

POSITION STATEMENT

New Forms of Intellectual Property Protection

*Approved by the IEEE-USA
Board of Directors, 19 June 2015*

IEEE-USA recommends that Congress pass new forms of intellectual property protection for new technologies, and reduce costs for inventors to obtain that protection.

The Constitution of the United States calls for Congress "to promote the progress of science and the useful arts by securing, for limited times to authors and inventors, the exclusive rights to their respective writings and discoveries." Congress has passed many amendments to our patent, trademark and copyright laws, many of which have resulted in an expensive, unwieldy, and often ineffective and/or untimely system for today's new intellectual property innovators.

The U.S. Constitution permits multiple ways to protect and identify intellectual property; therefore, IEEE-USA believes innovative intellectual property measures are necessary to protect unique contributions to the U.S. technology base. Accordingly, IEEE-USA makes the following recommendations:

1. Seek ways to effectively protect new technologies by amending patent and copyright laws. Where such amendment is not appropriate, Congress should seek ways to develop new forms of legal protection. Immediate goals would include formulating methods of providing better protection for easily copied products, such as articles of manufacture, to the extent not protected by other intellectual property rights. Such protection would help to avoid their appropriation by copying, which destroys the innovator's investment in the article.
2. Reduce the cost and complexity, and increase the speed of, obtaining and enforcing rights in new forms of intellectual property, so that independent engineers and small businesses have a greater incentive to conduct research and development leading to useful products and inventions. Such an incentive should include creating a registration process for issuing the protection, with short- to long-term rights, depending on the speed the technology changes.
3. Consolidate special legislation designed to benefit smaller groups, into more global forms of legislation. Such special legislation would protect faster moving technology, forms of expression, and useful articles that have occurred as a result of technology advances not anticipated by current law.

Nothing in this position statement is to be construed as favoring anything that precludes interoperability of products, or using lawful means of reverse engineering.

This statement was developed by the IEEE-USA Intellectual Property Committee, and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA advances the public good and promotes the careers and public policy interests of the more than 200,000 engineering, computing and allied professionals who are U.S. members of the IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE or its other organizational units.