



# BRIEFS



## MVS to Host Session for the World Food Prize



**HEIDI SEASE NEBEL**  
Partner

On October 29-31, in Des Moines, Iowa, in conjunction with the presentation of the World Food Prize, the "Borlaug Dialogue" will bring together international experts, policy leaders, business executives, and farmers to address cutting-edge issues in global food security and nutrition. The event attracts over 1,000 participants from more than fifty countries and has been referred to as the premier conference in the world on global agriculture.

MVS is honored to host a side session (which can be attended free of charge to both registrants and non-registrants) with an incredible list of speakers on **Wednesday, October 30th, from 7:00 am to 8:30 am CST.** The session will focus on the critical role of Intellectual Property (IP) in promoting food security.

The importance of IP in food security is underscored by this year's honorees, Dr. Geoffrey Hawtin and Dr. Cary Fowler, who are being honored for their leadership in preserving and protecting crop biodiversity in Genebanks to defend against threats to global food security. Global crop biodiversity and genetic resources are essential to long-term food security in the face of climate change, pandemics, conflicts, and other existential threats. They are crucial resources for scientists who develop improved varieties of the world's most important food crops. The biological material in approximately 7.4 million samples held in more than 1,750 genebanks around the world contains beneficial traits with the potential to improve crops' climate resilience, disease resistance, nutritional value, and tolerance to high salinity.

These traits become even more critical when considering that ninety percent of the required increase in global food production required to feed the expected population of 8.9 billion people by 2050 will have to come from intensified farming practices and higher yields, as decreasing arable land and climate change bring new threats to farmers.

The increase must be from higher productivity enabled by genetic biodiversity that can be bred into our plant varieties.

In this context, plant breeding becomes increasingly important to ensure that crops are adapted to more challenging environmental conditions. Plant breeders have enjoyed remarkable success in increasing the productivity of key crops. From 1960, crop yields have increased globally by 77 percent and in developing countries by 70 percent. Improved soil management and crop rotation systems, fertilization, and plant protection have helped to exploit the genetic potential of new varieties provided by plant breeding.



To ensure global food security, agricultural innovations need to be affordable and seed companies need an incentive to develop them – in sum, the economic benefit of developing these technologies must be present.

The importance of offering incentives to develop innovative technologies that will enable us to meet the challenge of food security in a context of climate change and

rapid population growth cannot be overstated. Intellectual property has an imperative role to play in providing the incentives to foster the innovation required if we are to meet this challenge.

Our efforts in putting this session together and funding it on behalf of MVS stems from our passionate belief that feeding the world must involve Intellectual Property rights for plant varieties.

Each of the speakers in the MVS session has an important voice and perspective on this issue. Intellectual property protections such as Plant Breeder's Rights, secured through enactment of UPOV legislation, and patents will bring sophisticated seed companies to the table, and will allow them to enable plant breeders to bring forward new and valuable traits for farmers to grow safer, healthier, and more robust crops to feed generations of people.

Below is a list of Committed Speakers for this important session:

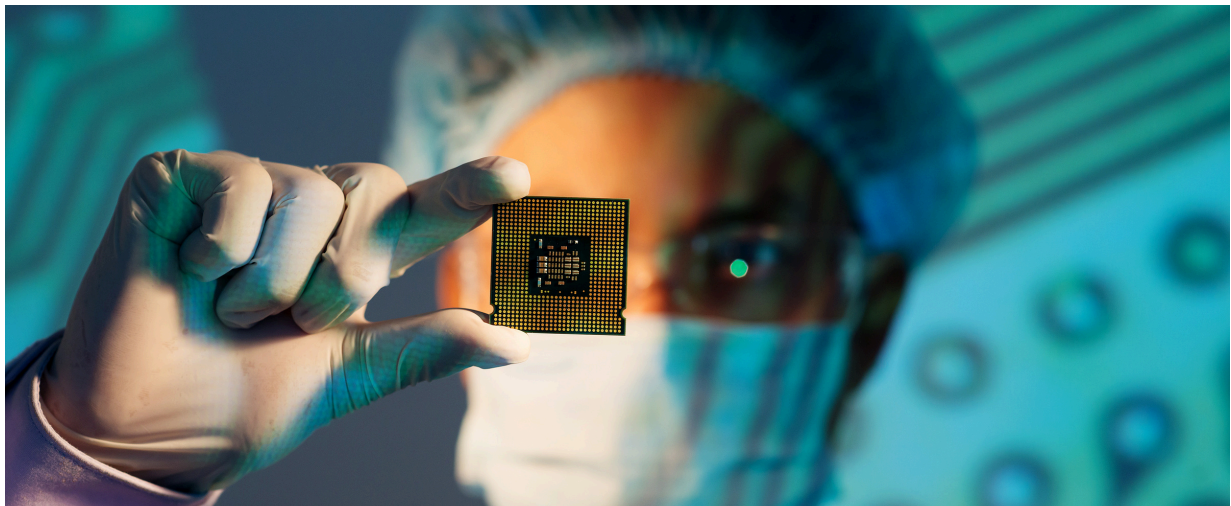
**Jeffery Haynes** - Acting Commissioner, Plant Variety Protection Office, USDA Branch Chief at U.S. Department of Agriculture

