

PATENT & TRADEMARK POLICY REPORT

JULY 13, 2018



I. Congressional Developments:

- On Wednesday, Democratic members of the House Ways and Means Committee sent a letter to Chairman Kevin Brady (R-TX) asking him to hold a hearing on the administration's recent trade actions. "[W]ith the proliferation and escalation of tariffs, the U.S. economy and the global economy are on edge," the members wrote. "We cannot pretend that this is business as usual." Read more [here](#).
- On Tuesday, July 17th at 10 a.m. the House Judiciary Committee is set to hold a hearing titled "Facebook, Google and Twitter: Examining the Content Filtering Practices of Social Media Giants." While the witness list has not been finalized, reports indicate that executives from Facebook, Twitter and Google will attend. Read more [here](#).
- In late June, Reps. Massie (R-KY), Kaptur (D-OH) and Rohrbacher (R-CA) introduced the Restoring America's Leadership in Innovation Act of 2018, legislation that is intended to strengthen intellectual property rights. Among the provisions in the legislation there is a section that allows the USPTO to keep and use all of its fees collected even if not spent that fiscal year. Read more [here](#).
- On Wednesday, the House Small Business Committee held a hearing entitled "Innovation Nation: How Small Businesses in the Digital Technology Industry Use Intellectual Property". The panel of witnesses included Mr. Frank Cullen, Vice President of U.S. Policy, The Global Innovation Policy Center, U.S. Chamber of Commerce; Mr. Morgan Reed, President, The App Association; Mr. Christopher Mohr Vice President for Intellectual Property and General Counsel, Software & Information Industry Association; and Mr. Chris Israel,

Headlines and Highlights:

- Reps. Massie, Kaptur and Rohrbacher introduce legislation intended to strengthen patent system.
- House Ways and Means Democrats urge Chairman Brady to hold hearings on Administration's trade actions.
- House Judiciary Committee to hold hearing on content filtering featuring executives from Facebook, Google and Twitter.
- Chinese Vice Minister of Commerce calls U.S. a "trade bully" following latest batch of tariffs.
- Boris Johnson, U.K.'s Foreign Secretary, resigns.
- Japan becomes second country to complete domestic procedures for the TPP.
- U.S. officials travel to Mexico to visit with Mexican president-elect.

Executive Director, Alliance for U.S. Startups & Inventors for Jobs. Chairman Chabot opened the hearing by acknowledging the vital role intellectual property (IP) plays in promoting the innovation of products. However, he noted that the process of obtaining IP protections can be extensive and difficult to navigate, particularly for small businesses. Watch the entire hearing [here](#).

II. Administration Updates:

- On Monday, POLITICO reported that Democratic Federal Trade Commissioner Rohit Chopra is hiring Lina Khan, a fierce critic of the growing market power of U.S. tech companies and the author of a landmark paper making an antitrust case against Amazon. Read more [here](#).

III. USPTO Updates:

- Registration is now open for Invention-Con 2018, a free two-day conference that will be held at the USPTO headquarters in Alexandria, Virginia, on August 17-18 from 8 a.m. – 5 p.m. ET each day. This year's theme is "From Concept to Commercialization."
- The next Patent Public Advisory Committee (PPAC) meeting will be on August 2nd at USPTO Headquarters and the next Trademark Public Advisory Committee (TPAC) will be July 26th at USPTO Headquarters.
- The Rocky Mountain Regional Office and Technology Center (TC) 2600 are holding a combined Customer Partnership Meeting on Tuesday, July 17, from 8:15 a.m. to 3 p.m. MT.

IV. Judicial Updates:

- On Monday, President Trump nominated federal appeals court judge Brett Kavanaugh to be the next U.S. Supreme Court justice. If confirmed, Kavanaugh, 53, would fill the seat of retiring Justice Anthony Kennedy. During his time on the U.S. Court of Appeals for the D.C. Circuit, Kavanaugh weighed in on several important intellectual property cases. He wrote the 2015 decision in *Indep. Producers Grp. v. Librarian of Congress*, affirming the royalty board's decision on cable re-transmissions payments for sporting events and in *Recording Indus. Ass'n of Am., Inc. v. Librarian of Cong.*, Kavanaugh wrote a 2010 decision that upheld the copyright board's royalty rates for ringtones and a penalty for late payments, saying the board adequately explained the reasoning behind both rates. Read more [here](#).

V. International Updates:

- On Monday, Boris Johnson resigned as the U.K.'s Foreign Secretary, citing a disagreement with the Prime Minister over the U.K.'s Brexit strategy. Johnson's resignation came hours after Brexit Secretary David Davis resigned due to a similar disagreement with the Prime Minister's plan. Read more [here](#).
- On Friday, U.S. officials, including Secretary of State Mike Pompeo, visited Mexico to meet with the current Mexican president Enrique Pena Nieto and the president-elect Andres Manuel Lopez Obrador to discuss NAFTA. Read more [here](#).

VI. Industry Updates:

- On Thursday, Chinese Vice Minister of Commerce, Wang Shouwen, called the U.S. and “trade bully” following the latest batch of tariffs imposed against China. Shouwen, taking questions at the World Trade Organization, said that to end the trade war “one party needs to take the gun off the head of the other party.” Read more [here](#).
- This week, Japan became the second country to formally issue a notification that it has completed the domestic procedures for the Trans-Pacific Partnership (TPP). Japan signaled that it would press other countries to quickly follow suit. “Moreover, it is hoped that it will be a powerful message from Japan, as the standard-bearer for free trade, to the world amidst the current global trend towards protectionism, and a significant step to create free and fair 21st-century rules in the Asia-Pacific region,” the Ministry of Foreign Affairs said in a statement issued on July 6. Read more [here](#).