

Form DS-10 6-1-45	Department of State	Date 6/25/47
REFERENCE SLIP		

To: *Mr. McDiarmid*

J-K-

<input type="checkbox"/> Advise	<input type="checkbox"/> Note & Return
<input type="checkbox"/> Approve & Return	<input type="checkbox"/> Note & File
<input type="checkbox"/> As You Requested	<input checked="" type="checkbox"/> Per Telephone Talk
<input type="checkbox"/> Attention	<input type="checkbox"/> Previous Correspon.
<input type="checkbox"/> Attach File	<input type="checkbox"/> Priority Action
<input type="checkbox"/> Comment & Return	<input type="checkbox"/> Reconsider
<input type="checkbox"/> Consider	<input type="checkbox"/> Recommend Action
<input type="checkbox"/> Copying	<input type="checkbox"/> Record
<input type="checkbox"/> Correct	<input type="checkbox"/> Reply
<input type="checkbox"/> File	<input type="checkbox"/> Return to Sender
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Rewrite
<input type="checkbox"/> Hold	<input type="checkbox"/> Signature Required
<input type="checkbox"/> Initials Needed	<input type="checkbox"/> See Me
<input type="checkbox"/> Investigate & Report	<input type="checkbox"/> Take Action
<input type="checkbox"/> Instruct	<input type="checkbox"/> Transfer
<input type="checkbox"/> Justify	<input type="checkbox"/> Type
<input type="checkbox"/> Keep Me Advised	<input type="checkbox"/> Verify
<input type="checkbox"/> Legal Matter	<input type="checkbox"/> Reply for Signature of
<input type="checkbox"/> Memo Required	
<input type="checkbox"/> Not Interested	
<input type="checkbox"/> Note & Destroy	
<input type="checkbox"/> Note & Forward	

REMARKS:

In accordance with our telephone conversation of yesterday, the attached is forwarded for appropriate attention by J-K.

From

Mr. H. Mitchell, FR

WAR DEPARTMENT
WAR DEPARTMENT SPECIAL STAFF
CIVIL AFFAIRS DIVISION
WASHINGTON 25, D. C.

file.

*reply drafted HLB
7/7/47*

19 June 1947

Division of Foreign Service Administration
Department of State
Washington 25, D. C.

Gentlemen:

*x R
896.542*

Inclosed are copies of two letters written by Mr. Arthur Middleton, a patent attorney, with offices at 570 Lexington Avenue, New York 22, New York, regarding patents owned by his clients in Japan and the Republic of the Philippines.

The Civil Affairs Division, not having the information upon which to base a reply, is forwarding these letters to your office for appropriate action.

Mr. Middleton is being advised of this action and is being requested to contact your division on all patent questions which may arise in the future.

Sincerely yours,

R. H. Chard

R. H. CHARD x 73953
Colonel, GSC
Executive

- 2 Incls
- 1. Cy ltr to S/W fm Mr. Middleton, dtd 11 June 47
- 2. Cy ltr to S/W fm Mr. Middleton, dtd 11 June 47

Dist	* Unit
<i>vl</i>	
<i>vl</i>	
<i>CH</i>	

894.542/6-1947

F

CS/A

894.542/6-1947

C
O
P
Y

ARTHUR MIDDLETON
Patent & Trade Mark Company
570 Lexington Ave.
New York 22

11 June 1947

The Honorable
The Secretary of War
Washington 25, D. C.

S i r : re American owned Japanese Patents

A client of mine owned quite a number of Japanese patents before the war. We learned that the Japanese Government seized them. Now we find that there is a concern in Japan offering for sale apparatus that comes under those patents.

Can my clients recapture its former Japanese patents - or what other course is open to them.

R e s p e c t f u l l y ,

/s/ Arthur Middleton

COPY

ARTHUR MIDDLETON
Patent & Trade Mark Causes
570 Lexington Ave.
New York 22

11 June 1947

The Honorable,
The Secretary of War,
Washington 25, D. C.

re Philippine Patents

S i r:

The Bureau of Insular Affairs used to arrange for the extension of a U.S.A. patent to be good in the Philippines.

May I inquire if this practice is continued since the Philippines acquired independence, and if not, what is the present plan.

Respectfully,

/s/ Arthur Middleton

Referred to PI by
M.H. Mitchell, 7R

COPY

JUL 1 1947

In reply refer to
DRF

894.542/7-147

My dear Mr. Lichtlyter:

At the request of the Division of Research for Far East, I am taking advantage of your kind offer to assist that Division in providing data from your files with regard to US patents registered and pending for Japanese nationals. At your suggestion, I am transmitting a list of specific questions from the Division of Research for Far East that at present most urgently require attention. Any assistance that you and your staff can provide will be greatly appreciated.

- a. List (with titles) of the copyrights, patents, and trademarks granted by the United States to Japanese nationals that were in active status as of December 7, 1941.
- b. List (with titles) of pending applications for Japanese nationals as of December 7, 1941.
- c. What measures have been taken by the US Government in regard to Japanese patents since December 7, 1941? For example, (1) blocking, (2) confiscation, (3) sequestration, (4) vesting?
- d. What publication has been made with respect to patents issued to Japanese nationals?
- e. What claims have been filed by Japanese holders of US patents against the United States Government, if any?

CS/A

Sincerely yours,

WSS
SPR

Philip G. Strong
Chief
Acquisition and Distribution Division

894.542/7-147

CR

JUL 1 1947 P.M.

Mr. Paul Lichtlyter,
Alien Property Office,
Department of Justice.



DRF:CCStelle(*JW*/*WP* Pickard):asw

6-30-47

PLANTS MARCUS HOOK, PA. • ROANOKE, VA. • LEWISTOWN, PA.
PARKERSBURG, W. VA. • NITRO, W. VA. • MEADVILLE, PA.
FRONT ROYAL, VA. • FREDERICKSBURG, VA.



OFFICES: WILMINGTON 99 • CHARLOTTE 2 • CLEVELAND 14
NEW YORK 1 • PHILADELPHIA 9 • PROVIDENCE 3
WASHINGTON 5

AMERICAN VISCOSE CORPORATION

P. O. BOX 468 • WILMINGTON, DELAWARE

WILMINGTON 4-2111

July 2, 1947

File: M 44.21

Mr. Raymond Vernon,
International Resources Division,
Department of State,
1818 H Street, Room 714 A,
Washington, D. C.

