



GIPC Policy Priorities for the Next Administration

- **Protect America's global innovation leadership on intellectual property (IP) as a national security imperative:** America is engaged in global competition with foreign actors for technological dominance. The nation that invents technologies of the future will set the global agenda and be the global leader. Policymakers must:
 - Ensure IP provisions are enforced domestically and internationally as a means of protecting critical industries—such as life sciences and biotechnology—and supply chains.
 - Promote a new paradigm where national security through technological leadership is a basis for effective IP protections.
 - Bring transparency to Third-Party Litigation Funding through required disclosure to protect our judicial system, defend national security interests, and promote American economic competitiveness.
- **Ensure the U.S. can lead the world in critical, sensitive technologies:** The United States must have effective legal frameworks to protect existing American innovation and promote investment in critical, existing technology sectors, such as artificial intelligence (AI), quantum, semiconductors, life sciences, and biotechnology. Effective protection of IP will ensure the U.S. remains the global leader on artificial intelligence applications, innovation, and creativity. Policymakers must:
 - Acknowledge that generations of technological advancements have intertwined human creativity and innovation. Emerging technology tools, such as artificial intelligence, have the potential to empower creative and innovative processes moving forward.
 - Ensure appropriate laws, regulations, and policies are in place to guard against the risk of abuse of technological tools and foster intellectual property rights and a diverse and vibrant ecosystem for innovation and creativity.
 - Promote robust private sector participation and investment in research and development.
- **Limit government intervention in the free market:** The U.S. free market system has underpinned America's global leadership on IP policy, innovation, and creativity. When policies contradict rather than reinforce market principles, they endanger U.S. leadership. Policymakers must:



- Defend free enterprise and combat policies that hinder innovation by fighting against arbitrary price controls on America's innovative products.
 - Limit regulatory overreach to ensure the American free market framework empowers the U.S. to retain its competitive advantage.
 - Advocate for the right of contract using licenses which are not compulsory to facilitate agreements between private businesses.
- **Invest in the success of the USPTO:** The USPTO plays a critical role in ensuring America's innovators and creators receive protection for their IP rights. Policymakers must protect the exclusive rights of inventors in their intellectual property by:
 - Ensuring USPTO receives the increased resources it needs to issue quality patents by appropriating all previously collected fees that have been diverted from the agency.
 - Supporting USPTO's efforts that lead to a streamlined, efficient, and effective examination process that promotes an effective patent and trademark system; and
 - Continuing to support the USPTO's IP Attaché program, particularly by elevating their diplomatic ranks to increase access to more senior officials of foreign governments, which is vital to their efforts on behalf of U.S. rights holders.
- **Fully support the U.S. Copyright Office:** The USCO plays a critical role in educating, supporting, and protecting America's creators and their IP rights. Policymakers must:
 - Ensure the USCO receives the resources and support it needs to educate and support the American creative community.
 - Enable, acknowledge, highlight, and support the research efforts of the USCO.
 - Ensure the USCO receives the resources and support needed to carry out its function of examining, registering, and cataloging copyright applications.
- **Foster America's creativity through copyright law and enforcement:** The United States must foster an environment that supports American creativity. Policymakers must:
 - Promote copyright-intensive industries as a fundamental engine of U.S. economic growth.



- Support a robust copyright ecosystem—with an emphasis on creativity—to support, enable, and benefit creative communities of all shapes and sizes.
- Target digital piracy through enhanced criminal and civil penalties, criminal disruption strategies, trade enforcement, public-private partnerships, international legal protections, and proven best practices.
- Support educational, research, and other efforts by the U.S. Patent and Trademark Office (USPTO), the U.S. Copyright Office (USCO), the National Intellectual Property Rights Coordination Center and other governmental organizations working to highlight the sociocultural and economic vitality of localized creative communities.
- **Continue to hold bad actors accountable for IP crime:** The United States must create, promote, and enact 21st-century policies to leverage the power of criminal deterrence and hold bad actors accountable. Policymakers must:
 - Collaborate with the private sector to educate local authorities about how to use the tools at their disposal so they can be fully collaborative partners in the fight against IP crime.
 - Engage law enforcement and prosecutors to prioritize enforcement action against bad actors abusing IP through trademark, copyright, and patent infringement.
 - Promptly nominate and confirm an Intellectual Property Enforcement Coordinator (IPEC) given the IPEC's critical role coordinating IP enforcement efforts across the U.S. government and the strong track record of assisting industry in the fight against counterfeit and pirated goods.
 - Include increased funding for U.S. Customs and Border Protection (CBP), the National Intellectual Property Rights Coordination Center (IPR Center), and DOJ International Computer Hacking and Intellectual Property (ICHIP) Attorney Advisors in the Administration's annual budget to address staffing shortfalls and ensure that the U.S. government has the necessary resources to enforce against IP crime at our borders and beyond.
 - Increase funding for IP-specific law enforcement training, for example, through the Intellectual Property Enforcement Grant Program within DOJ's Bureau of Justice Assistance for training for state and local law enforcement to better identify and interdict counterfeit goods in their community.