**Nyeemah A. Grazier** - Patent Attorney, Office of Policy and International Affairs USPTO

**Ms. Yolanda Huerta Casado** - Vice Secretary General, International Union for the Protection of Plants

**Professor Nicola Spence** - Deputy Director, Plant and Bee Health and Chief Plant Health Officer, at the Department for Environment, Food and Rural Affairs for the UK.

*Hope to see you all October 30th!*



## The CHIPS ACT: Could Vital Legislation and Impending Grants Make for a Potential Race to File for More Semiconductor Patents and Litigation?



### [SHIREEN K. BHATIA](#)

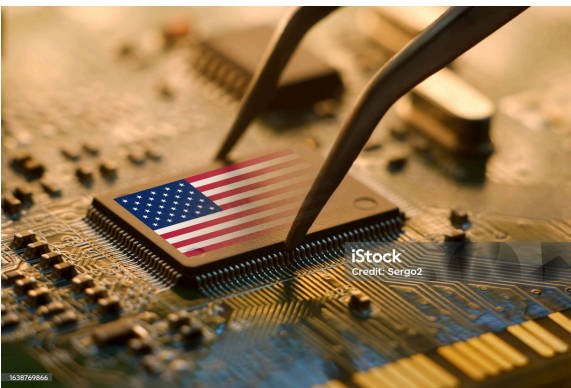
Associate Attorney

In July of 2022, Congress passed the Creating Helpful Incentives to Protect Semiconductors Act (CHIPS Act). *Congressional Research Service Report "Frequently Asked Questions: CHIPS Act of 2022 Provisions and Implementation."* The CHIPS Act became the catalyst for semiconductor manufacturing, in an effort to give the United States a much-needed jump start to revitalize the industry and rejoin the ranks of other manufacturing hubs including South Korea, Taiwan and China. *Id.* at p 2. The CHIPS act appropriated \$52.7 billion in appropriations from 2023 through 2027 and earmarked up to \$38.22 billion to provide financial incentives to build and further develop US based semiconductor fabrication plants. *Id.* at p 1. Additionally, the CHIPS act allocated \$39 billion in manufacturing incentives, \$13.2 billion in Research and Development activities and \$500 million for international information communications technology, security and semiconductor supply chain activities. *Id.* at p 2.

Since its passage, the CHIPS Act has had a vital role in its impact on Intellectual Property across the United States. Chiefly among these developments include a drastic increase in filings for patents in the semiconductor space. In 2023 alone, *Semiconductor Technology received the most granted patents in 2023.* Semiconductor Tech Received Most Granted Patents in 2023. According to an annual report from Anaqua, semiconductor technologies received the most granted patents in the United States in 2023. *Id.* This was the second year in a row that semiconductors topped that list. *Id.* In the lead was Samsung Electronics with just over 10,000 patents in the plural semiconductor manufacturing. *Id.*

The CHIPS Act is also creating a sense of impending competition among semiconductor manufacturers, especially industry leaders such as Intel, Samsung Electronics and Taiwan Semiconductor Manufacturing Co. Intel is currently set to receive the largest CHIPS Act grant, totaling in \$8.5 billion in exchange for a \$100 billion commitment to construct new fabrication facilities or expand existing ones. *TSMC, Samsung Rake in 13.2B for US Chip Ambitions.*

This is a far cry from the funding allocations made to their competitors TSMC, Samsung, Micron Technology and GlobalFoundries Inc, which each received more than \$1 billion in grants. *All of the Grants Given by the U.S. Chips*. Though companies seeking grants under the CHIPS Act are still awaiting their bids, the competition for grants for research and development may impact companies' abilities to file patent applications before competitors, potentially opening further patent infringement suits. As of the end of August 2024, the grant announcements included semiconductor manufacturers such as BAE Systems, Microchip Technology, Global Foundries, Intel, Samsung, Micron, Polar and many more. *Id.*