INTERNATIONAL RESOURCES DIVISION
Reply drafted TR:JPF
JUL 7 1947 7/10/47
DEPARTMENT OF STATE

Dear Mr. Vernon: Subject: Japanese Patent No. 172865

894.542/7-247

In the first quarter of 1946 I represented the State Department in Japan on the Textile Mission to survey the rayon industry. In addition to our mission report, which was filed with General MacArthur and which the State Department subsequently published, I wrote and published through the Textile Research Institute a book on the rayon industry of Japan which includes the background material I thought would be of general interest.

In Japan I found a development of a certain kind of rayon staple fiber which is described at length in my book. I have since learned that Japanese Patent No. 172865 was issued after the end of the war. I cannot obtain a copy of it, therefore, from among those that were impounded because they do not have it. I am told by the Textile Division at SCAP that they cannot send the copies of any patents from Tokyo pending the establishment of policy in Washington. I have covered the whole subject with Mr. Green of the Department of Commerce who had to do with such technical information, and with the Central Intelligence Group of the Army which has the impounded patents and is processing them. I then talked with Colonel Hartmann, Civil Affairs Division of the Army who refers me to you as the one who can issue instructions to Tokyo to let me have a copy of the patent in question.

I would like specifically for such instructions to be issued as we are interested in seeing that particular patent. At the same time it will be interesting and valuable to have a clarification of policy concerning patents issued in Japan so that we can get on with commercial relations with that country which are now about to be opened up. I believe clarification of policy on this subject will be most helpful in that direction.

Since a patent is a public disclosure, we can think of no reason why the one referred to above should be held back since

Handwritten initials and scribbles

CS 10
894.542/7-247

AMERICAN VISCOSE CORPORATION

SHEET NO. 2DATE July 2, 1947

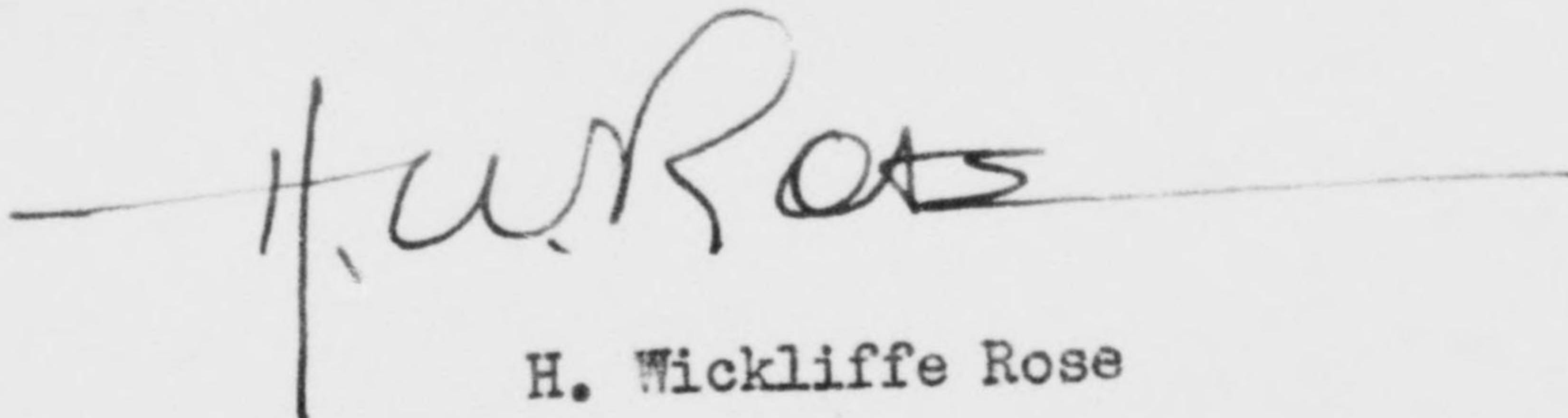
any one in Japan has access to it, why not in the United States?

If you issue a release in respect to this particular patent to Tokyo and they send me a copy either of the printed Japanese patent or a photostat of it, we can have it translated in this country.

Lieutenant Colonel Harold S. Tate, Chief of the Textile Division, ESS, GHQ, SCAP, Tokyo, knows about this particular patent and the fiber in question.

Anything you can do to expedite its release will be greatly appreciated.

Sincerely yours,



H. Wickliffe Rose

rhm

1274

JUL 15 1947

In reply refer to
IR

My dear Mr. Rose:-

I have your letter of July 2, 1947, concerning
Japanese Patent No. 172865.

The State Department has drafted a proposed policy
for the treatment of Japanese domestic and foreign patents,
which would include provision for the resumption of normal
peacetime operations by the Japanese Patent Office. It is
expected that these recommendations will soon be con-
sidered by the Far Eastern Commission. In view of this
fact, it would seem unwise to make any special arrange-
ments for securing copies of patents in particular cases.

Upon the resumption of normal operations by the
Japanese Patent Office and the relaxation of restrictions
on private transactional communications with Japan, which
is expected within a few months, you will undoubtedly be
able to secure a copy of the patent in which you are
interested.

Sincerely yours,

Raymond Vernon
Assistant Chief, International
Resources Division

894.542/7-247

Handwritten signatures and initials

JUL 15 1947

Mr. H. Wickliffe Rose,
American Viscose Corporation,
P.O. Box 468,
Wilmington 99, Delaware.

IR:JPFurman:mmp
7/10/47

ogm
JK

CR

CS/N

894.542/7-247

AIRGRAM SENT

TO BE TRANSMITTED
SECRET
CONFIDENTIAL
RESTRICTED
UNCLASSIFIED

Department of State

NO. A-74

Washington,
July 23, 1947

TIME _____

NO DISTRIBUTION

SUPREME COMMANDER FOR THE ALLIED POWERS,
TOKYO.

FOR THE POLITICAL ADVISER.

2221
2221

Reference letter AGO, Washington, D. C., AGAO-C 072 (15 Nov. '46) WDSCA regarding infringement of patents of Parker Pen Company and 1st Ind. by GHQ, Supreme Commander for the Allied Powers, APO 500, 13 January 1947.

The following letter has been received from the Parker Pen Company of Janesville, Wisconsin. It is forwarded for your information and such action as you consider appropriate.

QUOTE. Dear Mr. Martin: Thank you for your letter of 29 March.

