

**5th Annual BTLJ-BCLT Fall Symposium:  
Race, Rights, and Innovation:  
Cultivating Equity in the Digital World**

**Cultivating Racial Diversity  
in Innovation and Patent  
Law**

September 27, 2024

# Patently Inequitable

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Innovator in Residence, MIT

# Three Examples

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HAIR SPONGE



KOSHER INK



TURMERIC POWDER  
PATENT

# Law of averages harms those with nondominant cultural capital



Subject matter art unit categorization



Commonly understood language within an art unit



Familiarity with global inventions

# Reform goals

- The goal is NOT to make things easier or harder for groups to get patents. The goal is to make the process more equitable
- New department of culture (DOC Department) at the USPTO, with sociologists and anthropologists
- Examine structural issues in categorization
- Develop process for appeal and declarations to better include cultural education
- Improve traditional knowledge and oral knowledge base with direct consent of the discloser.

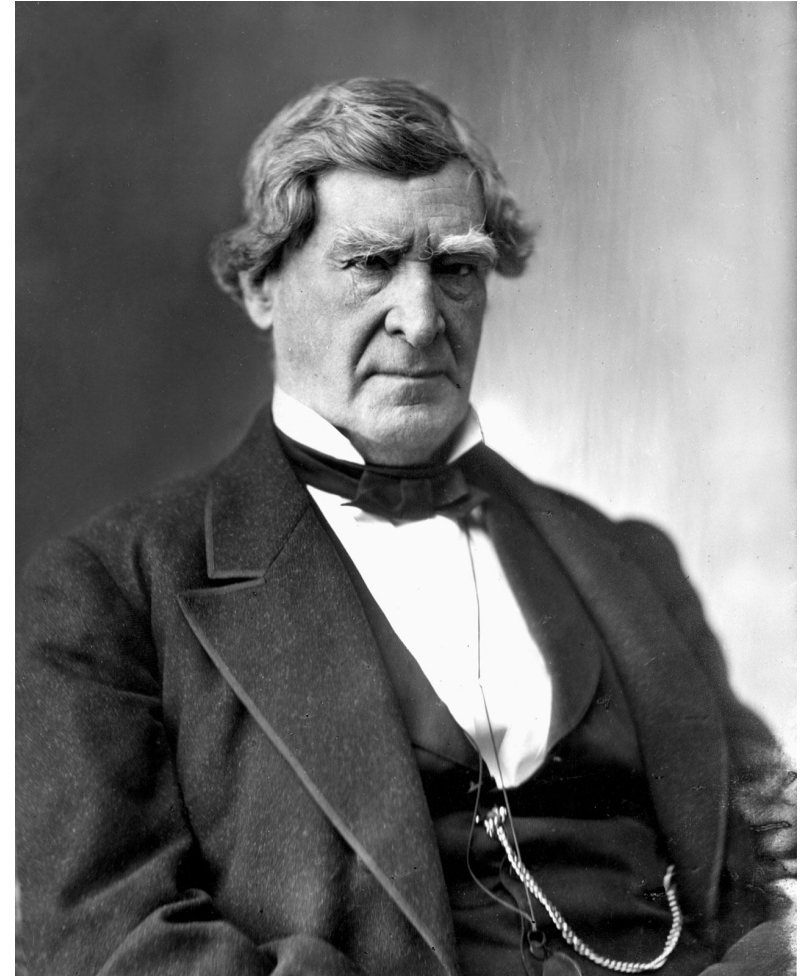
# **Race and Invention Blackness and Innovation**

**Rayvon Fouché**  
**Communication Studies**  
**Medill School of Journalism**  
**fouche@northwestern.edu**

# Blackness and the U.S. Patent System

“a machine invented by a slave, though it be new and useful, cannot, in the present state of the law, be patented. I may add that if such a patent was issued to the master, it would not protect him in the courts against persons who might infringe it.”

Attorney General Jeremiah S. Black, 1858





LEWIS HOWARD  
LATIMER  
SEPT. 4, 1848  
DEC. 11, 1928

"SO THAT IN TIME, WHEN WE ARE GONE,  
THE LIVING MAY OUR PRAISE PROCLAIM,  
AND LOVING LIPS DRINK UNTO US,  
TO KEEP ALIVE FOUND MEMORY'S FLAME."



City of Fall River  
Proclamation

Whereas: Lewis Howard Latimer, the true definition of a Renaissance Man, was born in Chelsea, Massachusetts on September 4, 1848

Whereas: He was the son of self-Gleaned Virginians, who wanted better lives and their children.

Whereas: Lewis' keen improvement to the carbon filament of the light bulb, is affordable, widespread, and a monumental and historical improvement to mankind.

Whereas: His skilled patent expertise supported Alexander Graham Bell in his telephone invention.

