

Statement from IEEE-USA regarding patent reform legislation

The Patent reform Act of 2011 is the most dramatic change to US patent law of the last 70 years. IEEE-USA, along with many other groups, oppose the bill because we believe it favors large companies at the expense of smaller inventors when it comes to issuing patents.

Specifically, the bill shifts the United States from being a "first to invent" country to a "first to file" country. This means that, when two people invent the same thing at roughly the same time, the patent would go to whomever got their patent application filed first. Under existing law, the person who invented the product first usually gets the patent.

This shift would cause several problems. The most important of these is the effective elimination of a grace period for inventors. Currently, inventors can take about a year to file their patent application without risking their intellectual property. Under the new law, this protection would disappear so that inventors would have to file for a patent immediately or risk losing the rights to their ideas. This is true even if the inventor doesn't know if his/her ideas will work yet. This system establishes a clear advantage for big companies with many lawyers, which can afford to file patents quickly and often. Smaller inventors and companies cannot.

The Patent bill also does not do many things that it should. The bill does little to improve the quality of patents or of patent examiners. And it doesn't reform the patent system to accommodate the accelerated pace of innovation.

A more detailed discussion of the flaws in the patent Reform Act can be found here:

<http://www.washingtontimes.com/news/2011/may/26/patent-reform-proposals-threaten-american-prosperi/>

<<http://www.washingtontimes.com/news/2011/may/26/patent-reform-proposals-threaten-american-prosperi/>>

Additional details can be found at the IEEE-USA Legislative Action Center, which also allows you to quickly contact your legislators. www.ieeeusa.org/policy/lac

<<http://www.ieeeusa.org/policy/lac>>

Most people in Washington thought the Patent Bill would pass in mid-May. Opposition from engineers and patent attorneys have caused Congress to pause to reconsider the bill, but it is far from dead. A growing coalition of legislators have begun speaking in opposition to the bill, but unless Congress hears from the voters, the bill is still likely to pass.

Action on the Patent reform Act of 2011 is now expected in mid-June. Please contact Congress this week, even if you have already done so this year.

Thank you for your help.

Russell Harrison

r.t.harrison@ieee.org