- **Enhance public-private sector collaboration on IP enforcement:** Industry leaders play a vital role in educating federal law enforcement authorities about their IP and the threats to it. Federal partners are critical to successfully combating IP crime, although they are often limited by a lack of resources, technology, and personnel. Policymakers must:
 - Fundamentally revise public-private collaborative partnerships for the 21st century to ensure state, local, and federal government actors have access to the necessary resources, partnerships, and knowledge to combat IP crime.
 - Continue to commit the necessary personnel at ports of entry to interdict fake goods on behalf of American IP rightsholders while simultaneously protecting American consumers and utilize private sector resources such as product identification guides for efficient seizure and destruction.
 - Support public-private collaborations combatting digital IP crime through effective enforcement measures.

- **Re-assert leadership on global IP policy and at the multilateral organizations:** U.S. leadership on IP protection and enforcement will be fundamental to supporting the American innovators and creators who identify solutions to global challenges. The multilateral-rules based trading system helps set the IP standards needed to foster global investment in ingenuity. The U.S. government plays a critical role in advancing IP policy globally and within international fora. U.S. leadership can enhance the ecosystem for innovation and creativity worldwide, protect against theft of American IP, and support U.S. workers and innovators whose businesses rely on effective IP. Policymakers must:
 - Re-assert leadership within the World Trade Organization (WTO), World Intellectual Property Organization (WIPO), and World Health Organization (WHO) to counter anti-IP narratives and develop affirmative agendas to advance IP policy, in partnership with like-minded delegations.
 - Support regional and bilateral dialogues to advance IP protection and enforcement in global markets.
 - Oppose IP-adjacent policies that are meant to negate IP rights, such as regulatory disclosure requirements, market access limitations or conditions, and impingement on the freedom to contract.
 - Support the work of international organizations, like the OECD, in their efforts to develop IP protection guidelines and standards.



- Rehabilitate the Special 301 process and make clear that the United States will not ignore policies that discriminate against U.S. companies, deny effective protection of IP rights, or deny fair and equitable market access to innovators who rely on IP protection.
- Engage on traditional knowledge and traditional cultural expressions in Intergovernmental Committees at WIPO.
- Support evidence-based policy making in the U.S., multilateral organizations, and global markets.
- **Embrace trade and investment agreements:** The United States derives huge benefits from trade and free trade agreements (FTA), but a bolder, forward-leaning approach is needed to ensure U.S. competitiveness and enhance market access in the decades ahead. As other nations race to achieve their own market-opening trade deals, the U.S. cannot allow itself to be left behind. Policymakers must:
 - Actively enforce country's existing FTA commitments, such as the IP and digital trade provisions of U.S.-Mexico-Canada Agreement, the U.S.-Colombia Trade Promotion Agreement, and the U.S.-Australia Free Trade Agreement
 - Support free flow of cross border data and prevent data, source code, or algorithm localization through FTAs, while ensuring IP rights are protected.
 - In the absence of FTAs, utilize frameworks, investment agreements, and preference programs to strengthen IP capacity building to enhance participation in the ecosystem for innovation and creativity.
 - Fully support U.S. government agencies—including the Office of the U.S. Trade Representative and the U.S. Department of Commerce—responsible for advancing U.S. trade policy in markets abroad.
 - Engage on third-party free trade agreements that enhance IP standards for IP rightsholders in third countries.
- **Enhance the ecosystem for IP licensing and commercialization:** The ability of private-sector entrepreneurs to work alongside public institutions in emerging fields of science and technology has helped the U.S. remain the world's innovation leader. Policymakers must:
 - Ensure the longstanding interpretation of private partnerships and tech transfer under the Bayh-Dole Act is respected and promoted by rejecting the false theory of the utilization of march-in rights for purposes of price controls.



- Continue to adopt policies that foster collaboration between research institutions and the private sector, ensuring that innovative research translates into market-ready products and technologies.
 - Support programs that educate and train the next generation of scientists, engineers, and entrepreneurs.
 - Encourage the voluntary, non-compulsory licensing and commercialization of intellectual property rights as a non-governmental approach to resolving disputes between private businesses.
- **Unleash the full potential of American small businesses, innovators, and creators:** Small and medium-sized businesses, independent inventors, and individual creators are the backbone of America's economic growth. However, for these individuals and companies to succeed, the United States must create incentives, remove obstacles, and implement policies that fully engage, support, and empower them to unleash their potential. Policymakers must:
 - Adopt a whole-of-government approach to support small businesses, startups, and entrepreneurs including through appropriate financial incentives and educational opportunities to ensure these enterprises can be successful.
 - Develop policies at all levels to better educate individuals in STEAM to create a lost Einstein innovator pipeline.
 - Promote inclusion and diversity to ensure all entrepreneurs are adequately represented in IP policy discussions.
 - Leverage the power of private businesses to promote workforce participation in the IP system.