

US RESPONSE TO CIRCULAR C 8343

Exceptions and Limitations to patent rights

Member States and Regional Patent Offices are invited to provide input on the implementation of the following four exceptions and limitations in their countries or regional systems, respectively: (i) acts for obtaining approval from authorities; (ii) exhaustion of patent rights; (iii) compulsory licensing and/or government use; and (iv) farmers' and/or breeders' use of patented inventions.

In particular, they are invited to submit information addition to, or updating, the information contained in their responses to the questionnaire on exceptions and limitations to patent rights. Member States and Regional Patent Offices which have not yet submitted their responses to the questionnaire are invited to do so. The questionnaire and the responses to it can be found at:

<http://wipo.int/scp/en/exceptions>.

The United States responses to the questionnaire are up to date and can be found at:

<http://www.wipo.int/scp/en/exceptions/replies/usa.html>

Transfer of Technology

Member States and Regional Patent Offices are invited to provide practical examples and experiences on patent-related incentives and impediments to transfer of technology.

The United States would like to provide an update to our previous submission regarding patent incentives to the transfer of technology, which was in response to WIPO Circular 8261, and which can be found at:

http://www.wipo.int/export/sites/www/scp/en/meetings/session_20/comments_received/usa.pdf.

This update relates to the Patents for Humanity Program and the Report on the Implementation of Article 66.2 of the TRIPS Agreement which were discussed on PP. 6 and 7 of our previous submission.

In April 2014, the USPTO announced that the Patents for Humanity program would be continued as an annual event. Patents for Humanity is the USPTO's voluntary prize competition rewarding those who bring life-saving technologies to underserved people of the world. It provides business incentives for patent owners and licensees to apply their patented technology to humanitarian needs. Participants describe how they have used their technology to combat global challenges in five key areas: medicine, nutrition, sanitation, household energy, or living standards. Applications are reviewed by independent experts in relevant fields such as medicine, engineering, law, and business. Award winners in 2014 will receive a certificate to accelerate select matters before the USPTO on any technology in their portfolio. They will be recognized at an awards ceremony hosted by the USPTO and receive publicity of their efforts. A pilot program was conducted in 2012, resulting in ten winners which were announced in early 2013 at a ceremony in the US Capitol building.

For more information, please visit www.uspto.gov/patentsforhumanity.

The Report on the Implementation of Article 66.2 of the TRIPS Agreement is a report to the World Trade Organization on incentives to technology transfer that is prepared or updated annually. The most recent such report is IP/C/W/594/Add.6 (9 October 2013).

Other Matters

Member States and Regional Patent Offices are invited to send updated information on:

- i) Certain aspects of national/regional patent laws . . . ; and*
- ii) National/ regional laws and practices relating to the confidentiality of communications between patent advisors and their clients.*

At this time the United States does not have any additional information or updates relating to the topics mentioned above.