

GUIDANCE ON ETHICS

ETHICS RULES FOR VISITING SCHOLARS TO THE U.S. PATENT AND TRADEMARK OFFICE

Financial Conflicts of Interest

- You cannot work as a Visiting Scholar on any matter affecting your financial interests or the interests of your spouse or minor child, a member of your household, or a non-Government employer or organization in which you serve as an officer or board member, unless the interest is in:
 - publicly-traded stock that is less than \$15,000 in value,
 - a broadly-diversified mutual fund, or
 - an industry sector or geographic sector mutual fund less than \$50,000 in value.
- In addition to being disqualified from working on matters affecting an individual company as a party, you are also disqualified from working on policy matters, legislation, and regulations affecting a company as a member of an industry sector or other group, if the interest is in:
 - stock that is not traded on a U.S. exchange,
 - publicly-traded stock greater than \$25,000 in value,
 - stock in a number of companies that totals greater than \$50,000 in value, or
 - industry sector or geographic funds greater than \$50,000 in value.

Non-Government Employment and Activities

- You cannot engage in any non-Government employment or outside activities incompatible with your position as a Visiting Scholar of USPTO, including:
 - employment with a foreign government or service as a registered foreign agent,
 - activities that entail representing others before any Federal agency or Federal court,
 - employment with a company or organization that has interests that can be affected by the performance of your duties (unless such work can be reassigned to another person without significant disruption to USPTO operations), and
 - work that might create an appearance of misuse of your position with USPTO.
- Because of these restrictions, you cannot work on patent or trademark cases as an outside activity or serve as an expert witness in Federal court (in most cases).
- Certain Visiting Scholars, depending on their employment status, are barred from holding an interest in a patent. If this restriction may affect you, contact the USPTO Office of General Law for more guidance on this subject at 571-272-3000.

Personal Conflicts of Interest

- You cannot work any matter in which one of the parties is (or is representing): anyone with whom you have a business or financial relationship, an organization in which you are active (such as by service on a committee), a close relative, an employer (or prospective employer) of your spouse, parent, or dependent child, or a member of your household; or a former employer or client (within one year of the end of such relationship).

Gifts

- You cannot accept a gift or invitation offered to you because of your Government position or from any person or organization with interests before the Department of Commerce (which includes most companies, organizations, and local governments), unless it is:
 - less than \$20 (and the total of all the donor's gifts during the year is less than \$50),
 - from a friend or relative and based on the personal relationship,
 - based on an outside position you hold, or
 - an invitation to a widely-attended event (a large event with a diversity of people present) and approval is given. (Contact an ethics official for further guidance.)

Government Resources

- You can use Government resources only for authorized purposes. You cannot use nonpublic information, your Government title, or Government time for personal purposes. You can use access to email and the Internet from a Government device for personal purposes except for commercial or business activities, political purposes, fund-raising, accessing adult websites, discriminatory purposes, or illegal purposes.

Political Activities

- You cannot engage in political activities while on duty or on Government premises. This means that you cannot wear political buttons while on duty, display political paraphernalia on Government premises, or use Government access to an email account or the Internet for political activities.
- You cannot ask for or accept funds for a political party or candidate at any time, even when not on duty.

Seeking Employment Restrictions

- You cannot work on any matter at USPTO that will affect the financial interests of a non-Federal entity with which you are seeking employment.

Post-Employment Restrictions

- After you leave the Government, you cannot:
 - disclose nonpublic information,
 - contact a Federal agency or Federal court on behalf of someone else about a matter involving specific parties on which you worked at USPTO, or
 - if your annual base pay was \$155,440, contact anyone in USPTO on behalf of someone else for one year after leaving your Visiting Scholar position.

For further guidance contact an ethics official at 202-482-5384 or ethicsdivision@doc.gov.

ETHICS LAW AND PROGRAMS DIVISION
OFFICE OF THE ASSISTANT GENERAL COUNSEL FOR ADMINISTRATION
UNITED STATES DEPARTMENT OF COMMERCE
202-482-5384 – ethicsdivision@doc.gov – www.commerce.gov/ethics
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