Mrs. Scrogin requested that we return the Japanese pens, one of which I thought too closely resembled our Vacumatic. I think if you will refer to the returned pen you will readily agree with me. Of course, the Japanese product is very inferior, but obviously it has been copied from our Vacumatic design.

Unfortunately, the patents we as well as other manufacturers were able to obtain in Imperial Japan were practically valueless, as the Japanese Patent Office in the opinion of most manufacturers purposely limited the protection granted to foreigners to the point where the inventions could be readily copied. Of course, we did not have access to the Courts on the grounds of unfair competition, but I know that no successful action was ever brought in Japan on the grounds of unfair competition even in instances where the Japanese products were practically duplicates of the American made products. Therefore, our Japanese patents will probably be of no important value to you.

ml
af
epm

I think

894.542/7-2347

CS/A

894.542/7-2347

653

AIRGRAM SENT

TO BE TRANSMITTED
SECRET
CONFIDENTIAL
RESTRICTED

Department of State

UNCLASSIFIED

NO. A-74

Washington, D.C.

July 23, 1947

TIME _____

- 2 -

2221

I think one of the very important things we can do during the occupation period in Japan is to collaborate with the Japanese Patent Office and attempt to influence them as to the advisability of giving proper patent protection to foreigners. Proper protection in Japan would help lift export and import barriers existent prior to the war.

Japanese imitations of Parker and other fountain pens were sold all over the world, and in many instances the American product was so closely copied that many evidences of confusion resulted. I have a complete record of the many Japanese infringements of our products, and if of interest to the Department I shall be very glad to bring it down to Washington some time and go over it with you.

In the interim, you might call Mrs. Scrogin, (Commerce Ext. 2282) and ask her to send over the sample Japanese pens returned to her, one of which I thought was too close to our Parker Vacumatic.

Again, thank you for your interest in the matter.

Very truly yours,
The Parker Pen Company

/s/ Ivan D. Tefft

Ivan D. Tefft
k

1 April 1947 UNQUOTE.

Above letter was addressed to Edwin M. Martin, Chief,
Division of Japanese and Korean
Economic Affairs
Department of State
Washington, D. C.

OR LUR
JUL 23 1947

JK:HLBaker:mw 7/15/47
ogm

MARSHALL

ESP

Marshall
Esp 2477
NA
A-H
SPD

1-380

JUL 24 1947

CONFIDENTIAL

No. 535

To the

United States Political Adviser for Japan,
Tokyo.

The Secretary of State refers to Part 2 of cable no. Z-48693, dated May 29, 1947, from General Headquarters, Supreme Commander for the Allied Powers, to the War Department, which requests certain information concerning United States claims against the Japanese Government for patent, trademark and copyright infringements.

*XR
894.543
894.544
74010019PW*

The detailed information requested is not presently available. However, the Division of Research for the Far East has prepared a study entitled, "Patents and Similar Registrations and Licenses Issued to Nationals of the United States by the Japanese," which it is hoped will be of value pending the availability of the detailed information requested. Accordingly, there are forwarded herewith four copies of the study for transmittal to the Patent Property Division, Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers.

894.542/7-2447

g

Enclosures:

Four Copies of OIR Report No. 4441, July 8, 1947.

CS/A

JUL 33 1947 P.M.

JK:HLBaker:mw 7/15/47
ogm

ESP *NA* *IR* *A-H*

DOR - ITP Unit	
Anal.	<i>HL</i>
Rev.	<i>SP</i>
Dist.	<i>low</i>

A true copy of the original sent

894.542/7-2447

Westinghouse Air Brake Company

1436
file

Wilmerding, Pa.

August 1, 1947

Referred to JK
Aug 7 RFB

R. H. WOOD
GENERAL COUNSEL

Department of State
Office of Far-Eastern Affairs
Division of Japanese Affairs
Washington, D. C.

Gentlemen:

In Bulletin #1315 dated July 2, 1947 and issued by the National Foreign Trade Council of 26 Beaver Street, New York 4, N. Y., reference was made to an announcement by the State Department on June 27th that property in Japan owned by United States nationals can now be restored to its owners under certain conditions imposed by our Government.

Prior to the War, we owned certain Japanese Patents and there were accrued to our credit in Japan, from Japanese nationals, certain royalties which were blocked during hostilities.

Will you please let me have a copy of the official text of the Department of State release dealing with this subject and referred to in the National Foreign Trade Council Bulletin. Does the power of attorney procedure, which we understand is provided under present regulations, cover the designation of an agent in Japan who can recover for us the Patent rights and royalties which we own in Japan?

Any information that you can give me in connection with this subject, or any suggestions that your office may desire to make as to what steps we can or should take in order to preserve our interests in Japan, will be very much appreciated by us.

Yours very truly,

DIVISION OF JAPANESE AND KOREAN
ECONOMIC AFFAIRS
DEPARTMENT OF STATE
AUG 13 1947
8/14/47

rhw/gs	Unit
And	
Rev	
Col	
Dist	

894.542/8-147

CS/A

894.542/8-147

AUG 25 1947

In reply refer to
OE

My dear Mr. Wood:

Your letter of August 1, 1947 regarding a Department of State announcement appearing in a bulletin of the National Foreign Trade Council, has been received. The announcement to which you refer is Press Release No. 532 of June 27, 1947, a copy of which is enclosed.

The United States Government is at the present time considering the problem of the restoration of patent property rights of nationals of the United Nations in Japan, and the resumption of normal functioning by the Japanese Patent Office. The proposals of this Government will then be considered by the Far Eastern Commission.

Regarding your inquiry concerning the designation of an agent to recover your patent rights and royalties, you may, under present procedures, acting through an agent holding a power of attorney granted by you, apply for the release of the royalties which have been deposited to your credit in Japan. The use of the funds will, however, remain subject to theater regulations. With regard to your patent property, it would be impracticable at this time to attempt to recover such rights through an agent. Your interests in the patents is protected by directives of General Headquarters of the Supreme Commander to the Japanese Government. At the present time, arrangements are being made to have the Japanese Government provide all of the detailed information regarding the status of the patent properties owned by persons of other than Japanese nationality at the outbreak of the war. This work is preliminary to the restoration of these rights to their former owners.

Appropriate

Mr. R. H. Wood,
General Counsel,
Westinghouse Air Brake Company,
Wilmerding, Pennsylvania.