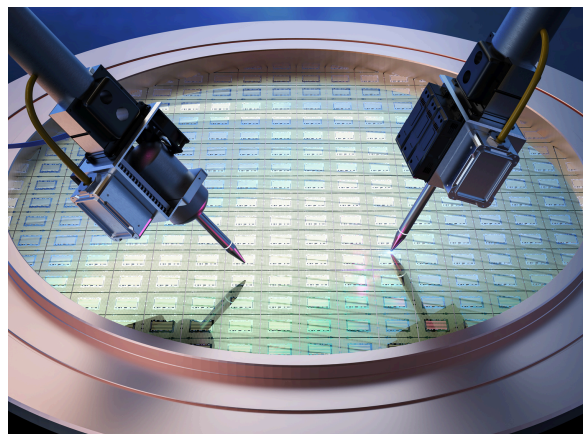
**So, what does this influx of funding mean for Intellectual Property and more specifically, patents?**

As the grants are slowly announced, the patent filings potentially could increase, and perhaps even patent litigation suits begin. However, it is important to note that the semiconductor fabrication operations in the US traditionally have not been targets for infringement litigation. That said, landscapes can always change. With the rise of domestic semiconductor production, litigation strategies including selection of defendants and venues may change too. *What Patent Litigators Should Know about CHIPS Act Grants.*

This may suggest that the traditional venues for patent litigation, including Texas, may begin to expand well beyond just Texas. *Id.* Some of the companies receiving grants from the Chips Act are located in places such as Arizona, Ohio, Idaho, and the Northern District of New York. *Id.*

Additionally, this surge in domestic productions may have a lingering impact on how many cases the International Trade Commissions hears regarding fabricators, fabless chip designers and other imported products that could infringe domestic patents. *Id.* However, with the prevalence of overseas productions of semiconductors, there may still be a need to exclude products imported to the United States. *Id.*

As grants continue to be awarded, now is the best time to begin strategizing with clients about new IP filings, portfolios, and discussions regarding raising litigation in venues, especially with new constructions of new facilities across the countries. *Id.* In fact, time is of the essence especially since US Secretary of Commerce Gina Raimondo has already alluded to a CHIPS Act 2 being necessary as further investment to advance the United States in semiconductors globally. *US Needs More Chips Funding as AI Fuels Demand, Raimondo Says.*



# Patents for Partial Designs Now Available in China

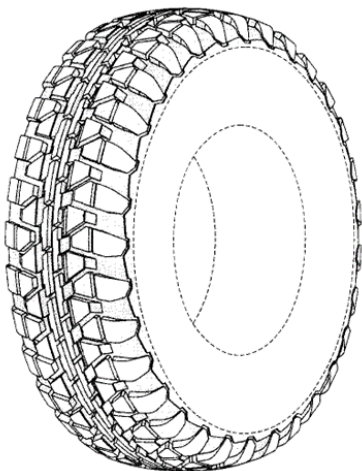


**LARS GUNNERSON**

Partner

On June 1, the *Patent Law of the People's Republic of China* introduced the concept of a "partial design". Article 2.4 of the Patent Law defines a "design" as "a new design of the shape, pattern, or a combination thereof, as well as a combination of the color, shape and pattern, of ... a portion of a product, which creates an aesthetic feeling and is fit for industrial application." By allowing partial designs, the amendment moves the *Patent Law of the People's Republic of China* toward a system that more closely resemble the design patent laws of the United States.

The U.S. design patent laws allow for the protection of a partial design by allowing Applicants to *disclaim* the portion of an object that does *not* form part of the claimed design. Typically, broken lines are used to show environment and boundaries that form no part of the claimed design. By way of example, this can allow the Applicant to claim only the tread of a car tire, as shown below. Surface ornamentation can also be claimed.



The new provision of the *Patent Law of the People's Republic of China* also requires the Applicant to submit views of the entire product, allowing the Applicant to use combinations of solid, boundary (often dash-dot-dash), and broken (dash-dash or dotted) lines to indicate the claimed portion of the design. U.S. Applicants are thus in a great position to take advantage of this new provision, as this is already required in the United States. U.S. Applicants also have the ability to file international design applications through the Hague System, of which China is a contracting party.

The *Patent Law of the People's Republic of China* specifies the claimed part in a partial design must be a new design that forms a relatively independent area within the overall product. Component parts of a product must be able to be partitioned or sold and used independently.

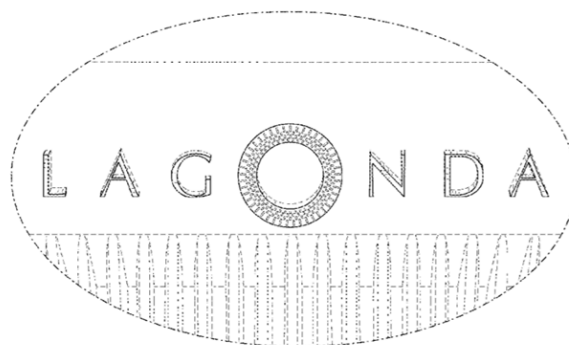
The partitioning aspect is interesting: if protection is sought for parts of a product that cannot be separated, a patent application for a partial design should be submitted, for example, in a separate application with a title that clearly indicates the specific part that is to be protected, *i.e.*: "TREAD FOR AUTOMOBILE TIRE".

