



## STATEMENT: NAPLES ROUNDTABLE RECOMMENDS SUSPENSION OF PATENT OFFICE RELATIONSHIPS WITH AGGRESSOR STATES

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*The Naples Roundtable, a 501(c)(3) non-profit organization whose primary mission is to explore ways to improve and strengthen the U.S. patent system, issued the following statement regarding Russia's invasion of Ukraine:*

The Naples Roundtable condemns Russia's illegal and unprovoked war against Ukraine. The Naples Roundtable applauds the decision of the European Patent Office (EPO) to "freeze [its] co-operation activities with the national patent offices of the Federation of Russia and of Belarus, as well as to put on hold [its] co-operation activities with the Eurasian Patent Organisation."<sup>1</sup> The Naples Roundtable also supports the decision of the U.S. Patent & Trademark Office (USPTO) to "terminate[] engagement with officials from Russia's agency in charge of intellectual property" (Rospatent) "and with Eurasian Patent Organization."<sup>2</sup>

The Naples Roundtable encourages the USPTO to add the national patent office of Belarus to its engagement freeze, and to consider the following further actions to the extent permitted under international treaty and multi-lateral agreement obligations:

- terminate the agreement between the USPTO and Rospatent under which Rospatent functions as an International Searching Authority (ISA) and International Preliminary Examining Authority under the Patent Cooperation Treaty for international applications filed with the USPTO.<sup>3</sup>
- remove all USPTO webpages and information sheets<sup>4</sup> instructing applicants to transmit money to Russia's Central Bank and to Russia's VTB Bank, or to any other sanctioned bank, in connection with the payment of fees to Rospatent.
- suspend all participation by the USPTO under any and all Patent Prosecution Highway (PPH) pilot programs between Rospatent and the USPTO, including by

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<sup>1</sup> European Patent Office, *Standing together for peace in Europe* (March 1, 2022), <https://www.epo.org/news-events/news/2022/20220301a.html>.

<sup>2</sup> USPTO statement on engagement with Russia and the Eurasian Patent Organization (March 4, 2022), <https://www.uspto.gov/about-us/news-updates/uspto-statement-engagement-russia-and-urasian-patent-organization>.

<sup>3</sup> 1378 OG 163 (May 8, 2012), <https://www.uspto.gov/web/offices/com/sol/og/2020/week52/TOCCN/item-401.htm#null> (Paragraph 10.1 states: "This Agreement may be terminated by either Participant by written notice addressed to the other Participant").

<sup>4</sup> USPTO-ROSPATENT Information Sheet, [https://www.uspto.gov/sites/default/files/patents/init\\_events/pct/rosipatent\\_info\\_sheet.pdf](https://www.uspto.gov/sites/default/files/patents/init_events/pct/rosipatent_info_sheet.pdf) (last accessed March 2, 2022), [https://www.uspto.gov/sites/default/files/documents/rosipatent\\_info\\_sheet.pdf](https://www.uspto.gov/sites/default/files/documents/rosipatent_info_sheet.pdf) (last accessed March 2, 2022).

refusing to grant any request which designates Rospatent as the office of earlier examination (OEE).<sup>5</sup>

- remove all USPTO webpages containing forms for applicants to request participation in the PPH pilot program between Rospatent and the USPTO.<sup>6</sup>
- urge all participating offices of the Global PPH to suspend Rospatent's participation in the Global PPH pilot program, including by refusing to grant any request which designates Rospatent as the OEE.<sup>7</sup>
- suspend all examiner exchanges, capacity building programs, and other cooperation agreements with the national patent offices of the Federation of Russia and of Belarus and the Eurasian Patent Organization.

### About the Naples Roundtable

The Naples Roundtable, Inc. is a 501(c)(3) non-profit organization whose primary mission is to explore ways to improve and strengthen the U.S. patent system. To achieve this goal, the Naples Roundtable supports the advanced study of both national and international intellectual property law and policy. The Naples Roundtable fosters the exchange of ideas and viewpoints among world-leading intellectual property experts and scholars. It also organizes conferences and other public events to promote the development and exchange of ideas to improve and strengthen the U.S. patent system. More information is available at [www.thenaplesroundtable.org](http://www.thenaplesroundtable.org).

*On behalf of the Naples Roundtable:*

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<sup>5</sup> USPTO PPH (listing ROSPATENT as Global PPH participant with USPTO), <https://www.uspto.gov/patents/basics/international-protection/patent-prosecution-highway-pph-fast-track> (last accessed March 2, 2022).

<sup>6</sup> USPTO Form PTO/SB/20RU, <https://www.uspto.gov/sites/default/files/forms/sb0020ru.pdf> (last accessed March 2, 2022).

<sup>7</sup> Global PPH, <https://www.jpo.go.jp/e/toppage/pph-portal/globalpph.html> (last accessed March 2, 2022).