DCR - TTP Unit

Asst.	<i>JK</i>
Rev.	
Col.	<i>JK</i>
Dist.	

894.542/8-147

CS/A 894.542/8-147

1429

- 2 -

Appropriate announcement will be made of the policies adopted by the Far Eastern Commission on this subject. However, pending the establishment of such policy, the Department of State will be glad to assist you if you have further questions on this problem.

Sincerely yours,

Roswell H. Whitman
Associate Chief
Division of Occupied Areas
Economic Affairs

Enclosure:

Press Release No. 532. ✓

oym
OE:OJMcLiamid:hw
HPB

8/14/47

WNR *WLB*
IR NA A-H
MWB

A true copy of the signed original

AUG 25 1947

2661

1430

SEP 10 1947

In reply refer to
OE

My dear Mr. Volentine:

On your recent visit to the Department you requested information regarding the procedure for obtaining patents in Japan. According to information recently received from the Supreme Commander for the Allied Powers in Japan, procedures have not as yet been established for receiving applications for patents from persons outside of Japan.

The entire problem regarding restitution of pre-war patent property rights in Japan, and the resumption of issuance of Japanese patents to nationals of the United Nations, is now under consideration and a policy statement is being prepared for submission to the Far Eastern Commission. When the Far Eastern Commission has taken action on this problem, a public announcement will be made.

Sincerely yours,

RHW

Roswell H. Whitman
Associate Chief
Division of Occupied Areas
Economic Affairs

TO:	DCR	DFD Unit
FROM:	5	
SUBJECT:	6	
DATE:		<i>mm</i>
TIME:		

Mr. Robert F. Volentine,
Assistant Foreign Sales Manager,
Schering Corporation,
Bloomfield, New Jersey.

VR
SEP 10 1947

HLB
OE:HLBaker:mw:mrr

8/14/47
8/20/47

IR
NA



894.542/9-1047

CS/W

894.542/9-1047

Mr. Parker 1645
Mr. Hansen



3
UNITED STATES POLITICAL ADVISER
DEPARTMENT OF STATE FOR JAPAN

1947 SEP 24 AM 9 30

Tokyo, September 15, 1947.

UNCLASSIFIED

No. 1280

DIVISION OF OCCUPIED AREAS
ECONOMIC AFFAIRS

SEP 29 1947

DEPARTMENT OF STATE

no action required
Sept 29. 03m

File
OCCUPIED AREAS
ECONOMIC AFFAIRS
OCT 6 1947
DEPARTMENT OF STATE

SUBJECT: Infringement by Japanese of Patents of Parker Pen Company.

894.542/7-2347
JK ESP MA A-H SPD

The Counselor of Mission has the honor to refer to the Department's Airgram 74, July 23, 1947, concerning infringement of patents of Parker Pen Company by the Japanese.

This matter was referred to Civil Property Custodian Section of this Headquarters which has replied direct to Parker Pen Company. Copies of correspondence, which are enclosed, were sent to this Mission for transmittal to the Department.

OE
07D
FE
A-S
DS
ITP
DC/K

Enclosures:

AA

1. Letter from The Parker Pen Company, July 22, 1947.
2. Letter to The Parker Pen Company, September 6, 1947.

Original and hectograph to Department.

854
INJohansen/blc

894.542/9-1547

18
RECEIVED
DEPARTMENT OF STATE
1947 SEP 25 PM 12 10
CS/V

FILED
OCT 2 - 1947

894.542/9-15

ss
sec
AB

Enclosure No. 1 to Despatch No. 1280, dated September 15, 1947, from the United States Political Adviser for Japan, Tokyo, on the subject "Infringement by Japanese of Patents of Parker Pen Company".

COPY

THE PARKER PEN COMPANY
Janesville, Wisconsin, U.S.A.

22 July 1947

Patent Property Division
Civil Property Custodian
General Headquarters
Supreme Commander for the Allied Powers
Japan

Dear Sirs,

We have had submitted to us by the General Products Division, Commodities Service, Department of Commerce, two Japanese made fountain pens which are cheap simulations of our Vacumatic pen which, although we haven't any control in Japan, we feel should be prevented.

I have neither samples nor photographs of the two pens that were sent to us by the Department of Commerce. However, Mrs. Sara Y. Scrogin, General Products Division, Commodities Service, Department of Commerce, Washington, D. C. can furnish you with either the samples she has or photographs thereof.

There isn't any question but what a good standard fountain pen can be made in Japan that does not imitate the products of American manufacturers.

Prior to the war, due to the fact no American manufacturer could obtain anywhere near adequate patent protection on his products in Japan, we were faced with cheap Japanese imitations of our products in practically every export market, and this Company spent thousands of dollars bringing actions against the importers in countries like Argentina, Brazil, et cetera, wherein the Japanese imitations appeared. We tried vainly to stop the manufacturers of the imitations at the source, namely, in Japan, but the Japanese Patent Office and courts turned deaf ears to all of our complaints.

It would appear that while we are still active in Japan from a military standpoint, much can be done to clear up the situation with which the foreign manufacturer is faced as respects Japanese infringements.

Within the last two weeks we have received a Japanese made imitation of our "51" pen which we have very carefully covered by patents in practically all of the major countries of the world, but which we were unable to patent in Japan due to the antipathy the Japanese Patent Office and courts carry out as against American applicants for patents in Japan. Unfortunately, I have only one sample of the infringing "51" pen, and therefore I am enclosing herewith a photograph of the same. The manufacturer of this product is Nakata Co., Ltd., Japan.

We

Encl. No. 1 to
Tokyo's 1280,
September 15, 1947

- 2 -

We wish to make formal complaint to the Japanese Government against the production by its citizens of fountain pens simulating those of Parker manufacture.

Very truly yours,

The Parker Pen Company

/2/ Ivan D. Tefft

Ivan D. Tefft
k/s

Enclosure

via air mail

Enclosure No. 2 to Despatch No. 1280, dated September 15, 1947, from the United States Political Adviser for Japan, Tokyo, on the subject "Infringement by Japanese of Patents of Parker Pen Company"

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500
Tokyo, 6 September 1947

AG 072 (6 Sep 47)CPC/PP
The Parker Pen Company
Janesville, Wisconsin

Attention: Mr. Ivan D. Tefft, Patent Counsel

Dear Sir:

Reference is made to your letter of 22 July 1947 to General Headquarters, Supreme Commander for the Allied Powers, concerning Japanese infringements of The Parker Pen Company patents.

