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Alliance of U.S. Startups & Inventors for Jobs

Turning Special 301 Into Concrete Results for U.S. Innovators

American innovators — the small companies, universities, R&D labs, and inventor-led startups whose patents drive our most critical industries — hailed the release of the 2026 Special 301 Report as one of the most consequential in the program's history. For the first time, the Report dedicates a standalone section to Intellectual Property and Standards, identifying the foreign tactics that have systematically devalued U.S. standard-essential patents.

The work we all now share is to make sure it has a meaningful impact.

Here's how:

1. **USTR should pursue specific bilateral commitments that preserve access to injunctive relief for SEP holders consistent with FRAND principles.**

   When foreign jurisdictions devalue standard-essential patents (SEPs), they are not merely adjusting a licensing market — they are expropriating American property and shifting the cost of standardized innovation onto U.S. investors and consumers.

2. **U.S. agencies, including the USPTO, the Antitrust Division of the Department of Justice, and the Federal Trade Commission, should ensure that domestic policy positions on SEPs and injunctive relief reinforce the trade posture outlined in the Special 301 Report.**

3. **USTR should initiate Section 301 investigations where warranted.**

   Launching an investigation into Germany is an important first step. But several of America's largest trading partners — including Canada, Japan, and South Korea — still maintain harmful pharmaceutical pricing practices.

4. **Congress should pass the RESTORE Act.**

   This bipartisan bill would reinstitute a statutory rebuttable presumption of injunctive relief in cases where a U.S. court has issued a final finding of infringement — and is entirely consistent with concerns raised in the Special 301 Report that effective patent enforcement is diminished by limits on injunctive relief.

ABOUT THE ALLIANCE OF U.S. STARTUPS AND INVENTORS FOR JOBS:

The Alliance of U.S. Startups & Inventors for Jobs (USIJ) is a coalition of innovators, startups, university technology transfer offices, and venture investors dedicated to preserving the American patent system as the engine of U.S. economic growth.