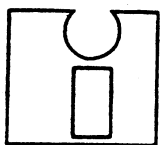


WIPO/IFIA/BUE/00/11

ORIGINAL: English

DATE: September 2000



INTERNATIONAL FEDERATION OF
INVENTORS' ASSOCIATIONS
(IFIA)



WORLD INTELLECTUAL
PROPERTY ORGANIZATION

INVENTORS AT THE DAWN OF THE NEW MILLENNIUM: WIPO-IFIA INTERNATIONAL SYMPOSIUM

organized by
the World Intellectual Property Organization (WIPO)
and
the International Federation of Inventors' Associations (IFIA)
in cooperation with
the Government of Argentina
and
the Argentine Association of Inventors (AAI)

Buenos Aires, September 5 to 8, 2000

HOW CAN PATENT OFFICES ENCOURAGE INVENTIVE AND
INNOVATIVE ACTIVITIES?

*Document prepared by Mr. Richard J. Apley, Director, Office of Independent Inventor
Programs (OIIIP) and presented by Mr. Nestor Ramirez, Supervisor Patent Examiner,
United States Patent and Trademark Office (USPTO),
Washington, D.C., United States of America*

1. In reply to the question of "How Can Patent Offices Encourage Inventive and Innovative Activities" the shortest answer is to "honor your inventors and innovators ."
2. Prominent among the support/services the United States Patent and Trademark Office (USPTO) offers to the rest of the world are two important strategies: first, is to encourage and assist the independent inventor through various programs and policies; and second, is to have an intellectual property protection system which secures to the inventor, for a limited time, the exclusive use of his or her invention.
3. The USPTO's presence at this Symposium speaks loudly to our commitment to the inventor community. For America's inventor today, as well as inventor throughout the world, this is truly an exciting time. In the past few years, inventors have gained unprecedented respect and importance in terms of national policy-making. To put this statement in perspective, I think the following statistics would help. In 1999, the USPTO received 289,500 patent applications and of those 43% were filed by residents of foreign countries. Residents of Argentina filed 102 patent applications in the USPTO. In 1999, the USPTO issued 159,166 patents and of those 44% were issued to residents of foreign countries. There were 45 patents issued to residents of Argentina. We now have approximately 3,200 patent examiners to handle the 300,000 patent applications we expect to be filed in the year 2000.
4. Those of us who work for the patent offices throughout the world will understand and appreciate my enthusiasm and respect for inventors and innovators. Despite many years at the USPTO, I still marvel at the process. The reality that a person can develop an idea on a workbench in a garage, or in a basement, or on a computer in the living room, and then turn to our patent system to secure exclusive rights to sell their invention is really whatever inventor or innovator dreams about.
5. In order to encourage inventors and innovators to use the patent office, we must provide a patent system that is as modern and efficient as their inventions and innovations. They must trust the system to which they have entrusted their creations. In one of four most important initiatives, the USPTO has added the images of every page of almost every patent issued since 1976, to the USPTO website. Customers can view the entire image of the patent, see all of the drawings, chemical formulas and mathematical equations, or print their own copies of these documents. In 2001, we will add searchable patent full-text data and patent images dating back to 1790.
6. In April, the USPTO made "PrintEFS" available on the USPTO website. This "electronic filing system" or "EFS" is an authoring tool designed to help patent applicants format and print their patent application bibliographic data in a machine-readable format.
7. In June, the USPTO provided for a round-the-clock document ordering via the Internet. This allows customers to place orders and pay for a wider range of official USPTO documents and among various methods of payment, including credit card.
8. Also during this year, the USPTO introduced electronic filing for trademarks. Known as the Trademark Electronic Application Submission (TEAS) system, it allows trademark customers to submit applications and use credit cards to pay filing fees. Trademark customers have already filed 16,000 trademark applications using TEAS and we are receiving more than 2,000 electronically filed applications per month.

9. Also, the Patent Application Information Retrieval (PAIR) system is in full operation. This system allows restricted Internet access of patent application status to patent applicants and their representatives without compromising the confidentiality or security of the data.

10. Patent examiners can now electronically access the full text of U.S. patents and can also access English-language translations of abstracts of 3.5 million Japanese patents with images; English-language translations of abstracts of 2.2 million European patents with images; and over 5,200 non-patent literature journals available through commercial services.

11. And finally, the USPTO is well aware that inventors need a timely delivered patent. That's why we are striving to reduce our cycle time. The recently passed American Inventor Protection Act (AIPA) stresses a guarantee of no more than a 3-year application pendency by adjusting the term of a patent by 1 day for each day after the end of that 3-year period until the patent is issued. The new law contains other guarantees of prompt patent responses.