Other harmonized aspects of the new provision include that the Applicant must explain the meaning of the distinction between the solid and broken lines, *i.e.* to specify which aspects of the design are claimed; the Applicant should submit six-sided orthographic projection views and one perspective view that can clearly show the claimed part should be included, and if necessary, enlarged or cross-sectional views can also be submitted; and indicate the position and proportion of the claimed part in relation to the overall product.

Unharmonized aspects of the *Patent Law of the People's Republic of China* still include China's more relaxed policy on restriction amongst designs that relate to a single commercial product. The United States notoriously includes some of the strictest standards for designs in the world, and therefore almost always require the Applicant to file many such applications to cover distinct components for a single product. In China, if the initial application pertains to the overall design of a product, it is not permissible to submit a partial portion of it as a divisional application. Similarly, if the initial application concerns the design of a part of a product, it is not allowed to submit designs of the overall product or its other parts as divisional applications. See e.g., Article 33 of the *Patent Law of the People's Republic of China*.

In China, an assembled product is just one design that requires one set of filing fees to file. An assembled product refers to a single product composed of multiple components, generally divided into one of the three following groups: (1) products with only one option of assembly, as an automobile; (2) products with more than one option of assembly, such as step rails that can be attached at multiple locations of an automobile; and products without an assembly relationship, such as air fresheners that attach to the rearview mirror within the cabin of an automobile. In other words, two or more partial designs of the same product without a connected relationship that are functionally or design-related and create a specific visual effect may be treated as a single design. Multiple arbitrarily arranged items however, such as window stickers that can be randomly placed decorations on a window of the automobile, are not an assembled product.

One potential drawback of the new provision in the Patent Law of the People's Republic of China is that the laws seemingly do not allow for a design to protect a randomly selected part of a bottle. In the United States, this may actually be possible through the use of dash-dot-dash boundary lines which are more or less arbitrarily selected, and could be used to protect car decals, logos, and replicas that appear on the external surface of an automobile, such as the arbitrarily selected oval boundary around the logo shown below.



The examination practice for partial design applications in China differs significantly from that in other jurisdictions. Applicants seeking to protect partial design applications in China while claiming foreign priority must be aware of the differences in examination practice. That said, design patent applications are not generally subject to substantive examination in China, and the Chinese National Intellectual Property Administration (CNIPA) does not always examine Hague System applications that designate China, whereas the United States Patent and Trademark Office always does. Formal or content examination of the application follows the provisions of the Hague Agreement and the Common Regulations under the 1999 Act and the 1960 Act.

The examiner will not reject an international design application based on formal defects in the application documents.

Finally, regarding post-filing procedures, China is like the United States in that China is similarly strict regarding any post-filing modifications. Such modifications must not extend beyond the scope represented by the original drawings or photographs. Applicants from the United States must therefore utilize a familiar process to formulate their filing strategies in advance and retain the services of competent local patent counsel and professional patent illustrators. The applicant for a design patent application in China may only file a voluntary amendment to the design patent application within two months from the filing date of such design patent application. After this time period elapses, amended documents must address the deficiencies in the initial application documents as outlined by an Examiner.

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## Fee Changes Coming to Patents and Trademarks in 2025



**JONATHAN L. KENNEDY**

Partner

Proposed fee changes for 2025 have passed the notice and comment period and are expected to go into effect in the USPTO's 2025 fiscal year. The USPTO allowed for public comments on the proposal to be received up until May 28, 2024. The notice of proposed rulemaking followed public hearings held by the Patent Public Advisory Committee (PPAC) and Trademark Public Advisory Committee (TPAC) which allowed for comments and recommendations in 2023 to the PPAC and TPAC on the fee proposals. The rules propose to set or adjust 455 current patent fees with the introduction of 73 new fees (89 FR 23226-23291) and to set or adjust 31 current trademark fees with the introduction of 12 new fees and discontinuation of 6 fees (89 FR 20897-20915). Some changes of note follow regarding both trademarks and patents.



## Trademark Fee Updates

The USPTO is making changes to the existing fees and categories of fees for trademark filings, statements of use, amendments to allege use, petitions, and various post-registration fees. Further, they are adding new surcharges to “enhance the quality of incoming applications” and to “encourage efficient application processing.”

### Trademark Filing Fees

The Trademark Office is eliminating both the TEAS Standard and TEAS Plus application types and switching to a singular electronic filing option. The fee per class of goods/services is staying the same as the current TEAS Standard filing option at \$350/class. However, the elimination of the discounted TEAS Plus category will be disappointing to a number of filers. The paper filing cost is increasing from \$750/class to \$850/class.

