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REFORM OF THE US PATENT SYSTEM: ANALYSIS OF CHANGES (FIRST PART)

***Abstract.** The economic and legal problems of efficiency of the functioning of the US patent system are analyzed: the genesis, analysis, recent developments and trends in the development of the US patent system, peculiarities of patent law reform, and the adoption of the Law on Patent Reform “Leahy-Smith America Invents Act”. American society pays much attention to the development of the creative activity of the population and the protection of its results. A patent is an effective means of protecting investments in research and development (R & D), protecting the rights of inventors, protecting the patent holder from unfair competition. A key aspect of the adopted Law on Patent Reform is its international harmonization, which makes the process of filing applications for inventions, conducting their expertise more consistent with patent offices of other countries. Most of the proposed changes bring the US patent system closer to international standards, which is very important for inventors and companies representing world-wide interests. In addition, this law creates new mechanisms for the protection of patents and applications in the patent office in an administrative*

order. The legislative changes related to the activities of the patent office, financing, fees, accelerated examination of applications, the Chamber for Patent Disputes and Appeals, new procedures for challenging the validity of issued patents, the dynamics of court cases and statistics of patent disputes in the courts of the country are analyzed. Problems of patent trolling and legislative initiatives to counter their negative activities, as well as other issues related to the reform of the American patent system, are highlighted. It is emphasized that the patent system should stimulate the industry to develop new technologies that promote economic growth and create jobs throughout the country, including protecting the rights of small businesses and inventors from predatory policies that could impede the creation of innovations.

Keywords: *inventor, innovation, fee, patent system, accelerated examination, patent trolling, promotion.*

REFERENCES

1. Patent quality initiative. Available at: <http://www.uspto.gov/patent/initiatives/patent-quality-initiative>.
2. World Intellectual Property Indicators — 2016. Available at: http://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2016.pdf
3. Leahy-Smith America Invents Act. Available at: http://www.uspto.gov/sites/default/files/aia_implementation/20110916-pub-1112-29.pdf.
4. The US Patent System After the Leahy-Smith America Invents Act By Paul R. Gupta and Alex Feerst. Reprinted from E.I.P.R Issue 1, 2012 Sweet & Maxwell 100 Avenue Road Swiss Cottage London. NW3 3PF (Law Publishers). Available at: <https://www.orrick.com/Events-and-Publications/Documents/4466.pdf>.
5. *B. Zorina Khan. An Economic History of Patent Institutions.* Available at: <https://eh.net/encyclopedia/an-economic-history-of-patent-institutions>.

6. *Vinkovskiy V.I.* (2014) Obzor patentnykh sistem otdelnykh stran mira v chasti regulirovaniya voprosov preodoleniya konflikta prav zayaviteley [Survey of patent systems of individual countries in the regulation of issues of overcoming the conflict of applicants' rights]. *Gumanitarnye nauchnye issledovaniya* [Humanitarian scientific research], no. 3. Available at: <http://human.snauka.ru/2014/03/6105>.

7. *Eremenko V.I.* (2012) Reforma patentnogo zakonodatelstva SShA [US patent reform legislation]. *Yzobretatelstvo* [Invention], Vol. 12, no. 7, pp. 1–9.

8. *Androshchuk H.O.* (2014) Pryskorena ekspertyza patentnykh zaiavok na zeleni tekhnologii v riznykh yurysdyktsiiakh [Accelerated examination of patent applications for green technologies in various jurisdictions]. *Intelektualna vlasnist v Ukraini* [Intellectual property in Ukraine], no. 2, pp. 44–49.

9. *Androshchuk H.O.* Pryskorena ekspertyza zaiavok na vynakhody: zarubizhnyi dosvid. Polityka intelektualnoi vlasnosti v universytetakh ta naukovodoslidnykh ustanovakh: Zbirnyk materialiv Mizhnarodnoho seminaru [Accelerated examination of patent applications: foreign policy experience. IP at universities and research institutions. Proceedings of the International Workshop] (February 29 — March 4, 2016) ; Ed. Yu.L. Boshytskyi, Frensis Hari, Mikhal Shvanter. Lviv (in Ukr.): Galician Publishing Association Publ., 2016, pp. 35–44.

10. *Polonskaya I.* (2012) Patentnaya reforma SShA: pervye itogi [US Patent Reform: First Results]. *Intellektualnaya sobstvennost. Promyshlennaya sobstvennost* [Intellectual Property. Industrial property], no. 9, pp. 56–63.