The Japanese Government has been specifically required by directives to preserve and protect patents, utility models, designs, trademarks and copyrights owned by nationals of the United Nations on 7 December 1941.

The Japanese Government has reported that it has issued an official notification to interested concerns that the infringement of United Nations industrial property is liable to strict punishment and that suspected cases of infringement should be reported.

The Ministry of Justice and the Bureau of Patents and Standards of the Japanese Government have coordinated their operations to ensure adequate protection of patents and trademarks belonging to United Nations nationals. The Ministry of Justice is now investigating specific cases of infringement.

Attention is invited to the fact that protection afforded by existing directives extends only to that property which existed in Japan on 7 December 1941. Because of legal, administrative and enforcement difficulties involved, no action can be taken at the present time to protect patent and trademark property which has never had legal existence in Japan. However, the protection of all patent and trademark property of The Parker Pen Company which existed in Japan on 7 December 1941 is receiving the full attention of General Headquarters, Supreme Commander for the Allied Powers and the Japanese Government.

Sincerely yours,

/s/ R. M. LEVY

Adjutant General

Form DS-302
(7-2-46)

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE
INCOMING TELEGRAM
PLAIN

[Handwritten signatures and initials]
ACTION COPY
A

8

Action: OFD

Info:

U-E

A-S

FE

LE

OCD

CIA

DC/L

ITP

PC

DC/R

Control 165

OFFICE OF FINANCIAL AND DEVELOPMENT POLICY
@ ESCAP
Cable to SCAP
via War Dept
file
OCT 15 1947

Rec'd October 1, 1947
10:22 a.m.

DIVISION OF OCCUPIED AREAS
ECONOMIC AFFAIRS

OCT 1 1947

DEPARTMENT OF STATE

FROM: Seoul

TO: Secretary of State

NO: MCGMR 1512, Undated

FROM CG USAFIK TO JOINT CHIEFS OF STAFF INFO SOAP:

Request you pass to State for Martin and Jones

Copies of Japanese patents for years 1923 to 1945 available at Civil Property Custodians' Office, Tokyo. Copies of Japanese patents in bound volumes belonging to Civil Property custodian are available at Japanese Patent Bureau. Understanding that none of these copies needed in Japan. All are urgently needed by Bureau of Patents, Department of Commerce, USAMGIK, which cannot make examination required by law unless it has search materials. Request authority for Civil Property Custodian, SCAP, to transfer said copies to Department, USAMGIK, for delivery to Bureau of Patents. Bureau concurs.

MESSAGE UNSIGNED

DEPARTMENT OF STATE
REC-4-1947
LIAISON OFFICE

DEC - 2 1947

FILED

HH

PLAIN

PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R CENTRAL FILES WITH NOTATION OF ACTION TAKEN.

894.542/10-147 REC'D

INCOMING AIRGRAM

DEPARTMENT OF STATE

DIVISION OF COMMUNICATIONS AND RECORDS

TELEGRAPH BRANCH

*DC/R Whitman
Su D astro*

*DC/R
file*

AIRGRAM

376

From:

TOKYO

Dated: November 21, 1947

Rec'd: Dec. 2, 1947
9:31 a.m.

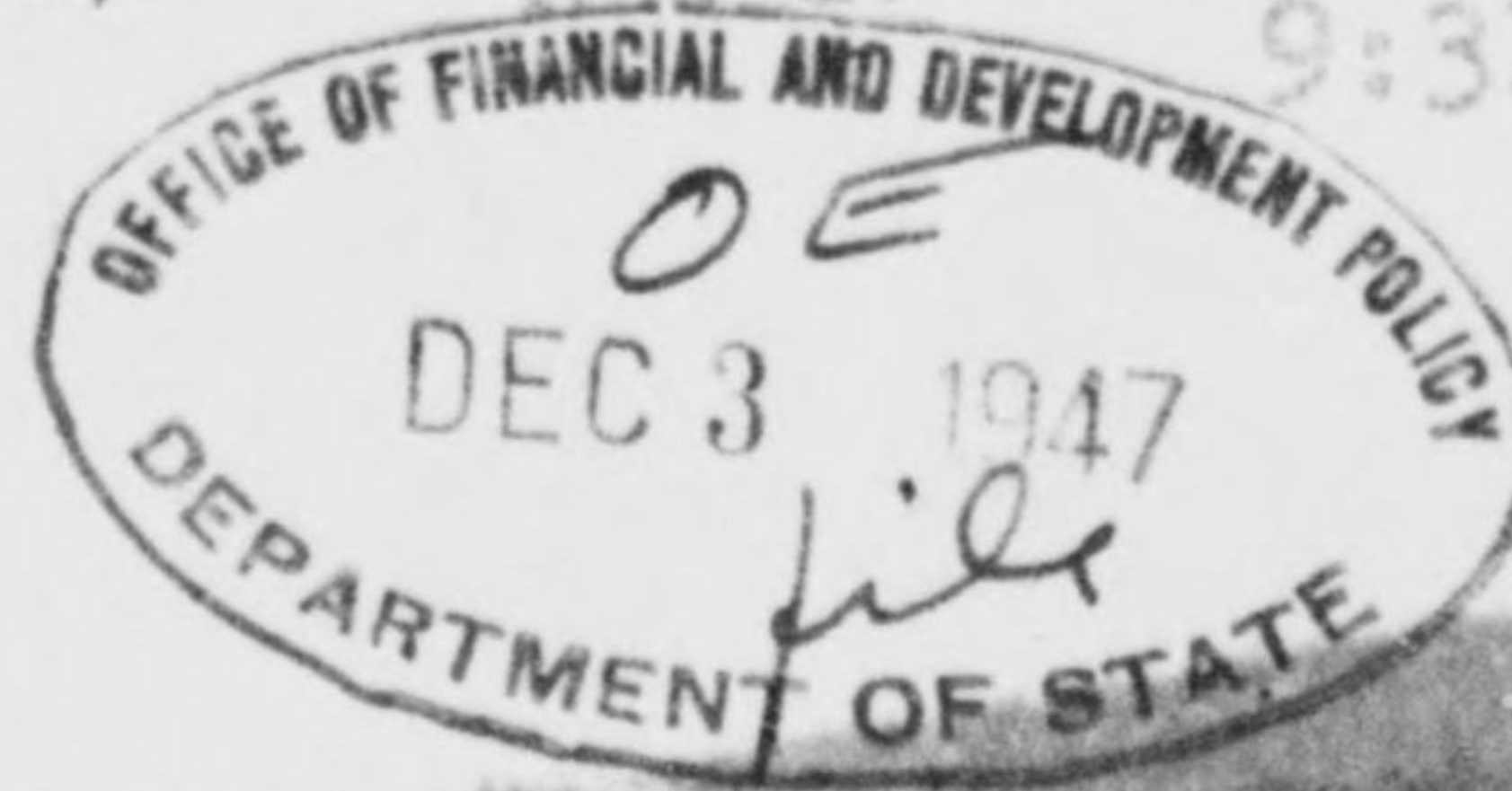
DIVISION OF OCCUPIED AREAS
ECONOMIC AFFAIRS
DEC 4 1947
DEPARTMENT OF STATE

SECRET

Secretary of State,
Washington.