12. More than any other contributor to the United States' history, inventors and innovators have played a crucial role in making our nation economically strong. Whether we are talking about technological breakthroughs or medical care or environmental protections - all of it stems from the creativity and drive of our inventors and innovators. We all recognize that inventing and tinkering are a favorite pastime. At the age of six (6) Philo Farnsworth, the father of television inventions, told his family that he was going to be an inventor and his family often suspected him of breaking machines just so he could fix them. Thomas Edison, the United States' greatest inventor, burned his family barn while conducting an experiment with fire. At the age of 14, Alexander Graham Bell invented a device to remove husks from wheat; at the age of 16, Charles Hall was developing a commercially viable aluminum refining process.

13. One thing we have to work on is securing more protection for everyone. With the globalization of the economy and the explosion of Internet-based commerce, it's a lot easier to get tripped off or infringed than it used to. The Internet is reshaping the global economy in ways we still cannot completely grasp. More and more, success in the global marketplace is dependent on the mechanisms and laws to protect new ideas. National, as well as international, mechanisms must be developed to protect the intellectual property rights of our inventors and innovators. The international patent system is cumbersome and expensive. Inventors cannot afford to obtain protection in all of the necessary markets around the world. For independent inventors and small businesses, protection for their inventions in critical markets may not be possible financially in the time frames dictated by law. The results of the Diplomatic Conference for the Adoption of the Patent Law Treaty are an encouraging first step toward a global patent system that is consistent, cheap, and easy to use.

14. A major segment of the United States' inventor and innovator population are individuals and very small business concerns. They represent approximately 25% of our patent applications for this year. Studies have shown that they are the source of the majority of inventions that created the United States' current economic growth. At the USPTO, particularly under this current Administration, inventors, entrepreneurs, and small businesses are taken seriously. We are dedicated to do all we can to assist them. In keeping with the Clinton-Gore agenda for independent inventors and small businesses, we have made a major commitment to doing all we can to help them deal with the challenges that are inherent in attempting to bring ideas to the marketplace.

15. One of the first things to do is to recognize the special needs of the independent inventor. These needs include communication, education, and support. In March 1999, Commissioner Q. Todd Dickinson established the Office of Independent Inventor Programs. Placed at the highest level of the USPTO organization, this new office presents the independent inventor community with unprecedented direct access to the Office of the Commissioner.

16. The Office of Independent Inventor Programs has developed a number of special educational programs where teams of USPTO experts deliver basic patent and trademark information to inventors around the country. We have established customer service representatives in each of our Technology Centers to assist inventors with their questions. Also in the design and development stage is a "virtual" version of our basic patents and trademark courses to be delivered via a web-based system to inventors everywhere in the world.

17. Recently, we launched two new additions to our USPTO Home Page: the First being the Independent Inventor Resource page that includes a vast amount of useful information on the basics of intellectual property protection; and the Second being a "Kids' Page" that includes the kind of information that would appeal to inventive children everywhere.

18. Finally, the American Inventors Protection Act of 1999 helps protect inventors against deceptive practices of certain invention promotion companies. Among the Act's important provisions are requirements for invention promoters to disclose in writing the number of positive and negative evaluations of invention they have given over a five-year period and their customers' success in receiving net financial profit and licensing agreements as a direct result of the invention promotion services. Customers injured by failure to disclose the required information or by any material false or fraudulent representation can bring a civil action to recover statutory damages up to \$5,000. All complaints received by the USPTO are to be made publicly available along with any responses by the invention promoter.

CONCLUSION

19. Throughout history we have seen countless inventors who have had the wisdom to discover and innovate but would never capitalize on their inventions. What happened? The sad truth is that their countries never supported them. Their patent systems were not accessible or did nothing to assist them. We must encourage our inventors to capitalize on their inventions. We must assist inventors, innovators, entrepreneurs and small businesses in their efforts to bring their ideas to the marketplace and we must facilitate access to our patent systems. Our role as patent offices is to harness the energies of our citizens and combine it with technology and innovation. We can do this by advancing policies and programs that assist our citizens. Our respective Offices and Ministries must be ready to embrace the new global economy, the Internet-based businesses, and the role of the independent inventor. We must be ready to finance the necessary training and developmental programs that give our citizen the security to master change rather than stop it!

20. On behalf of the USPTO, we wish you great success with your ideas and activities for inventors and innovators.

[End of document]