)
- Applicant can only designate contracting parties with a common treaty membership. (e.g., 1999→1999 and not 1999→1960)
 - An applicant whose contracting party is the U.S. cannot designate a country that is only a member of the 1960 Act



The Hague Agreement: trends

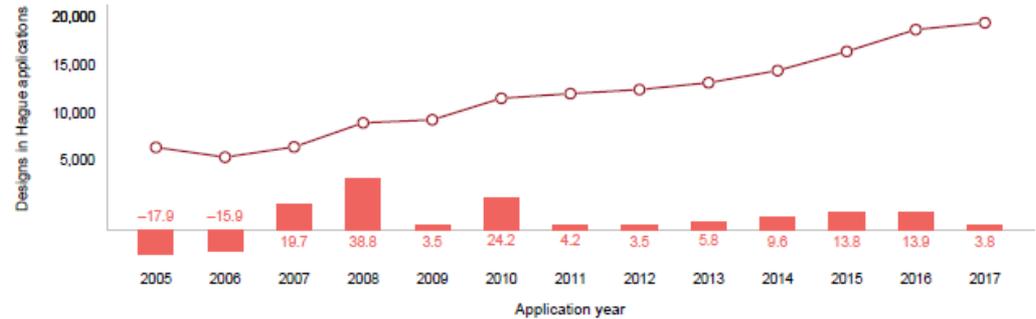
A1. Trend in international applications, 2005–2017



■ HAGUE APPLICATIONS ■ GROWTH RATE (%)

Source: WIPO Statistics Database, May 2018.

A2. Trend in the number of designs contained in international applications, 2005–2017

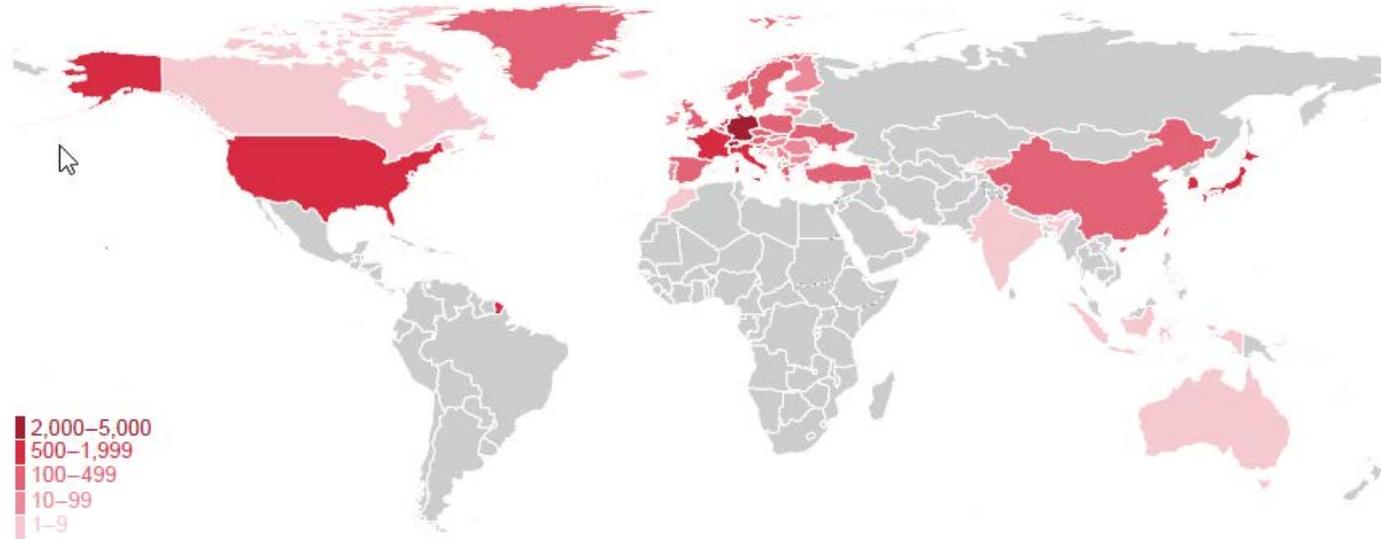


■ DESIGNS IN HAGUE APPLICATIONS ■ GROWTH RATE (%)

Source: WIPO Statistics Database, May 2018.

