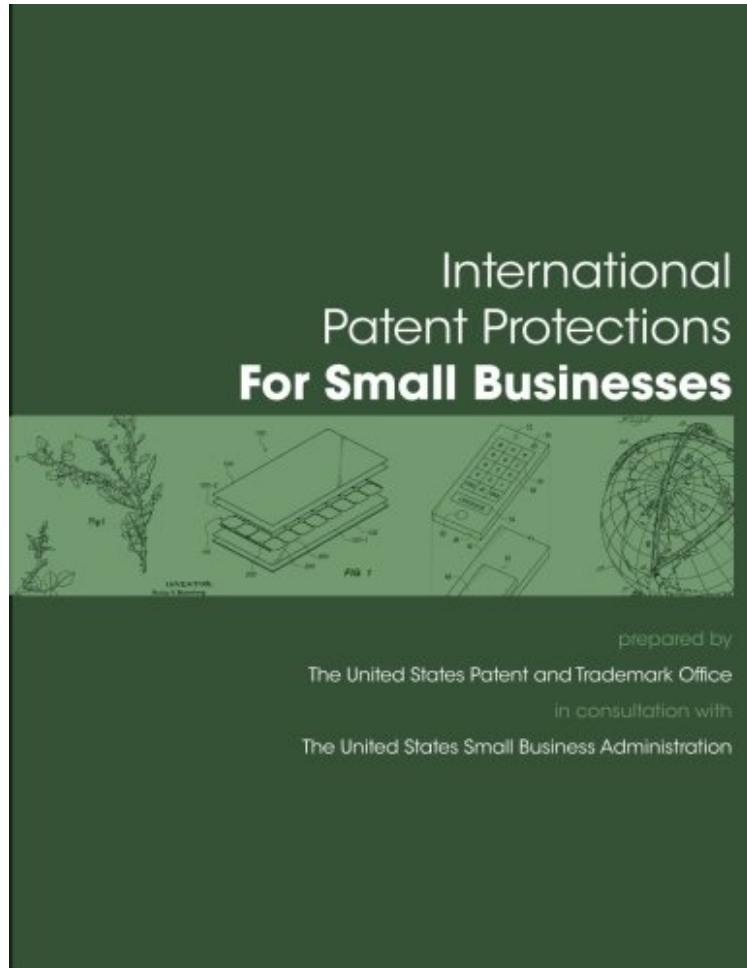


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International Patent Protection for Small Businesses

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Recent economic research shows that small businesses are the primary driver of job creation in the United States, with young startup companies, which are by their nature small businesses, creating on average three million U.S. jobs per year. Though this pattern of job creation has largely held true for over thirty years, the capacity of American small businesses to create jobs is at risk. American firms compete and grow by supplying products and services that consumers demand, and by internationalizing their businesses through licensing, franchising, or exporting. For many small companies, patent protection prevents competitors from simply copying their innovations, and aids in attracting

investor capital needed to grow, build market share, and create jobs. Yet small companies face significant financial challenges in acquiring, maintaining, and enforcing patents outside the United States. Therefore, supporting small firms and fostering job creation requires a thorough understanding of these challenges and an exploration of possible remedies. The Leahy-Smith America Invents Act requires the Director of the United States Patent and Trademark Office, in consultation with the Secretary of Commerce and the Administrator of the Small Business Administration, to study how best to support businesses with international patent protection. The USPTO and SBA are required to determine whether a revolving fund loan program or a grant program would be proper for helping small businesses defray the costs of filing, maintaining, and enforcing international patents. The USPTO and SBA are required to provide other pertinent recommendations. To prepare this report, the USPTO principally relied upon input from the public, seeking comments through a Federal Register notice and holding two public hearings to collect evidence for this study. At each hearing, government panelists from the USPTO and SBA invited and accepted formal testimony, and allowed informal comment and questioning from members of the public. In all, the USPTO received eighteen sets of comments, including responses from a U.S. intellectual property organization, an international industry organization, a foreign government intellectual property office, a U.S. law firm, a U.S. private company, eight U.S. patent practitioners, and five American citizens speaking as individuals. In addition, the USPTO conducted research, relying upon archival sources such as reports, economic studies, and existing data sources where available.