



## **POSITION STATEMENT**

# **NEW FORMS OF INTELLECTUAL PROPERTY PROTECTION**

*Adopted by the IEEE-USA  
Board of Directors, 20 Nov. 2009*

IEEE-USA recommends that Congress pass new forms of intellectual property protection for new technology and reduction of 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." Since this was written, there have been many changes in our Patent, Trademark and Copyright laws; nevertheless, the innovators of new intellectual property today face a system which is expensive, unwieldy, and often ineffective and/or untimely.

Because the Constitution permits multiple ways to protect and identify intellectual property, IEEE-USA believes that innovative intellectual property measures are necessary to protect unique contributions to the U.S. technology base. Accordingly, IEEE-USA supports the following actions:

1. Seek ways of effectively protecting new technologies by amending the patent and copyright laws. Where this is not appropriate, Congress should seek ways of evolving 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, to avoid their appropriation by copying, which would destroy 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 will have a greater incentive to conduct research and development leading to useful products and inventions. Such an incentive would include using a registration process for issuing the protection with short to long term rights depending on the speed of technology change. It might also include the use of skilled persons to evaluate the infringement in administrative tribunals to assess royalties and damages.

3. Consolidate special legislation, designed to benefit smaller groups, into more global forms of legislation in order to protect faster moving technology and 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 (see IEEE-USA position statement on "[Reverse Engineering](#)").

This statement was developed by IEEE-USA's 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 more than 210,000 engineers, scientists and allied professionals who are U.S. members of IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE or its other organizational units.