### Statements of Use/Amendments to Allege Use

Statements of Use and Amendments to Allege Use are increasing by \$50 each for both paper and electronic applications – from \$200 to \$250 for paper applications and from \$100 to \$150 for electronic applications.

### Post Registration Fees

Various updates have been applied to post-registration fees as summarized in the following table:

Description	Current Fee (2024)	Proposed Fee (2025)
§9 registration renewal application, per class (electronic)	\$300	\$350
§8 declaration, per class (electronic)	\$225	\$300
§15 declaration, per class (electronic)	\$200	\$250
§71 declaration, per class (electronic)	\$225	\$300
§9 registration renewal application, per class (paper)	\$500	\$550
§8 declaration, per class (paper)	\$325	\$400
§15 declaration, per class (paper)	\$300	\$350
§71 declaration, per class (paper)	\$325	\$400
Renewal Fee filed at WIPO	\$300	\$350

### Petition Fees

The Trademark Office is also increasing the cost of petitions to the Director. Petitions to Revive are increasing by \$100 – from \$250 to \$350 for a paper application and from \$150 to \$250 for an electronic application. Similarly, general Petitions to the Director are increasing by \$150 – from \$350 to \$500 for a paper application and from \$250 to \$400 for an electronic application.

### New Surcharges

As noted above, the Trademark Office is implementing a number of new surcharges to encourage improvements in the application quality received.

There will be a \$100/class surcharge for insufficient information in any base trademark application filed. This will include information such as applicant's name and domicile address, nature of applicant's legal entity, citizenship of each applicant, requirements related to the description of the mark, and descriptions of class(es) of goods/services.



Essentially, if the information required in the base application is insufficient or fails to satisfy the requirements for that application, the surcharge will be issued.

There will be a \$200/class surcharge for use of the free-form text box to enter the identification of goods and services in any application filed.

There will be a \$200/class surcharge for use for each additional group of 1,000 characters beyond the first 1,000 used in a free-form text field. This is due to certain applications where extensive lists (even spanning multiple pages per class) are submitted.

For more details regarding the trademark fee updates, the full report, including detailed budget analysis and more details regarding the updated, discontinued, and new fees is located at [Federal Register: Setting and Adjusting Trademark Fees During Fiscal Year 2025](#)

Patent Fee Updates

There will be an overall increase in routine fees to obtain a patent including, but not limited to, filing, search, examination, and issue fees. Adjustments are based on cost estimates found in the agency's Fiscal Year 2025 Budget following a biennial review of costs, fees, and revenues. Applications that meet the criteria for small or micro entities will continue to pay a reduced fee where eligible. The following are some of the proposed fee changes:

**Proposed Terminal Disclaimer Fee Changes for 2025**

Description	Current Fee (2024)	Proposed Fee (2025)
Filed prior to the first action on the merits	\$170	\$200
Filed prior to a final action or allowance	\$170	\$500
Filed after final or allowance	\$170	\$800
Filed on or after a Notice of Appeal	\$170	\$1100
Filed in a patented case or in an application for reissue	\$170	\$1400

**Proposed Terminal Disclaimer Fee Changes for 2025**

Description	Current Fee (2024)	Proposed Fee (2025)
1st RCE	\$1300	\$1500
2nd RCE	\$2000	\$2500
3rd RCE (and subsequent)	\$2000	\$3600

**Proposed Terminal Disclaimer Fee Changes for 2025**

Description	Proposed Fee (2025)
Application filed ≥ 5 years after earliest benefit date:	\$2200
Application filed ≥ 8 years after earliest benefit date:	\$3500

\*Provisional is not included in earliest benefit calculation.

## Other Proposed Fee Changes for 2025

After Final Consideration Pilot (AFCP): \$500

Escalating information disclosure statement (IDS) Fees:

- > 50 References: \$200
- > 100 References: \$500
- > 200 References: \$800

\*Based on cumulative references cited

Petition Fee for Patent Trial and Appeal Board (PTAB) Trials (PGR and IPR): ~25%

The implementation of these fee changes aims to maintain sufficient total revenue for USPTO operations in the coming years. The adjustments were deemed necessary following a review and analysis of the agency's estimated revenue and cost forecast for the next five years. The fee changes are intended to increase stability in the USPTO's finances, enabling predictable and reliable services to U.S. innovation and entrepreneurship. Increasing USPTO operating costs from baseline estimates is attributed to inflation trends in the US over the last two years.

The proposed rule and subsequent changes have been determined to be economically significant and thus require a Regulatory Impact Analysis (RIA) under executive order. An RIA was prepared by the USPTO to analyze costs and benefits of the proposed rule over a five-year period. Cost and benefit analysis derived from the RIA are qualitative as the USPTO indicates that quantifying social costs and benefits has difficulties. This assessment covers the schedule design of the changes and a revenue analysis to ensure the alternative is adequate in supporting the mission and priorities of the USPTO while serving the interests of U.S. innovation and entrepreneurship.

