

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 072(22 Sep 45)ESS/ST
SCAPIN 2010

27 May 1949

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Patent Applications

1. Reference the following memoranda from the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers:
 - a. AG 130(22 Sep 45)ESS, SCAPIN 45, 22 September 1945, subject: Control of Financial Transactions.
 - b. AG 072(8 Mar 46)ESS/LE, SCAPIN 802, 8 March 1946, subject: Patent Rights and Restrictions Concerning Patent Rights.
2. The Japanese Government is advised that applications may be submitted to the Supreme Commander for the Allied Powers requesting approval for designated Japanese nationals to file patent applications in those foreign countries, the domestic laws of which allow Japanese nationals to obtain and hold patent rights therein.
3. The Japanese Government will not submit any applications for approval unless the invention concerned was made subsequent to 1 January 1946 and is one which it recommends as having definite potentialities of being worked or imported into the country to which the patent application is to be sent. Provided that if the applicant can establish that a person, legally entitled to hold the appropriate currency of payment, will pay the necessary fees and charges for obtaining the patent, then the potential value of the subject invention need not be taken into consideration.
4. On written approval being given by the Supreme Commander for the Allied Powers to the forwarding of a patent application to a foreign country, such approval may be presented to a bank licensed by the Supreme Commander for the Allied Powers, together with a request to remit the necessary fees in dollars or sterling to a designated addressee in the country in which the application is to be filed. After the Foreign Exchange Control Board has commenced operation, the request for remittance will be accompanied by certification by the Board as to availability of the necessary foreign exchange.
5. The term "necessary fees" in paragraph 4 above means reasonable fees and charges payable in respect of the acquirement of a patent when no substantial ex parte dispute or third-party hearing is involved.

Rescinded
Scapin
2100

See
2010/1

CS

K
M
S

6. Actions likely to involve costs or charges other than "necessary fees" as defined in paragraph 5 above, must be approved by the Japanese Government and by the Supreme Commander for the Allied Powers before such actions are instigated.

7. Remittances to pay reasonable costs and charges for such actions as have been approved by the Japanese Government and by General Headquarters, Supreme Commander for the Allied Powers, may be obtained in the same manner as remittances to pay necessary fees.

8. All requests for remittances in dollars or sterling as in paragraphs 4 and 7 above will be accompanied by an amount in yen, equivalent to the dollars or pounds sterling to be remitted, at the official foreign exchange rate.

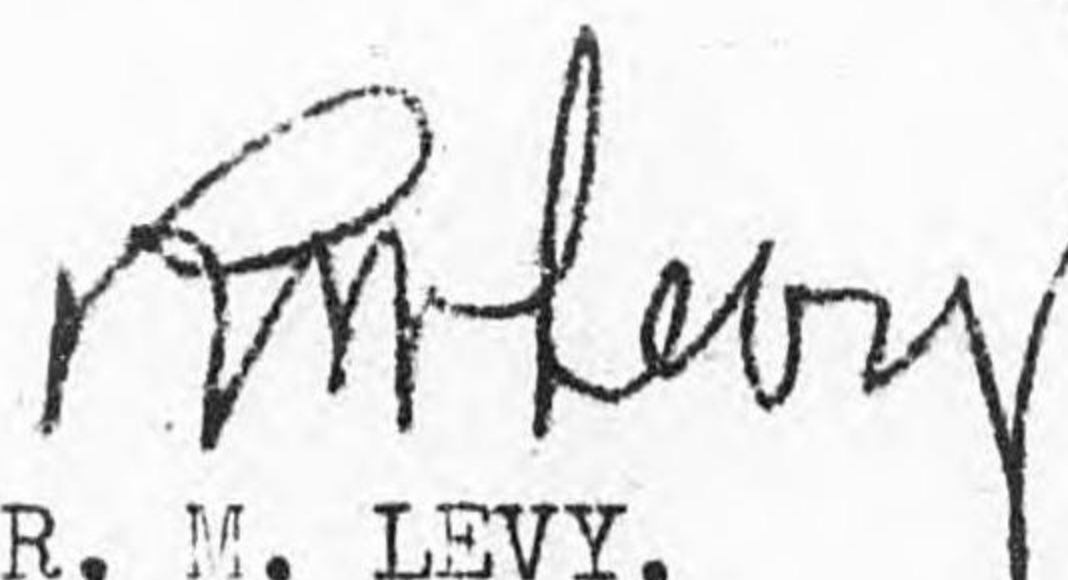
9. The Japanese Government is notified that any transactions, by way of assignment, license or otherwise, concerning the patent granted or to be granted on an application filed in a foreign country in the name of a Japanese National, must be approved by the Supreme Commander for the Allied Powers prior to finalization. Also, the instrument must be filed with the Fair Trade Commission in accordance with the terms of article 6 of the Law relating to the Prohibition of Private Monopoly and Methods of Preserving Fair Trade.

10. The Japanese Government is further notified that approval will be given to the finalization of such transactions only if the instrument contains a provision that any foreign currency to be paid as consideration, will be remitted, for the account of the Supreme Commander for the Allied Powers to a bank licensed by the Supreme Commander for the Allied Powers which will pay the patentee or applicant in yen.

11. Any patents obtained in foreign countries by Japanese will be subject to the domestic laws of those foreign countries.

12. Direct communication between the Japanese Patent Agency and the interested agencies of General Headquarters, Supreme Commander for the Allied Powers is authorized.

FOR THE SUPREME COMMANDER:


R. M. LEVY,
Colonel, AGD,
Adjutant General.