Protecting American Ideas

by Alexander Poltorak

(NAPSA)—A high-stakes debate is taking place on Capitol Hill. Its focus is the legislation that reforms this country's patent system. What's at risk is whether we, as a nation, reward or hinder innovation.

I believe that there are several problems with the proposed legislation (S. 23)—a recycled policy package that failed to pass muster in its earlier incarnations.

The proposed legislation, known as the Patent Reform Act, would change this country's patent process from a "first to invent" system to a "first inventor to file" system that is similar to the process used by other countries. It's likely that such a change would favor large corporations, with their deep pockets and numerous in-house attorneys and stack the deck against small inventors and university researchers.

The proposed legislation would also have a direct effect on consumers and American workers. It would do this by making patent rights more difficult to enforce and making it easier for offshore copycats to bring pirated goods infringing U.S. patents into this country without a significant penalty.

As it's currently designed, a proposal to reform this country's patent process is likely to hinder rather than reward innovation. That could be bad news for consumers, workers and inventors. This means that American jobs will be lost, as well as our country's competitiveness in the global economy.

This is not to say that reform is not needed. On the contrary, change is called for, but it is change at the Patent Office level that would present the most tangible benefits to

inventors and to the industry.

For example, Congress should stop diverting funds from the Patent Office itself and free up funding that would allow it to hire more examiners. This would have the double benefit of speeding up the review process and improving the quality of the examination of patents actually issued.

Creating a two-tier patent system with "junior" and "senior" patents with computer-based novelty examination of applications for junior patents would free up examiners to focus on applications for senior patents.

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