Whereas: He was awarded 19 patents of his own inventions, including ones for lamps, railroad train bathroom, and air conditioning.

Whereas: In addition to being a patent expert, he was a draftsman, painter, poet, linguist with knowledge of French and German.

Whereas: His daughters published his beautifully written poetry collection titled "Love and Life," with poems like "My soul will be a star" and "Then Venus."

Whereas: To commemorate his achievements, and to urge all citizens of Fall River in the celebration of this day.

Now therefore: I, Paul F. Coogan, Mayor of the City of Fall River, Massachusetts do hereby proclaim, September 23<sup>rd</sup>, 2023 as

"Lewis H. Latimer Day"

WITNESS MY HAND and  
The official seal of Fall River, Mass.  
Paul F. Coogan  
Paul F. Coogan







“A typewriter?—why shd it only make use of the tips of the fingers as contact points of flowing multi directional creativity. If I invented a word placing machine, an “expression-scriber,” if you will, then I would have a kind of instrument into which I could step & sit or sprawl or hang & use not only my fingers to make words express feelings but elbows, feet, head, behind, and all the sounds I wanted, screams, grunts, taps, itches, I’d have magnetically recorded, at the same time, & translated into word—or perhaps even the final xpressed thought/feeling wd not be merely word or sheet, but itself, the xpression, three dimensional—able to be touched, or tasted or felt, or entered, or heard or carried like a speaking singing constantly communicating charm. *A typewriter is corny!!*”

Amiri Baraka, 1972

**New**

**Useful**

**Nonobvious**

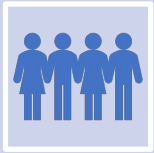


Jesse Wensing/Agence France-Presse, via ANP/AFP and via Getty Images; Jeenah Moon for The New York Times

# Professor Vanni – Research Background

- Assistant Professor in Intellectual Property Law, University of Leeds.
- Interdisciplinary, critical legal scholar with broad interests and background international relations, politics and international economic law. My main interests are in:
  - IEL
  - Intellectual property law
  - Global governance
  - Development

# Stealth Governance: Proliferation of Multistakeholder Actors in IP Governance



**Description** - While the activities of philanthropic donor actors working in public health are seen by many as a way to save the world and 'do' development, others view the engagement of these actors as rebranding public health into a neoliberal model where healthcare is privatised without socio-economic context.



**Objectives** - This project (a) investigates the influence of the Philanthropic actors on aspects of IP law governance and (b) seeks to locate how this influence produces a particular type of outcome on global IP discourses, access to medicines discourses and related financial investments on drug development.

# The Moral Economy of Contemporary Pharmaceutical Patent Regime

**Description** - the injustices perpetrated during the COVID-19 pandemic from vaccine apartheid, and the use of IP laws to stifle access and maximize corporate profitability, which sacrificed the life and health of millions should not be shrugged away as part and parcel of neo-liberal economic activities.

**Objectives** - the project aims to illuminate the moral economy of the contemporary pharmaceutical patent regime, and to persuade state elites and their constituents to take specific stands on monopoly privileges. Adopting an interdisciplinary approach, this project seeks to address the significant human costs of the weaponization of IP law by examining crucial pain points in global IP governance --the HIV/AIDS crisis and the COVID-19 pandemic -- and the normalising 'unintentional' dying

# Intellectual Property, Slavery and Early British Industrial Revolution

**Description** - a collaborative project to excavate, identify and draw attention to the effacement, appropriation, and theft of Black intellectual property under slavery. this project aims to uncover and analyse the ways in which race and racialized categories shaped and informed the discourse on ownership and intellectual property law in England from the late 16th- 18th century.

# History, Social Justice, and the Stakes of Diversity in Technological Development

Race, Rights, and Innovation: Cultivating Equity in the Digital World  
Berkeley Technology Law Journal Symposium, Sept. 27, 2024

Kara W. Swanson

Northeastern University, Boston, MA

“To ensure  
technology’s  
universal  
effectiveness, it  
is crucial to  
foster greater  
diversity at  
every stage of  
technological  
development”  
- Panel description

Thomas  
Jennings  
New York City  
ca 1791 – 1859

- Founder, Legal Rights Association
- Abolitionist
- Assistant Sec'y, 1<sup>st</sup> Annual Convention of People of Color, 1831
- Tailor & dry cleaner
- Inventor and patentee