A-125, November 21, 1947.

Reference Department



894.542/11-2147

1
EP
ACTION-OFD
INFO:
DC/R
U-E
A-S
LE
DC/L
II
CC
CIN
PC

...civil property... in a memorandum dated November 1947, notes that while the Japanese Bureau of Patents and Standards is able and willing to resume exchange of patent specifications, SCAP is not in a position to approve such exchange pending receipt of a directive. C&C states:

"a. SWNCC 369, Washington's first statement of patent property policy, treated the matter of exchange of specifications as a part of the entire patent property problem in Japan. SCAP's comments on SWNCC 369 recommended that the entire matter be postponed until the signing of the peace treaty. There is no doubt, however, that the exchange of specifications, a very small part of the entire problem treated by SWNCC 369, could be resumed at once without noticeable effect upon SCAP's administrative burden, since the entire matter would be handled by the Japanese Government.

"b. Similar requests for exchange of patent specifications have been received from U. S. Military Government in Korea and from United Kingdom Liaison Mission, for the Patent Office, London.

"Any such exchange of information must, of course, include within its scope all FEC member nations; the Japanese Government has been directed to print sufficient copies of back number specifications previously unpublished to permit distribution contemplated under SWNCC 369."

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken. Before

894.542/11-2147
~~SECRET FILE~~
JAN 18 1951
LU

Tokyo's A-125
November 21, 1947

SECRET

-2-

Before the war the Japanese Government exchanged patent specifications and other patent publications with foreign countries. The Japanese Government is able and willing to resume such exchange now, and supervision of such exchange would impose only a small administrative burden on SCAP. For these reasons this mission concurs with GPC in the view that SCAP should be authorized to instruct the Japanese Government to resume exchange of patent specifications by the Japanese Bureau of Patents and Standards. Office of Civil Property Custodian informally suggests possibility of interim directive by SACACG.

SEALD

S-854

DO NOT DETACH FROM WHITE COPY

RECORD COPY

THE ATTACHED WHITE COPY OF A TELEGRAM OR AIRGRAM HAS BEEN DESIGNATED THE RECORD COPY TO REPLACE THE YELLOW ACTION COPY WHICH WAS NOT RETURNED TO THE CENTRAL RECORDS BY THE ACTION OFFICE.

THE COPY MUST BE RETURNED TO DC/R FOR FILING.

FILE NO.

894.542/11-2147

TOKYO - A-125

MAR 4 - 1948

FILED

---oo0oo---

INCOMING AIRGRAM

DEPARTMENT OF STATE ^{RECEIVED} DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH
_{ENT OF STATE}

1947 DEC 3 AM 10 25

AIRGRAM

376

From:

TOKYO

Dated: November 21, 1947

Rec'd: Dec. 2, 1947
9:31 a.m.

SECRET

Secretary of State,
Washington.

A-125, November 21, 1947.

Reference Department's unnumbered mail instruction of August 11, 1947 regarding exchange of patent publications by Japanese Bureau of Patents and Standards and this Mission's unclassified despatch No. 1410 of November 21, 1947 on same subject.

Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, in a memorandum dated November 13, 1947, notes that while the Japanese bureau of Patents and Standards is able and willing to resume exchange of patent specifications, SCAP is not in a position to approve such exchange pending receipt of a directive. CPC states:

"a. SWNCC 369, Washington's first statement of patent property policy, treated the matter of exchange of specifications as a part of the entire patent property problem in Japan. SCAP's comments on SWNCC 369 recommended that the entire matter be postponed until the signing of the peace treaty. There is no doubt, however, that the exchange of specifications, a very small part of the entire problem treated by SWNCC 369, could be resumed at once without noticeable effect upon SCAP's administrative burden, since the entire matter would be handled by the Japanese Government.

"b. Similar requests for exchange of patent specifications have been received from U. S. Military Government in Korea and from United Kingdom Liaison Mission, for the Patent Office, London.

"Any such exchange of information must, of course, include within its scope all FEC member nations; the Japanese Government has been directed to print sufficient copies of back number specifications previously unpublished to permit distribution contemplated under SWNCC 369."

Before

1
DP
ACTION-OPD
INFO:
DC/R
U-E
A-S
LE
DC/L
ITP
OCD
CIA
FC

594522

AGW
594542
LHX-111
bcns 468

DCR - ITP Unit			
Anal.	Rev.	Cat.	Dist.

Tokyo's A-125
November 21, 1947

SECRET

-2-

Before the war the Japanese Government exchanged patent specifications and other patent publications with foreign countries. The Japanese Government is able and willing to resume such exchange now, and supervision of such exchange would impose only a small administrative burden on SCAP. For these reasons this Mission concurs with CPC in the view that SCAP should be authorized to instruct the Japanese Government to resume exchange of patent specifications by the Japanese bureau of Patents and Standards. Office of Civil Property Custodian informally suggests possibility of interim directive by SCAPCC.

SEBALD

S-854

RFinn:vr

SECRET

UNITED STATES POLITICAL ADVISOR DIVISION OF
FOR JAPAN NORTHEAST ASIAN AFFAIRS

DEC 18 1947

DEPARTMENT OF STATE

Tokyo, December 5, 1947

DIVISION OF OCCUPIED AREAS

ECONOMIC AFFAIRS

JAN 27 1948

SECRET

No. 1435 DEPARTMENT OF STATE

INTERNATIONAL RESOURCES SECTION

JAN 28 1948

DEPARTMENT OF STATE

*one copy retained
no enc.
File*

SUBJECT: Report of Japanese Patent Property by the
Civil Property Custodian, General Headquarters,
Supreme Commander for the Allied Powers.