All of the expected patent fee changes can be accessed at [Federal Register: Setting and Adjusting Trademark Fees During Fiscal Year 2025](#)

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## **Bayh-Dole March-In Rights in a Post Chevron World**



**CHARLEY ROMANO, Ph. D.**

Senior Patent Agent

The bipartisan Bayh-Dole Act of 1980 which transferred ownership of patents arising from US government funded research to universities has yielded a remarkable return on investment. In its 44 years of existence, Bayh-Dole has led to over \$1.3 trillion in U.S. economic growth and over 4.2 million jobs. Products ranging from pharmaceuticals Allegra, Lyrica, and Taxol to consumer products such as high-definition TVs have found their way to consumers through Bayh-Dole licensing and resultant private-sector investment.

Universities in turn receive roughly \$3 billion in licensing revenue per year to support additional research and technology transfer. Nonetheless, proposals which would fundamentally change the operation of Bayh-Dole are now before us.

The success of Bayh-Dole in moving federally-funded research out of University labs to consumers stands in stark contrast to the pre-Bayh-Dole era where precious few products of federally-funded research reached the market.

All of this product delivery has occurred with the Bayh-Dole “march-in rights” provision. Bayh-Dole “march-in rights” allow the government to grant non-exclusive licenses to other parties if the licensee failed to make efforts to commercialize the product, meet public health or safety needs, or meet government requirements. Despite numerous calls for the government to exercise march-in rights, none of the six petitions to the National Institutes of Health (NIH) requesting use of march-in rights for biopharmaceutical products has been successful.

The NIH has cited “far-reaching repercussions on many companies’ and investors’ future willingness to invest in federally funded medical technologies” in rejecting one such petition. As such, companies have continued to exclusively license certain patent rights from universities with a well-settled expectation that the government would not undermine their license as well as their subsequent and significant expenditures on product development by exercising march-in rights. This expectation is especially critical in the pharmaceutical industry where an average of about \$2B is spent in out-of-pocket drug development programs which quite often fail in the late clinical trials which incur the most expense. The National Institute of Standards and Technology (NIST) has recently proposed a new interpretation of the Bayh-Dole act where the government could exercise march-in rights in cases where “the price or other terms at which the product is currently offered to the public are not reasonable.” The Federal Trade Commission (FTC) has subsequently supported the “NIST’s expansive and flexible approach to march in” and its application to prescription drug pricing. In support of its position, the FTC provides excerpts of two sections of Bayh-Dole, 35 USC203 (a)(1) and 35 USC201(f).



35 USC203(a)(1) states in reference to march-in rights that such “action is necessary because the contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.” 35 USC201(f) states that “practical application” means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.” The FTC’s position thus hinges on their interpretation of the terms “practical application” and “reasonable terms” in these sections of Bayh-Dole. As noted elsewhere, Bayh-Dole’s “reasonable terms” phrase in Section 201(f) is alternatively interpreted as referring to the obligations of patent owners (e.g., Universities) to offer reasonable licensing terms to business seeking to commercialize the technology rather than a “reasonable pricing” obligation of the business. There is also evidence that Congress excluded pricing as a criteria for invoking march-in rights. Indeed, Senators Dole and Bayh penned an op-ed in the Washington Post over twenty years ago which explicitly stated that the “law makes no reference to a reasonable price that should be dictated by the government” and “(t)hat this omission was intentional.”

Government agencies such as the FTC or NIH that exercise march-in rights based on “unreasonable” product pricing will almost certainly be challenged in court. Prior to the Supreme Court’s recent decision in Loper Bright Industries v. Raimundo, courts deferred to an agency’s interpretation of statutes which were ambiguous or silent on an issue if the agency’s interpretation was “based on a permissible construction of the statute”

under the Supreme Court’s Chevron v. Natural Resources Defense Council decision.

Loper has now overturned Chevron and the courts will exercise their independent judgement in interpreting statutes irrespective of interpretations proffered by agencies of the executive branch. As noted by the majority in Loper, “Chevron’s presumption is misguided because agencies have no special competence in resolving statutory ambiguities. Courts do.”

Time will tell if the NIST and FTC interpretation of Bayh-Dole march-in rights will pass judicial scrutiny under Loper. In the meanwhile, the government’s shift to an “expansive and flexible approach to march in” under Bayh-Dole has understandably alarmed companies who stand to lose exclusive patent rights covering a product that they derisked and brought to market at considerable expense. The National Venture Capital Association has further warned the NIST that its draft guidance on march-in rights “would unavoidably deter VCs from investing in inventions arising from federally funded research” and allow “large, established companies to use march-in petitions to stymie competition from smaller entities who must then either license their patents or expend limited resources responding to and defending against march-in proceedings.” For now, the march-in rights question will clearly loom large over every government supported patent containing the Bayh-Dole required statement that the “government has certain rights in the invention.”

