

Legislative Update

Trademark Public Advisory Meeting (TPAC)

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Legislation Important to USPTO

Introduced thus far during the 112th Congress (TM related)

- **H.R. 1249 – America Invents Act of 2011 (Patent Reform)**
 - Contains fee setting authority and revolving fund for USPTO
 - House is expected to consider as early as the week of June 13th

- **S. 968 - Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (“Protect IP” Act)**
 - Would provide DOJ with tools to expeditiously crack down on rogue websites
 - Marked up on May 26th by Judiciary Committee

- **S. 978 – Streaming Legislation**
 - Amends the criminal penalty provision for criminal infringement of a copyright
 - Scheduled for June 9th Judiciary Committee markup



Update on Trademark Litigation Report and Telework Legislation Oversight Committee

○ **Trademark Litigation Report:**

- Pursuant to Public Law 111-146, a bill which made technical amendments to the Lanham Act, USPTO with DOC/IPEC authored this report.
- The report studied the extent to which small businesses may be harmed by corporate litigation tactics and what the best use of Federal Government services to protect trademarks and prevent counterfeiting.
- Submitted to Hill on April 27, 2011.

○ **Telework Flexibility:**

- Pursuant to Public Law 111-292, the Telework Enhancement Act of 2010, USPTO has been working to implement new telework flexibilities.
- USPTO Oversight Committee to develop operating procedures to ensure reasonable technological alternatives used before requiring employee travel and program consistently applied throughout USPTO.
- Committee meeting regularly for past few months and hope to have agreement soon.



USPTO Funding & FY 2011 Appropriations

USPTO Funding:

- Full year Continuing Appropriations Act, 2011 (Public Law 112-10) signed by the President on April 15, 2011.
- Limits USPTO spending authority to \$2.09 billion.
- USPTO projects that collections will exceed this by approximately \$85 - \$100 million
- Difficult decisions made relating to patents, nationwide workforce, IT improvements, and others. Trademark activities are unaffected.
- Pending Patent Reform legislation would implement a revolving fund and enable the agency to set its own on fees (both patents and trademarks).



Thank you.

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