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Comments Submitted by Anonymous #3

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To briefly answer the overall question "Do patents stifle innovation?":
Yes. For a more nuanced answer, please keep reading.

Patents are meant to incentivize inventors and give them a fighting chance to bring their product to market.
The premise is that an inventor has an idea that is both Original and brings Significant Value to society.
Patents should not be granted to ideas that merely bring value but no originality (for such things we have copyright),
and likewise not granted to original inventions that bring no value (they stifle further innovation in an area).
If an idea brings both value and originality the patent protects the inventor while they bring their product to market and reward them just enough that they're able to reap the benefits of the research made.
Patents must also holistically benefit society. In the short term they are meant to benefit the invidual but in the long term they should benefit everyone.

In practice patents are frequently granted to ideas that don't meet these 2 criteria, and they are held for much longer than is fair to the market in the modern information age.
In fields where the time-to-market and where investment isn't considered, patents will naturally stifle innovation.

An example field dear to me is software. The time-to-market for software products is short (<1 year) yet patents are held for long (20 years).
In practice this means that patented ideas never see adoption and by the time the patent runs out the technology has been outdated for too long.
As an example, JPEG2000 was an image format (a method of storing images in a computer file) that never saw adoption due to the strict patents. By the time the patent runs out, other more open formats will have replaced it. Video formats have particularly been riddled with patent issues.
I believe most of these inventions are made out of love for the craft and as commercial projects with a direct investment in mind, not ideas created to be patented. In both cases, the upside of patents wasn't the

limiting factor - it was a "free" bonus.
Unfortunately this bonus comes with a 20 year trade-off to society, stifling any innovation in the area in which the idea resides.
Another examples is Apple's patent on how scrolling content on iPhone's work. They mimic a physical page being pushed around. Apple was awarded the patent and Google was sued for using it [https://www.macworld.com/article/221239/apples-crucial-overscroll-bounce-patent-claim-is-valid-us-patent-office-says.html].
Apple took direct inspiration in the physical behavior of the real world, yet was granted a patent and it was upheld. They still hold this patent while they argubly have more than made up for the investment. That means the patent is currently hurting innovation.

Software patents could work if they were limited in time (max 5 years) and were scrutinized much harder.
In reality the industry frequently sees individuals and companies being granted patents to ideas that are so obvious to the industry that they make the tech news.

In the medical field it's quite clear that much innovation is done with an expectation of a patent.
Significant investments are made in R&D. These investments must be covered for. However once the money has been made back 1-to-1, the patent immediately turns harmful to society. The holding company already has a head start in the market, so they need no further protection.

An inventor must not be encouraged to become complacent or simply "wait until a better time" to sue.
All patentable inventions must be acted on immedaitely and swiftly - this encourages a free market where consumers directly benefit while society still stays innovative.

My suggestion:
Limit patents to provably high-investment research. Severely limit the time across all fields.
Once the investor reaches return-on-investment, the patent should expire.

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Page Count

1

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