



New Patent Policy Threatens U.S. National Security and Technological Leadership

As Congress negotiates legislation to safeguard our national security and support global U.S. technological leadership (USICA in the Senate and the America COMPETES Act in the House), an Executive Branch action threatens to undermine those efforts.

In December 2021, the Administration [proposed](#) an update to its Policy Statement on the treatment of standard-essential patents (SEPs), the patents underlying critical technologies like AI, 5G and quantum computing. In short, the proposal would weaken protections for SEP holders, disincentivizing U.S. innovation and R&D in these key areas and ceding global technological leadership to China.

This proposed policy change has generated an outpouring of [opposition](#) from former defense and national security experts, current and former government leaders of both parties, academics, inventors, entrepreneurs and many others. Meanwhile, on the other side, the primary backers of the proposal are Big Tech companies seeking to weaken patent rights so they can more easily steal innovations and maintain their market dominance, along with [China-based tech companies and China state-owned enterprises](#).

It is understandable why Big Tech and China support this policy, but why should anyone else?

NEW PATENT POLICY THREATENS U.S. NATIONAL SECURITY AND TECHNOLOGICAL LEADERSHIP

Who Supports and Who Opposes Proposal to Weaken Protections for Standard-Essential Patents?

Supports Weakening U.S.	Opposes Weakening U.S.
<ul style="list-style-type: none">•Big Tech Companies•Big Tech-Funded Lobbying Associations•China-Based Tech Companies•China State-Owned Enterprises	<ul style="list-style-type: none">•Bipartisan Former Defense and National Security Leaders•Bipartisan Former Leaders of DOJ Antitrust, USPTO and NIST•Bipartisan Group of Senators•Former FTC and ITC Commissioners•Scholars of Law, Economics and Business (including Nobel Laureate)•Former Federal Circuit of Appeals Judges•Economics, Competitiveness and Tech Policy Experts•Inventors and Entrepreneurs•University Tech Transfer Offices•R&D-Intensive Tech Companies•Venture-Backed Startups

Source: Regulations.gov