

**BEFORE THE
U.S. PATENT AND TRADEMARK OFFICE**

**National Strategy for Expanding American
Innovation**

PTO-P-2020-0057

**COMMENTS OF THE COPYRIGHT ALLIANCE AND THE INSTITUTE FOR
INTELLECTUAL PROPERTY AND SOCIAL JUSTICE**

The Copyright Alliance and the Institute for Intellectual Property and Social Justice appreciate the opportunity to submit comments in response to a [notice of inquiry](#) published in the Federal Register by the U.S. Patent and Trademark Office (USPTO) and the National Council for Expanding American Innovation (NCEAI) regarding diversity and inclusion in America's intellectual property system.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization representing the copyright interests of over 1.8 million individual creators and over 13,000 organizations in the United States, across the spectrum of copyright disciplines. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

The Institute for Intellectual Property and Social Justice was established to promote social justice in the field of intellectual property law and practice, both domestically and globally. Advocating for core principles of socially equitable access, inclusion, and empowerment throughout the IP ecosystem, IIPSJ's work ranges broadly and includes scholarly examination of IP law from a social justice perspective; advocacy for social justice cognizance in the shaping and implementation of IP legislation and policy; initiatives to increase the diversity of the IP bar; and programs which promote greater awareness and understanding of IP protection, particularly among historically and currently disadvantaged and underserved groups, to empower them to exploit intellectual property effectively.

We applaud the USPTO and the NCEAI for initiating this effort to increase participation in innovation by individuals from traditionally marginalized and underrepresented groups. The United States continues to be the world leader in intellectual property¹—an attribute that contributes significantly to this country’s vast cultural influence and its standing as the world’s leading economy. While marginalized and underrepresented groups have always contributed to creativity and innovation in the United States, these groups have historically been prevented from reaping the benefits of their contributions. Therefore, increasing participation amongst these groups means not only encouraging and supporting their creative and innovative efforts and removing barriers to entry that have contributed to existing disparities, but also ensuring that our intellectual property system enables these individuals to meaningfully benefit from the fruits of their labor.

We encourage the USPTO and the NCEAI to consider expanding the focus of its inquiry to include areas beyond patents and inventions, including to participation in both the copyright and trademark systems. In particular, we encourage the USPTO and the NCEAI to work closely with the United States Copyright Office to explore ways to increase the participation of marginalized and underrepresented groups in the copyright system.

We thank you for the opportunity to submit these comments. Please let us know if we can provide any additional input.

Respectfully submitted,

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¹ U.S. Chamber of Commerce, *Art of the Possible, U.S. Chamber International IP Index* at 253 (8th Ed. 2020), https://www.uschamber.com/sites/default/files/023881_gipc_ip_index_2020_fullreport_final.pdf.