The Acting Political Adviser has the honor to
transmit herewith two copies of a report of Japanese
patent property, dated November 1947, prepared by the
office of the Civil Property Custodian, GHQ, SCAP.

The report, which is classified Secret, describes
the organization and functions of the Patent Property
Division of the office of the Civil Property Custodian,
summarizes the material received by the Division from
the Japanese Government relative to patent properties,
and comments on the principal problems and plans of the
Patent Property Division. The report states that a
part of the program of work to be accomplished is to
abstract all the Japanese government-owned patents,
secret or otherwise, into English and make them avail-
able to the FEC nations simultaneously in catalog or
pamphlet form.

Enclosures: *11*

Two copies of Comprehensive
Report of Patent Property,
November 1947, prepared by
Civil Property Custodian, GHQ,
SCAP, classified Secret.

Original and valid to Department

711.3
RBFinn:mhp

2-XP

*894544
894544*

37E OE

*2-7C
1-2E
3DS
1A-S
3000
1DC/K
14P*

11 38

1947 DEC 12

POLITICAL BRANCH

Com Original

MAY 4 1950

ALSS

894.542/12-547

SECRET FILE

894.542/12-547

*DEC 11 1947
Class. Sect. Mod. 11/14*

SECRET

DS



*Comprehensive
Report*

OF

PATENT
PROPERTY

NOVEMBER 1947

CIVIL PROPERTY CUSTODIAN
GHQ SCAP

SECRET

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN
PATENT PROPERTY DIVISION

CONTENTS

	Page
I. Organization of Patent Property Division	1
II. Summary of Reports Received from Japanese Government on Patent Properties	1
III. Comments and Considerations	4
1. Secret Patents and Japanese Government-owned Patents	4
2. German-owned Japanese Patents	5
3. Japanese Patents	5
4. Allied- and United Nations-owned Patents	5
5. Trademarks	6
6. Copyrights	7
IV. Program of Work to be Accomplished	7
V. Appendix	9

I. ORGANIZATION OF PATENT
PROPERTY DIVISION

1. General Order No. 10, General Headquarters, Supreme Commander for the Allied Powers, 8 March 1946, established the office of Civil Property Custodian, and pursuant thereto, by Organizational Memorandum No. 1, 23 July 1946, a Patent and Copyright Branch was established in the Foreign Property Division.

2. On 21 April 1947, in accordance with Organizational Memorandum No. 2, the Patent and Copyright Branch was enlarged to a division, and by Organizational Memorandum No. 4, 2 May 1947, amended 13 September 1947, was charged with certain duties and responsibilities, which are fully set forth in the memorandum itself attached hereto as IV of Appendix.

II. SUMMARY OF REPORTS RECEIVED FROM JAPANESE GOVERNMENT ON PATENT PROPERTIES

1. SCAPIN 802, which was supplemented, extended and amplified by SCAPINS 1371, 1725-A, 2404-A and 2811-A, imposed obligations on the Japanese Government to report to SCAP comprehensive data relative to patent properties. SCAPIN 802 required that such information and reports be submitted to BSS. Later SCAPINS were initiated by CPC.

2. In compliance with the SCAPINS indicated in foregoing paragraph, the following information has been submitted by JG:

a. Total properties reported:	43,645
Total reports tabulated and records assimilated	6,105
Coded & punched but not tabulated	32,333
Total reports yet to be tabulated	5,207
	43,645

b. Flow of reports in relation to SCAPINS:

<u>SCAPIN NO.</u>	<u>ISSUE DATE</u>	<u>NO. OF PROPERTIES REPORTED</u>
802	3 Mar 46	5,997
1725-A	17 Jul 46	36,513
2404-A	17 Oct 46	440
1371	30 Nov 46	374
2811-A.	17 Dec 46	321
		43,645 *

* Above figures include 1,937 classified as secret by JG.

c. Ownership by national classification:

Australia	44
Canada	125
China	280
France	1,866
Great Britian	5,866
India	43
Netherlands	807
New Zealand	16
Philippines	0
Russia	77
United States	11,508
Switzerland	1,858
Germany	13,362
Japanese Government (secret)	1,937
Japanese Government (non-secret)	4,060
Miscellaneous foreign nations (those not listed above)	<u>1,796</u>
	43,645

d. Divisions by types of properties (as tabulated to date):

Patents	3,024
Patent applications	498
Utility models	110
Trademarks (expired or cancelled since 7 Dec 41)	2,327
Trademark applications	42
Designs	<u>104</u>
Total tabulated	6,105

3. Patent Royalties.

a. Record of use contracts or agreements, between owners of subject properties and Japanese concerns exists in 61 cases with resultant royalty information as of 26 December 1941, and deposited with:

Bank of Japan	
37 American Patents	¥5,034,649.80
23 British Patents	¥1,523,841.47
Teikoku Bank	
1 Norwegian Patent	¥1,066,362.09
Interest on Norwegian Patent	<u>¥ 72,162.27</u>
Total Paid	¥7,747,015.73

Above figures include all nations reported to date.

b. Of patent properties seized by JG, there is record of the issuance of 92 exclusive licenses to Japanese nationals, in connection with its War Production Program. There is evidence of use production under 35 of these licenses with JG reporting royalty information as follows:

Royalties Earned	¥91,813.34	
Royalties Paid by Deposit in Patent Bureau		
American	¥34,506.64	
British	¥ 2,591.74	
Royalties earned but unpaid	¥54,715.55	¥37,093.38
Total Amount of Royalties Collected on Patents		¥7,784,114.11

c. Reports to date show that five United States and two British licenses were invalidated by JG.

4. Copyright Royalties.

a. A report was received from the Deposit Bureau, Ministry of Justice, setting forth the amounts paid by various Japanese publishing houses since 7 December 1941, to the credit of allied nationals for payments of royalties on the publication of literary works. A summary of the funds now in the Deposit Bureau is listed as follows:

<u>Nationality of Author</u>	<u>Amount of Deposit</u>
United Kingdom	1,090.00
France	77,883.81
United States	28,322.00
Denmark	130.00
Poland	70.00
China	130.00
Ireland (Eire)	80.00
USSR	350.00
Netherlands	120.00
Annam	40.00
Germany	18,897.53
Italy	460.00
Sweden	98.00
Switzerland	120.00
Unknown	16,500.00
Total	¥144,291.39

b. The following amounts have been paid into the blocked German account of the Telefunken G.m.b.H. by Dai Nippon

Yubenkai Kodensha as royalty payments under use agreements for master records.

