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US Law Week

A Trademarks for Humanity Act Would Lift Companies, Consumers

By Susan Natland

Opinion

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A Trademarks for Humanity program would benefit the economy and humanitarian initiatives, says Susan Natland, past chair of the USPTO Trademark Public Advisory Committee. She argues Congress should codify the program.

On Dec. 20, President Joe Biden signed into law the Patents for Humanity Act. This bill, which had bipartisan support, codifies the Patents for Humanity Program currently offered by the Patent and Trademark Office and recognizes patent owners that use their inventions to meet humanitarian challenges.

Congress and the White House should be applauded for recognizing the value of patents and their role in addressing humanitarian issues. At the same time, it is also important to recognize that another type of intellectual property plays a similarly significant role: trademarks.

While the USPTO has announced that it will be launching a Trademarks for Humanity Award this year, legislation codifying the program would, as with patents, benefit the US economy and humanitarian initiatives for years to come. Trademarks can be used in powerful and creative ways to address humanitarian issues—and a Trademarks for Humanity law would reward and promote trademark owners that use their trademarks in this way.

The world is replete with such examples. Consider Toms shoes, whose model of giving away one pair of shoes for every pair sold was core to its initial mission. Newman's Own food and beverage company contributes 100% of its profits for charitable purposes, and Phenomenal Woman, a female Black-owned lifestyle brand, is dedicated to bringing awareness to social issues and giving back.

These are just a few examples of brands doing good, and an award would encourage many more of them and promote those that are making an impact.

A codified Trademarks for Humanity Program would also be a great tool to promote not just the role of trademarks in addressing humanitarian and social issues, but the value trademarks bring to the economy overall.

Benefits Businesses, Consumers

In March 2022, the USPTO issued its updated report on intellectual property and the US economy that analyzes IP-intensive industries and their positive effect on the economy. Such industries accounted for \$7.8 trillion in US annual gross domestic product, with \$6.9 trillion—about one-third of the entire US GDP—coming from trademark-intensive industries alone.

IP-intensive industries also fueled 62 million jobs annually in the US, with 90% coming just from trademark-intensive industries. The report also found that businesses with strong IP are more profitable, and employees who work for those businesses earn significantly higher wages and have better benefits versus their peers.

In addition, more than any other area of IP, trademarks are critical to small and medium-size businesses, which are the lifeblood of the economy. With consumers caring more than ever about brands doing good, legislation incentivizing and supporting such brands would send a powerful message to businesses that trademarks are valuable.

Trademarks for Humanity awardees could also promote an award win to their customers, who are now more than ever making purchasing decisions based on brands that advance humanitarian and social issues.

Highlights Trademarks' Role

Most importantly, as with the Patents for Humanity Program, the world would benefit from a Trademarks for Humanity Program—whether companies and brands supply food and goods to those in need, fight for social justice, or take steps to improve the environment, the potential impact is endless.

A codified Trademarks for Humanity Program would highlight the role trademarks play in businesses and the economy, how they can impact consumer decision-making, and be used to better society. It would foster competitiveness and economic growth and provide a great opportunity to advance American businesses, entrepreneurs, and the economy overall. And it would do all of this while promoting social responsibility and supporting brands that are furthering humanitarian issues.

Trademarks for Humanity legislation would be a win for everybody. On the heels of the passage and enactment of the Patents for Humanity Act, there is no better time for Congress and the Biden administration to pass and enact a similar Trademarks for Humanity Act.

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