

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**uspto**

# **Intangible Technology Transfer (ITT) and Intellectual Property Rights (IPR), and Trade Secrets concerns in a research or academic environment**

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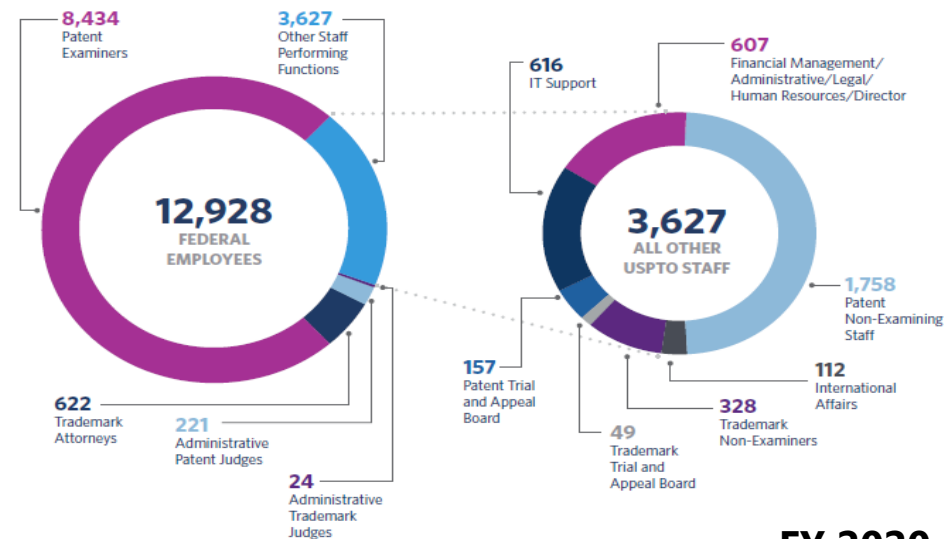
## United States Patent and Trademark Office

- USPTO established in **1836**
- Fee-funded since **1993**
- **Revenue**~\$3.65 billion in FY20
- **Two Business Lines**
  - Patents 91%
  - Trademarks 8.9%

### Products and Services

- Patent Grants: Utility, Design, Plant
- Trademark Registrations
- Patent and Trademark Information
- Formulate/Advise on Domestic and International IP Policy

### USPTO Staff



**FY 2020**



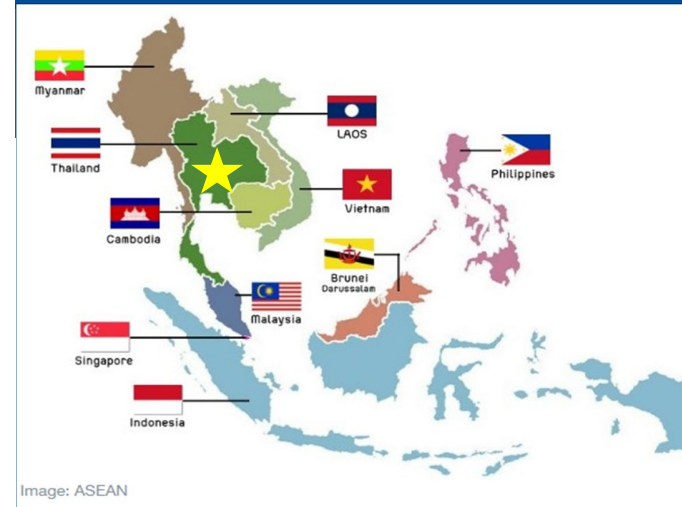
## USPTO-Intellectual Property Attaché Program



### Regional IP Attaché Offices

- [Abu Dhabi](#) (Middle East and North Africa)
- [Brazil](#) (Mercosur, Guianas, and Suriname)
- [China- Beijing](#) (National issues in China plus Beijing and Shenyang)
- [China - Guangzhou](#) (Southern, Southwestern, and Southeastern China including Hong Kong and Macao)
- [China - Shanghai](#) (Eastern and Central China plus Taiwan)
- [Europe](#) (EU, EC, and UK)
- [India](#) (South Asia)
- [Mexico](#) (Mexico, Central America, and the Caribbean)
- [Peru](#) (Bolivia, Chile, Colombia, Ecuador, and Peru)
- [US Mission to WIPO/WTO](#) (WIPO, United Nations, and WTO)
- [Thailand](#) (Southeast Asia)
- [Ukraine](#) (Central Eurasia and the Western Balkans)

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<https://www.uspto.gov/ip-policy/ip-attache-program>



# Intellectual Property Types

	U.S. Agency	Term of protection
<b>Patent</b>	USPTO	20 years from filing
<b>Trade Secret</b> (Proprietary Information)	(Owner)	<i>Indefinite</i>
<b>Copyright</b>	Copyright Office	Depends (Generally, Life + 70 yrs)
<b>Plant Variety Protection</b>	Plant Variety Protection Office	20 yrs or 25 yrs from issuance
<b>Trademark</b>	USPTO	As long as TM is in use

# Working with University/Research Organization

- Organization IP Policy
- Technology Transfer Office (TTO, OTT, TLO)
  - Research agreement
    - *IP ownership, Where to file patent applications*
  - Confidentiality/non-disclosure/non-compete agreement
  - Material transfer agreement
  - Technology transfer/licensing agreement
    - *Exclusive, Non-exclusive*

# Patenting Abroad

- Foreign filing license requirements vary from country to country.
- Failure to adhere to the requirements may result in patent invalidation or subject to penalty under export control law.
- U.S. requires a license be obtained from the USPTO before the application is filed abroad (or after 6 months after an application for the same invention was filed at the USPTO).
  - No technical data in the form of a patent application, or in any form, may be exported for purposes related to the preparation, filing or possible filing and prosecution of a foreign application



# Trade Secret Law

- Protects **proprietary information**, such as formulas, methods, techniques, or processes;
- Information must have **intrinsic value** derived from its secrecy and is not readily ascertainable through proper means;
- Owner **maintains** reasonable measures to keep such information **secret**;
- There is **no** specified **protection period** for a trade secret.

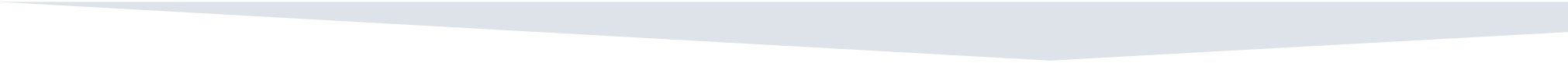
## Defend Trade Secrets Act 18 U.S.C. § 1836(b) (2016)

-Provides a Federal civil cause of action for trade secret misappropriation

-Remedies include:

- ✓ *injunctive relief,*
- ✓ *compensatory damages,*
- ✓ *attorney's fees and*
- ✓ *ex parte seizure*
- ✓ *3 year statute of limitations*



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- <https://www.uspto.gov/learning-and-resources/support-centers>
  - <https://www.stopfakes.gov/business-guide-to-intellectual-property-rights>

