

PATENTS for **HUMANITY**

It's not just an invention.



The U.S. Patent and Trademark Office
an agency of the Department of Commerce



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Overview

For over two centuries, strong patents have provided business incentives that encourage technological progress to build our modern world. As we struggle against humanitarian issues plaguing many of the world's poor, patents play an essential role in creating lasting solutions.

The USPTO *Patents for Humanity* program creates business incentives for patent holders to engage in humanitarian issues. After consulting with industry, universities, and non-profits, the USPTO has developed this 12-month voluntary pilot program to recognize patent owners and licensees who apply their technology to pressing global challenges.



Intro

1. Why are we doing it?
2. What is it?
3. What's in it for me?



1. Why are we doing it?





Context

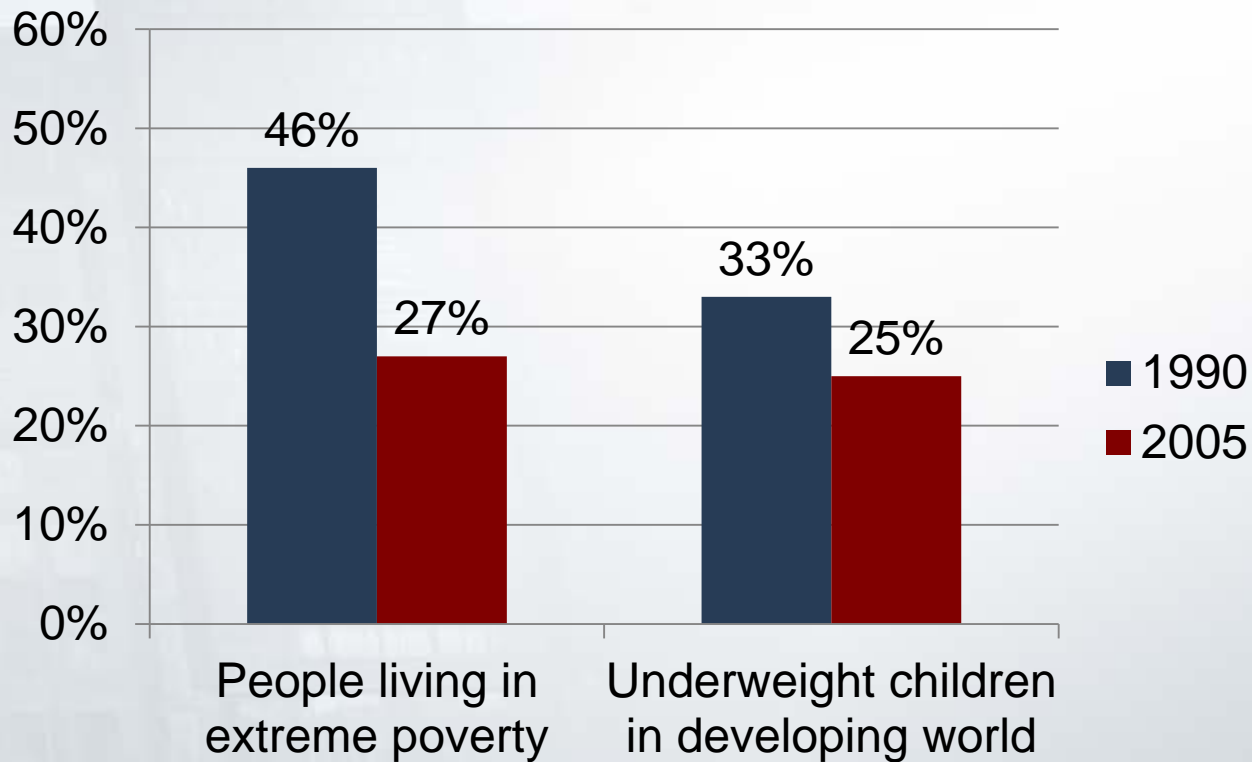
- 1.02 billion suffer from hunger
- 884 million don't have access to clean water
- Neglected tropical diseases affect 1.4 billion
- Poor sanitation impacts 2.5 billion





Context

But we're making progress. Since 1990, people living on less than \$1.25 a day declined from 1.8 billion to 1.4 billion.





Observation

Greatest areas of need coincide with market breakdowns:

- Impoverished people with insufficient capital to provide ROI
- Areas lacking appropriate infrastructure
- Countries lacking adequate protection



Can we boost market function in such places?



Why USPTO?

- Advance the President's global development agenda
- Serve the entire innovation community
- Credibility as a neutral arbiter
- Visibility





External Support

Input and support from many organizations, including:

- Biotechnology Industry Organization (BIO) - Pharmaceutical Research and Manufacturers of America (PhRMA) - Advanced Medical Technology Association (AdvaMed)
- GE - Gilead Sciences - GlaxoSmithKline - Novartis - Sanofi-Aventis - Ocean Tomo
- Global Access in Action – BIO Ventures for Global Health (BVGH) - Médecins Sans Frontières / Doctors without Borders - Oxfam - Incentives for Global Health (IGH)
- Association of American Universities (AAU) - Council on Governmental Relations (COGR) - Wisconsin Alumni Research Foundation (WARF) - University of California



Principles



- Respect the rights of all patent holders – including the right not to participate
- Provide business incentives to act
- Flexibility to encompass multiple approaches
- Support market-based solutions



Goals

- Bring attention to humanitarian issues
- Provide success stories for others to emulate
- Show how patents create solutions to global challenges





Encourage what?



- New research is very expensive (\$billions) and uncertain
- Lots can be done with existing technologies
- Simpler to incentivize, simpler to administer



Diversity of contributions

- Among technologies
- Among business models
- Among types of organization





Why Patented Technology?