The Hague Agreement: trends

A8. Designs contained in international applications by origin, 2017



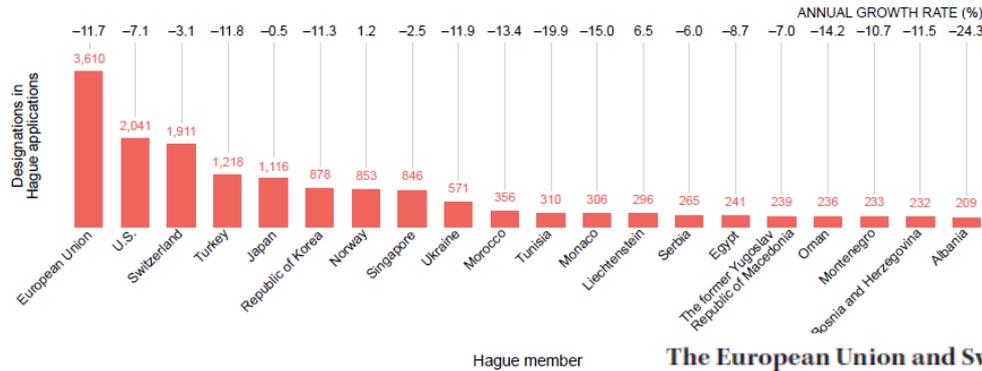
Note: The origin of an application is defined as the country/territory of the stated address of residence of the applicant. Applicants residing in a non-member country can file applications for international registrations if they have a real effective industrial or commercial establishment within the jurisdiction of a Hague member.

Source: WIPO Statistics Database, May 2018.

The Hague Agreement: trends

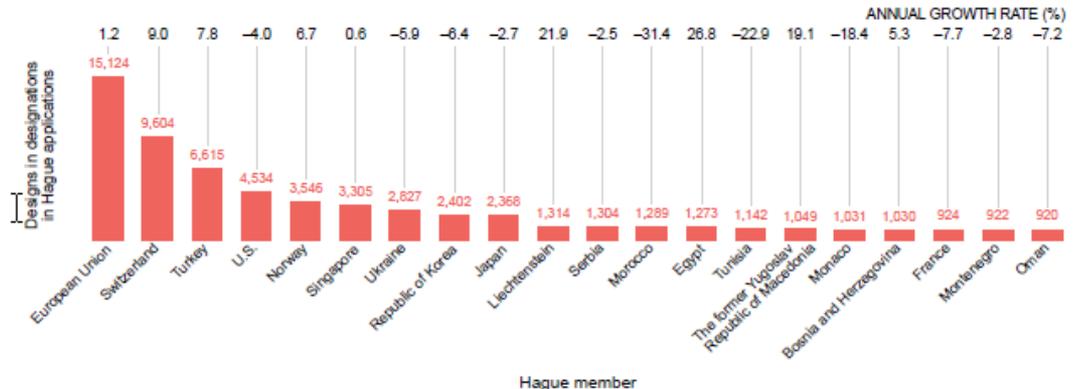
All of the top 20 designated Hague members, except Liechtenstein and Norway, received fewer designations in 2017 than in 2016.

A21. Designations in international applications for the top 20 designated Hague members, 2017



The European Union and Switzerland continue to attract the most designs in designations.

A22. Designs contained in designations in international applications for the top 20 designated Hague members, 2017



Source: WIPO Hague Yearly Review 2018 – International Registration of Industrial Designs

Highlights of trends

- Hague system continues to grow
 - Number of designs, membership and geographic participation, applicant use
- Significant variance in use depending on applicant's origin and designations.
- No priority claim in 47% applications.
- Large examination offices/parties have the fewest designs per designation.