# BOI Reporting Deadline Fast Approaching for Companies Older Than One Year



**NICHOLAS KROB**  
Senior Counsel

Have you filed your Beneficial Ownership Information Report yet? If not, the clock is ticking (and the stakes are high)!

## What is a Beneficial Ownership Information Report?

With the enactment of the Corporate Transparency Act, most entities registered to do business in the United States are now required to report “identifying information about the individuals who directly or indirectly own or control a company” to the U.S. Department of Treasury’s Financial Crimes Enforcement Network (“FinCEN”). FinCEN explains that this information, referred to as “beneficial ownership information” or simply “BOI,” is “part of the U.S. government’s efforts to make it harder for bad actors to hide or benefit from their ill-gotten gains through shell companies or other opaque ownership structures.”

## Who is Required to File a Beneficial Ownership Information Report?

Companies that constitute a “domestic reporting company” or “foreign reporting company” are required to file a BOI Report.

FinCEN defines “domestic reporting companies” as “corporations, limited liability companies, and any other entities created by the filing of a document with a secretary of state or any similar office in the United States” and “foreign reporting

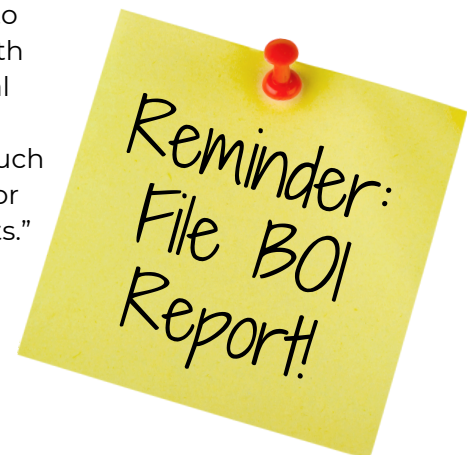
companies” as “entities (including corporations and limited liability companies) formed under the law of a foreign country that have registered to do business in the United States by the filing of a document with a secretary of state or any similar office.” In other words, if you are a business owner operating in the United States, there is a good chance you are required to file a BOI Report.

Notably, there are 23 types of entities that are exempt from the reporting requirement, including certain banks, credit unions, insurance companies, nonprofits, “large operating companies,” and subsidiaries of the foregoing.

FinCEN has prepared a “[Small Entity Compliance Guide](#)” to assist in determining whether an entity falls within one of these, or other, exemptions. The exemptions are highly nuanced, so it is important to review the applicable criteria closely.

## How Can a Beneficial Ownership Information Report be Filed?

The BOI Report can be prepared and submitted electronically through the FinCEN website [here](#) by “anyone whom the reporting company authorizes to act on its behalf.” There is no government fee to submit the BOI Report and the system is designed such that many reporting companies may do so on their own using resources provided by FinCEN. Nevertheless, FinCEN advises those that need help to “consult with professional service providers such as lawyers or accountants.”



## **When is the Beneficial Ownership Information Report Due?**

The deadline for filing the BOI Report differs based on when a company was created or registered to do business. If a reporting company was created or registered to do business before 2024, the deadline to file the BOI Report is January 1, 2025. For reporting companies created or registered during 2024, the deadline is 90 days “after receiving actual or public notice that its creation or registration is effective.” Starting in 2025, reporting companies will have only 30 calendar days after receiving actual or public notice that its creation or registration is effective to file their BOI Report.

## **What are the Consequences for Late Reporting or Noncompliance?**

FinCEN warns that “you could face civil and criminal penalties if you disregard your beneficial ownership information reporting obligations.” As more specifically detailed in the Corporate Transparency Act, “a person who willfully violates the BOI reporting requirements may be subject to civil penalties of up to \$500 [subject to inflation] for each day that the violation continues [and/or] criminal penalties of up to two years imprisonment and a fine of up to \$10,000.” Such violations include “willfully failing to file a beneficial ownership information report, willfully filing false beneficial ownership information, or willfully failing to correct or update previously reported beneficial ownership information.”

## **Questions?**

Having only been fully rolled out this year, the BOI reporting requirement is still relatively new. As FinCEN states, it “understands this is a new requirement” and “is working hard to ensure that reporting companies are aware of their obligations to report, update, and correct beneficial ownership information.” Accordingly, there are bound to be questions, some of which can be answered [here](#) and others that are better suited to a professional such as the attorneys at McKee, Voorhees & Sease.