- The obvious answer
- The other answer: Patents are an important tool in addressing global challenges



2. What is it?





Development Process

- Request for Info, Sept 2010
- Input from industry, university, trade, and non-profit organizations



Program Structure

- Awards competition
- Applicants describe how they have used patented technology or products to address humanitarian needs
- Up to 50 winners



Categories

Applicants confront global challenges in:

- Medical Technology
- Food & Nutrition
- Clean Technology
- Information Technology



Awards

- Certificate for expedited USPTO processing:
 - appeal to internal Board of Appeals (BPAI)
 - *ex parte* reexamination, including 1st appeal
 - examination of a patent application, including 1st appeal
- USPTO plaque at an awards ceremony
- Public recognition





Selection Criteria

- Two sets of criteria: use and research
- It's about distribution (of *benefits*)
- Focus on real-world results





Humanitarian Use

- i. Subject Matter – patented tech. effectively addresses a recognized humanitarian issue;
- ii. Target Population – the actions target an impoverished population; and
- iii. Demonstrated Impact – the actions have significantly increased application of the technology to address the humanitarian issue



Humanitarian Research

- i. Research Impact – patented tech. makes a significant contribution to substantial research by others on a humanitarian issue;
- ii. Neglected Field – the research lacks significant commercial application; and
- iii. Contribution – applicants took significant action to make the technology available to researchers



Judging Process

- Two rounds of review by volunteer experts
- Rd 1: Multiple independent scoring
- Rd 2: Selection committee
- Rules to avoid conflicts of interest



Judges' Discretion

- Judges have a lot of discretion
- Exhaustive definitions are hard
- More flexibility for applicants



Neutrality

- Technology
- Geography
- Financial





Technology

- No *a priori* list of eligible types on technology
- Anything used to address one of the categories

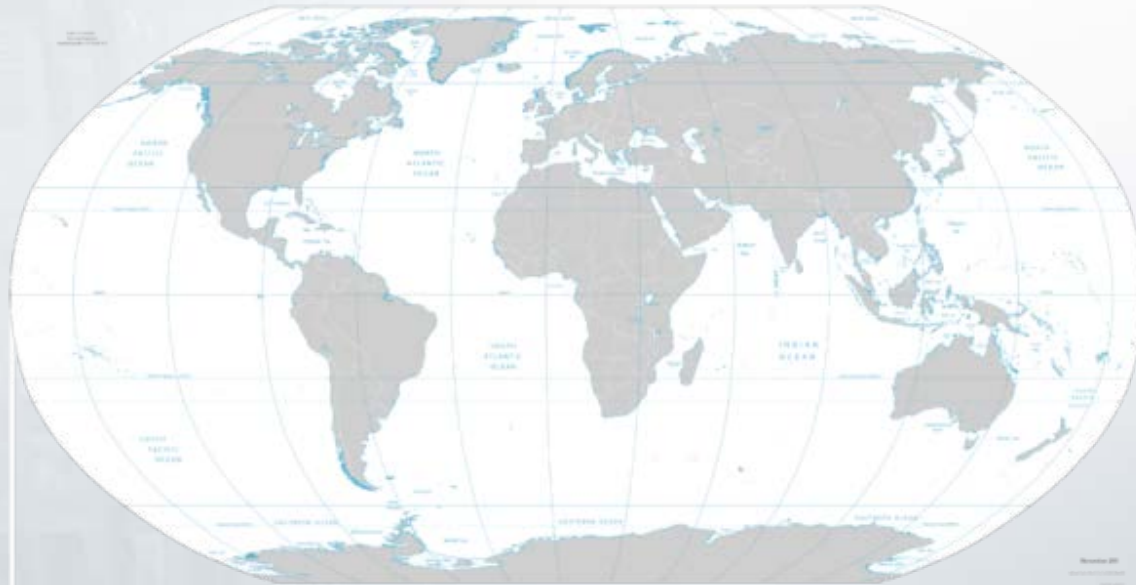




Geography

- Impoverished people can be anywhere in the world, including U.S.
- Applicant must demonstrate existence

Political Map of the World, November 2011





Financial



- Financial motives not an issue
- Innovative models from companies focusing on developing world



Sustainable?

- Means different things for different issues
- Often helpful, but not always
- Best practices emerge as competition spurs “race to the top”



Timeline



- Application period
Mar 1 – Aug 31,
2012
- Judging in Sept -
Nov 2012
- Awards made late
2012 / early 2013



3. What's in it for me?





Incentives

- Acceleration at USPTO
 - Publicity
 - Industry recognition
- = return on investment





When should I apply?

- Deadline is Aug 31
- Sooner is better:
 - More opportunities for publicity
 - More connections to others



Who should apply?

- Small businesses, large businesses, universities, developmental non-profits
- Patent owners, licensees

Q: What if I don't have a product yet?

A: We still want to hear from you!



Q&A

- What kind of patent connection does my product need to have?



Q&A

- What about accelerating other USPTO processes: supplemental exam, inter partes reexam, ...?



Q&A

- Can I sell my acceleration certificate to someone else?



Q&A

- In humanitarian ventures with multiple partners, who gets the certificate?
- Should I apply alone or jointly with my partners?



Q&A

- What technologies can I use my certificate on?
Does it have to be related to the humanitarian technology I received it for?



More info

- Program info and materials:
<http://www.uspto.gov/patentsforhumanity>
- Apply or view submissions:
<http://patentsforhumanity.challenge.gov/>
- Complete program rules in the Federal Register Notice at USPTO website
- Email patentsforhumanity@uspto.gov

“In our global economy, progress in even the poorest countries can advance the prosperity and security of people far beyond their borders, including my fellow Americans.”

**President Barack Obama
U.N. Millenium Development Goals Summit
September 22, 2010**

