# POSITION DESCRIPTION

# UnderSecretary for Intellectual Property and Director of the U.S. Patent and Trademark Office, Department of commerce

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| **OVERVIEW** |
| Senate Committee | Judiciary |
| Agency Mission | The mission of the department is to create the conditions for economic growth and opportunity. |
| Position Overview | The undersecretary of commerce for intellectual property and director of the United States Patent and Trademark Office (USPTO) is responsible for leading an agency of more than 12,000 employees, mostly technical professionals and lawyers, in providing high quality and timely examination of patent and trademark applications—to foster innovation and competitiveness; guide domestic and international intellectual property (IP) policy in the United States; and provide information and education to help businesses protect their investments, promote their goods and services, and safeguard against deception in the marketplace.  |
| Compensation | Level III $168,400 (5 U.S.C. § 5314)[[1]](#endnote-1) |
| Position Reports to | Secretary of Commerce |
| **RESPONSIBILITIES** |
| Management Scope | In fiscal 2021, USPTO had 14,018 nonseasonal, full-time, permanent employees, and in fiscal 2020, it had an actual budget of $3.256 billion. [[2]](#endnote-2) Note: USPTO is entirely funded by the fees it collects, not from appropriations. |
| Primary Responsibilities | * **Administers the laws relating to the granting of patents, post-grant challenges of issued patents, registration of trademarks and dissemination of information to the public regarding patents and trademarks.**
* **Conducts programs, studies and exchanges regarding intellectual property.**
* **Conducts cooperative programs with nongovernmental organizations, foreign intellectual property offices and international intergovernmental organizations.**
* **Serves as a spokesperson for the executive branch on the broad range of domestic and international intellectual property issues confronting the nation.**
* **Manages** the federal agency responsible for granting U.S. patents and registering trademarks, including employees represented by three unions.
* Runs the largest judicial body in the United States that adjudicates issues of patent validity.
* Advises the president, the secretary of commerce and U.S. government agencies on intellectual property policy, protection and enforcement.
* Promotes stronger and more effective IP protection around the world.
* Works with other agencies to secure strong IP provisions in trade and other international agreements to protect American innovators and entrepreneurs.
* Provides training, education and capacity-building programs designed to foster respect for intellectual property and encourage the development of strong IP enforcement regimes by U.S. trading partners.
* Ensures efficient use of career civil service and IT infrastructure.
* Processes patent applications and gets them to “First Office Action” and “Final Office Action” -- documents written by a patent examiner in the course of examination of a patent application – in a timely manner and brings trademark applications to effective and timely resolution.
* Remains up to date on legal issues pertaining to intellectual property and is prepared to respond in line with the administration’s vision.
* Promotes the continuous introduction and protection of new ideas in the national marketplace by quickly reviewing applications and using B innovative budgeting practices.
* Works closely with the Department of Justice, the International Trade Administration, the Office of the U.S. Trade Representative and the Office of Science and Technology Policy.
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| Strategic Goals and Priorities | [Depends on the policy priorities of the administration] |
| **REQUIREMENTS AND COMPETENCIES** |
| Requirements | * Extensive background in intellectual property law, IP policy, patent law, and trademark law and regulation.
* Understanding of how the different industrial sectors view intellectual property (that is, the technology sector versus pharmaceutical companies versus traditional manufacturing).
* Experience managing and improving the process efficiency of a large organization with a strong union presence.
* Credibility with, and ability to manage key stakeholders, including the Patent Bar, the Examiners Union, small inventors and key congressional players (Senate and House judiciary committees).
* Extensive management experience (10+ years).
* Strong leadership experience (10+ years).
* Strong international IP experience.
* Strong experience with industry association and trade groups interacting with USPTO.
* Capitol Hill experience with members, staff, and political and legislative processes.
* Extensive experience navigating large enterprise organizations.
* Undergraduate science degree and law degree.
* Law practice experience (10+ years).
* License to practice before USPTO.
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| Competencies | * Strong communication and interpersonal skills.
* Excellent leadership skills.
* Ability to work under high pressure.
* Ability to handle sensitive matters.
* Energy for frequent amount of travel.
* Excellent negotiation skills.
* Ability to work in a matrixed agency.
* Ability to work across partisan lines.
* Ability to manage large budgets.
* Working knowledge of key issues for many constituencies, including universities; small businesses; independent investors; and the IT, life sciences and agriculture industries.
* Ability to find creative solutions to complex problems with many stakeholders.
* Knowledge of systems and management.
* Experience with change management and leading through change.
* Ability to work with other agency heads across government with very different agendas.
* Ability to advocate within the administration, in Congress, in courts and overseas for strong and effective IT protection.
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| **PAST APPOINTEES** |
| Andrei Iancu (2018 to 2021) – Lecturer, UCLA School of Law; Partner, Irell & Manella; Engineer, Hughes Aircraft |
| Michelle K. Lee (2015 to 2017) – Deputy General Counsel, Google; Head of Patents and Patent Strategy, Google; Partner, Fenwick & West LLP |
| David J. Kappos (2009 to 2013) – Member, Intellectual Property Enforcement Advisory Committee; Member, Technology Council, Department of Commerce; Vice President and Assistant General Counsel, International Business Machines Corporation |

1. The Consolidated Appropriations Act, 2021 (Public Law 116-260, December 27 ,2020), contains a provision that continues the freeze on the payable pay rates for certain senior political officials through January 1, 2022. The compensation information is based on guidance from the Office of Personnel Management and can be accessed [here](https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-4#:~:text=Section%20748%20of%20division%20E,on%20December%2031%2C%202020%2C%20by). If you are selected for this position, please consult the agency’s HR representative for further guidance on compensation.  [↑](#endnote-ref-1)
2. [↑](#endnote-ref-2)