# MVS: SUPPORTING INNOVATION EVENTS

## [ABI Manufacturing Conference](#)

October 2, 2024 - Ankeny, IA

**Luke T. Mohrhauser**, Managing Partner and Chair, MVS Mechanical-Electrical Practice Group

**Julie S. Spieker**, Patent Attorney in the MVS Mechanical-Electrical Practice Group and Biotechnology and Chemical Practice Group

**Joseph M. Hallman**, Patent Attorney in the MVS Mechanical-Electrical Practice Group

**Connor S. Williams**, Patent Attorney in the MVS Mechanical Electrical Practice Group and the AI Working Group

**MVS is a sponsor of this event.**

## [Opening Retreat for the Iowa Association of Business & Industry's Leadership Iowa](#)

October 2-4, 2024 - Algona, IA

**Sarah M.D. Luth**, Patent Attorney in the MVS Biotechnology and Chemical Practice Group and Co-Chair, MVS Data Privacy and Cybersecurity Practice Group

## [Ag StartUp Engine Unconference](#)

October 3, 2024 - Des Moines, IA

**MVS is a sponsor of this event.**  
**Several MVS attorneys will attend.**

## [Indiana University Economic Development Association Annual Summit](#)

October 6-8, 2024 - South Bend, IN

**Gregory Lars Gunnerson**, Intellectual Property Attorney in the MVS Mechanical Electric Practice Group will speak at the summit.

## [South Dakota Enterprise Institute Innovation Expo](#)

October 8, 2024 - Rapid City, SD

**Johnathan Kennedy**, Partner practicing in Intellectual Property Law and Litigation and Chair, MVS Litigation Practice Group is speaking on a panel regarding IP protection.

## [Women Lead Change](#)

October 15-16, 2024 - Des Moines, IA

**Sarah M.D. Luth**, Patent Attorney in the MVS Biotechnology and Chemical Practice Group and Co-Chair, MVS Data Privacy and Cybersecurity Practice Group

## [LEGUS Fall Meeting](#)

October 17-19, 2024 - Honolulu, HI

**Kirk Hartung**, Patent Attorney in the MVS Mechanical-Electrical Practice Group, will attend as a speaker and panelist, focusing on the recent ABA guidelines on AI.

## [World Food Prize - Borlaug Dialogue](#)

October 29-31, 2024 - Des Moines, IA

**Heidi Sease Nebel**, Patent Attorney and Chair, MVS Biotechnology and Chemical Practice Group, is moderating the World Food Prize session.

**MVS is a sponsor of this event.**

## [Polk County Women Attorney's GIRLS GOT GAME!](#)

November 7, 2024 - Des Moines, IA

**Several MVS attorneys will attend.**  
**MVS is donating a basket.**

## [Iowa Association of Business & Industry's Leadership Iowa](#)

November 7-8, 2024 - Shenandoah, IA

**Sarah M.D. Luth**, Patent Attorney in the MVS Biotechnology and Chemical Practice Group and Co-Chair, MVS Data Privacy and Cybersecurity Practice Group

## [INTA Leadership Conference](#)

November 12-15, 2024 - New Orleans, LA

**Christine Lebrón-Dykeman**, Intellectual Property Attorney and Chair, MVS Trademark Practice Group

**Andrew J. Morgan**, Trademark, Copyright, and Litigation Attorney

## [IIPLA Annual Conference](#)

November 14-15, 2024 - Iowa City, IA

**Andrew J. Morgan**, Trademark, Copyright, and Litigation Attorney

**Gregory Lars Gunnerson**, Intellectual Property Attorney, MVS Mechanical-Electrical Practice Group

**Joseph M. Hallman**, Patent Attorney in the MVS Mechanical-Electrical Practice Group

## [FemCity Des Moines "Beer and Branding"](#)

November 17, 2024 - Des Moines, IA

**Sarah M.D. Luth**, Patent Attorney in the MVS Biotechnology and Chemical Practice Group and Co-Chair, MVS Data Privacy and Cybersecurity Practice Group, is hosting and speaking at the event.

## [USPTO Patent Public Advisory Committee Executive Session and Public Meetings](#)

November 19-21, 2024 - Alexandria, VA

**Heidi Sease Nebel**, Patent Attorney and Chair, MVS Biotechnology and Chemical Practice Group

## [Iowa Association of Business & Industry Leadership Iowa Session on Economic Development & Workforce](#)

December 5-6, 2024 - Ottumwa, IA

**Sarah M.D. Luth**, Patent Attorney in the MVS Biotechnology and Chemical Practice Group and Co-Chair, MVS Data Privacy and Cybersecurity Practice Group

## [Iowa Federal Practice Meeting](#)

December 13, 2024 - Des Moines, IA

**Glenn Johnson**, Attorney Practicing in Commercial, Employment, Intellectual Property Law and Litigation

**Jonathan Kennedy**, Partner practicing in Intellectual Property Law and Litigation and Chair, MVS Litigation Practice Group

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