

**USPTO Seeks Comments on Virtual Marking**

The America Invents Act ("AIA") requires the United States Patent and Trademark Office ("USPTO") to report on the effectiveness of virtual marking as an alternative to physically marking articles with patent information. The AIA contained a provision permitting a virtual mark as a means of providing public notice that an article is subject to patent protection in lieu of a physical mark on the patented article.

The AIA mandates the USPTO to complete the report for Congress by September 16, 2014.

To fulfill its AIA reporting requirement, the Office is seeking public comment on specific aspects of virtual marking:

- whether virtual marking is effective for giving public notice;
- whether virtual marking has limited or improved the public's ability to access patent information;
- whether and what legal issues arise from virtual marking;  
and
- whether virtual marking has any deficiencies.

Comments on these topics, along with any other issues or experiences regarding virtual marking, may be emailed to

[virtualmarking@uspto.gov](mailto:virtualmarking@uspto.gov) by July 16, 2014.

More information about the Virtual Marking Report is available at <http://www.gpo.gov/fdsys/pkg/FR-2014-06-16/pdf/2014-14044.pdf>.

\* \* \*

*This Committee Update provides general information and not legal advice or opinions on specific facts*

---

98 North Washington Street, Boston, MA 02114, 617-723-4009

[www.newenglandcouncil.com](http://www.newenglandcouncil.com)

331 Constitution Avenue NE, Washington, DC 20002, 202-547-0048