

# USPTO Issues Report on International Patent Protections for Small Businesses

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The U.S. Patent and Trademark Office recently issued a report on how to make [international patents](#) more available to small businesses. The [report](#), prepared in conjunction with the Small Business Administration, was mandated by the America Invents Act. The goal was to determine how best to defray the costs of filing, maintaining, and enforcing international patents for small businesses.

As the report notes, small companies often face daunting financial challenges when it comes to protecting intellectual property overseas. However, for those who can afford to seek them, international patents often prove very valuable in the long run by helping to secure a competitive advantage. As stated in the report, “international patenting – when done early in the life of a company – can provide a platform for tapping new markets later in life.”

The report highlights that high patenting costs often occur early in the life of these companies, when funding and cash flows are generally limited. As a result, U.S. small businesses may be patenting less frequently than larger firms.

According to the USPTO, “international patenting costs are also often exacerbated for U.S. small companies because – unlike the USPTO, which gives discounts to eligible small businesses from all over the world – foreign patent offices do not generally provide discounts for small businesses.”

Given the obstacles highlighted above, the report offers the following recommendations:

- The U.S. Government should engage in diplomacy and harmonization to reduce the costs associated with filing foreign patent applications
- The U.S. Government should approach the direct subsidizing of foreign patenting costs with care.
- The USPTO and SBA should partner in an expanded IP education and training initiative aimed at American small businesses.
- The USPTO and SBA should engage industry to discuss how best to support U.S. small business efforts to patent internationally.

*How We Can Help*

We understand the challenges faced by small businesses seeking to protect their valuable intellectual property and can work with you to come up with a plan that meets both your IP and business goals.



#### About Sheldon Mak & Anderson

At [Sheldon Mak & Anderson](#), we recognize that innovation is your competitive edge – and it needs protection. As a full-service intellectual property firm with more than two decades of experience, we provide local, regional, national, and international legal services in the following areas: patents, trademarks, copyrights, trade secrets, IP

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