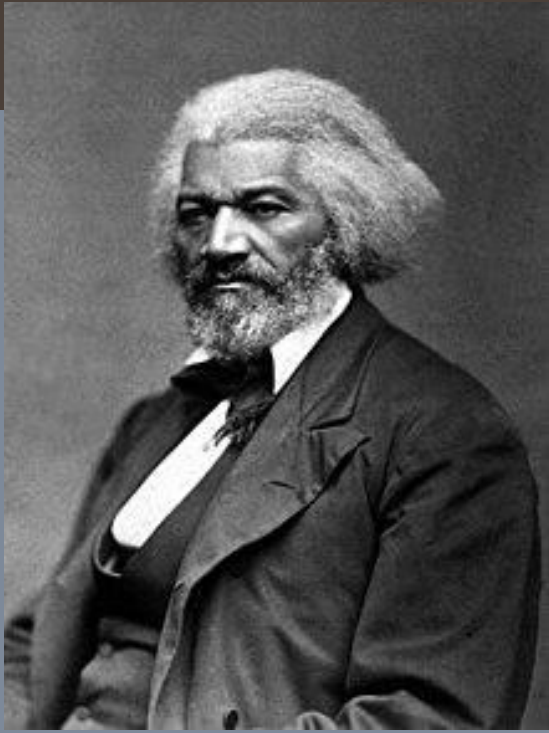
**LETTERS PATENT**  
**BEING** granted under the GREAT SEAL OF THE UNITED STATES OF AMERICA unto THOMAS L. JENNINGS, Tailor, 63 Nassau street, New-York, for his Invention of Dry Scouring Clothes, and Wool-lem Fabrics in general, so that they keep their original shape, and have the polish and appearance of new, informs the public that he is ready to execute all Orders entrusted to him in the above line, on reasonable terms. He also Alters and Repairs Gentlemen's Clothes in the neatest manner, being regularly brought up to the Tailor's business, and practicing in this city the last 14 years. He also removes stains from Cloth.

N.B. Directions will be given how Clothes may be kept in the condition they are delivered

☞ Gentlemen's Clothes purchased—Military Clothes and Accoutrements sold on Commission, on moderate terms. m8 lw

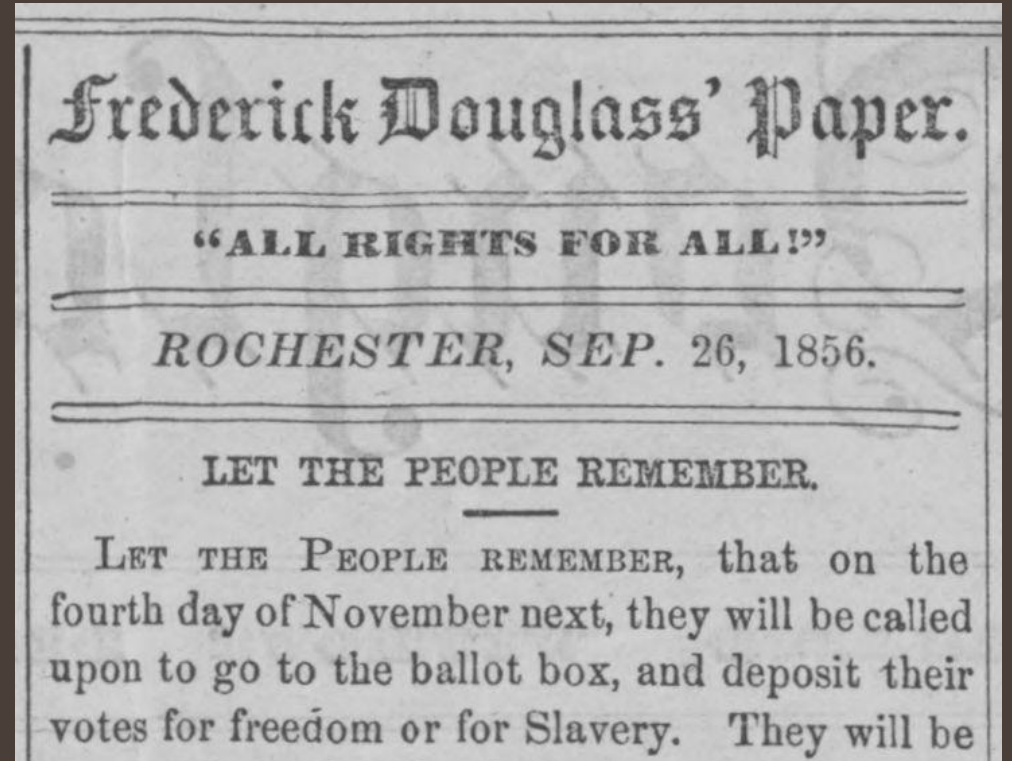
New York Gazette. March 13, 1821





Frederick  
Douglass  
ca 1818 – 1895

- Abolitionist
- Publisher, writer, orator
- Thrown off a train in Lynn, MA for refusing to sit in segregated car, 1841
- Supporter of women's suffrage



**Thank you for joining us.**

# Resources

**Jordi Goodman**

[Patently Inequitable](#)

[Access to Justice to Black Inventors](#)

**Kara Swanson**

[SSRN Author page](#)

**Colleen Chien**

[Redefining Progress: the Case for Diversity in Innovation and Inventing](#)