MLex Quotes Robert Katz on Harmonization of Digital Design Protection

Banner Witcoff shareholder Robert Katz is quoted in a recent MLex article on the push for harmonization on digital design protection by US practitioners. Robert recently presented on the topic at the U.S. Patent and Trademark Office's (USPTO) International Design Forum.

Robert states, "When the US broke new ground 44 years ago, the US really lobbied other countries around the world and got them to come on board, and now they've all surpassed us, and we're still in 1981 with our interpretation."

The article discusses how other countries have altered the definitions of "article" or "object" to broaden them and allow digital items. At the same time, the US mandates that design patents first name a method of projection and then a digital object.

Robert breaks down the grey area this creates, stating, "If you have a design patent to a helmet, does it extend to a digital helmet? We're not sure. You can make a logical argument that the digital helmet is still a helmet, right? I mean, a car without a motor — like a model car — is still a car. But the thing is, we don't know because this is not legally tested."

The full article, which is behind a paywall, can be found here.

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