		<u>Amount of Payment</u>
Deutsche Gramophone	¥270,370.15	
Telefunken G.m.b.H.	¥624,166.15	¥894,536.30

c. The following amounts were deposited in Bank of Japan as of 26 December 1941 for royalty payments accrued prior to the outbreak of the war:

19 American Copyrights	¥183,001.57	
7 British Copyrights	¥ 2,163.96	¥185,165.53

d. The following funds have been deposited in the SCAP Custody Accounts since the beginning of the Occupation:

		¥98,341.73
Recapitulation	a.	144,291.39
	b.	894,536.30
	c.	<u>185,165.40</u>

Total payments on Copyrights to date	¥1,378,576.40
---	---------------

III. COMMENTS AND CONSIDERATIONS

1. Secret Patents and Japanese Government-owned Patents.

An important group of patents are the secret patents which were seized by the Japanese Government at the beginning of the war and during the war, and which have not yet been published or made available to the public. These patents relate largely to war materials, both offensive and defensive. The following is a breakdown of these patents:

1,280	valid as of VJ Day
213	expired as of VJ Day
79	granted after VJ Day
246	applications pending VJ Day
80	Utility models granted before VJ Day
39	applications pending VJ Day
<u>1,937</u>	Total

Of these secret patents, 889 have been translated into English abstract form. Upon completion, it is proposed to print and publish these translations in English in catalog or pamphlet form and make them available to the FNC nations simultaneously. Secret patents and utility models registered after VJ Day, and applications therefor which are still pending, will be placed

in two classifications:

- a. Those belonging to the Japanese Government, and
- b. Those belonging to private parties.

It is further proposed to translate the approximately 4,000 Japanese Government-owned commercial patents from Japanese into English, print and publish these in abstract form, and make distribution in the same manner as for secret patents.

2. German-owned Japanese Patents.

All German patents registered in Japan have been published in the Japanese Patent Gazette. Copies of these patents have been delivered to CPC.

Revised figures to date total 13,362 German-owned patent properties registered in Japan as of 7 December 1941 composed of 4,522 patents, 4,291 trademarks, 1,173 utility models, 26 designs, 279 copyrights, 3,051 patent applications and 20 utility model applications.

Forty licensing agreements involving German-owned patents have been received and analyzed. Reports have been submitted by the Japanese licensees indicating the present status of these agreements. These reports, however, are inadequate and the Japanese Government has been directed to furnish the additional data.

All German-owned or controlled patent property in Japan has been vested in or impounded by the German External Property Commission. CPC, acting as unofficial agent for GEPC, is holding these properties in custody and is collecting royalties under the two (2) contracts.

3. Japanese Patents.

The Japanese Bureau of Patents and Standards has reported on registration of all patent properties from 1930 through 1946 excluding copyrights, as follows:

Patents	89,769
Utility Models	211,636
Designs	54,689
Trademarks	195,489

National ownership of all valid patent properties existing as of 7 December 1941 is shown in II, 2c.

4. Allied- and United Nations-owned Patents

The patent situation in Japan is complicated by the fact that after 7 December 1941 the Japanese Government threw many

foreign-owned patents open to the public by invoking the War-time Law of Industrial Property passed in 1917. This was accomplished in various ways:

- a. By outright cancellation.
- b. By substantial reduction in the amount of royalties which were to be paid in accordance with existing agreements and/or licenses.
- c. By expropriation and issuance of exclusive licenses.
- d. By exempting users of such patents from any payments whatsoever.

Some of these licensees, even in view of Government authorized reductions or cessation of royalties, have set aside funds totaling several million yen in anticipation of request for payment. A large number of foreign-owned patents were allowed to lapse for non-payment of annual fees or taxes as provided by Japanese patent law. This action by the Japanese Government can be partially rectified by disregarding the war period and restoring those patent rights existing on 7 December 1941 as of the date of resumption of normal commercial transactions. This division has submitted to DA its comments on SWNCC 369, a proposed policy for the treatment of Japanese foreign and domestic patents. Pending a reply, tentative procedures are being formulated to implement this proposed policy. SCAPIN 1752, 23 July 1947, directed the Japanese Government to establish a Patent Property Administrative Section with the Bureau of Patents and Standards for the purpose of maintaining close liaison and supplying information and statistics concerning Japanese patents, utility models, designs and trademarks. Publication of currently registered patent specifications has been resumed. However, a backlog of unpublished patents, designs, utility models and trademarks was created by suspension of publication during the war. Directives have, therefore, been sent to the Japanese Government requiring publication of all hitherto unpublished specifications.

5. Trademarks.

During the war, the Japanese Government also cancelled trademarks by invoking the Wartime Law of Industrial Property. In addition, about 2,500 expired for the reason that the registrants were unable to file applications for renewal, and pay the fees therefor. In other instances, trademarks were expropriated by the government, which granted exclusive licenses for their use to Japanese nationals. There is now in preparation a proposed policy for the treatment of foreign and domestic Japanese trademarks which, upon completion and coordination with interested

sections of SCAP, will be submitted to DA for consideration.

6. Copyrights.

It is to be noted that the Japanese Copyright Law, as now in effect, does not provide for registration of the copyright property itself. Complete records are not available at the Home Ministry, which registers rights of publication, assignments, etc., due to partial destruction by fire during the war. The Director of the Imperial Library of Japan reports that 573,566 registrations have been made from the year 1915 through 1946. These are divided into 27 different classifications. During May 1947, the administration of copyright law was transferred to the Copyright Board, Cultural Section, in the Ministry of Education. The staff was increased and the responsibility for furnishing statistical information and data to CPC has been definitely delegated to a special liaison group within the Board. A policy for the treatment of Japanese domestic and foreign copyrights has been prepared and submitted to C/S. DA also has prepared a policy which will be forwarded to SCAP within a short time. There is an urgent need in Japan for copyright publications owned by United Nation Nationals to further the objectives of the Occupation. Lack of an approved policy for treatment of UN owned copyright property has thus far prevented the publication of urgently needed literary works in Japan.

IV. PROGRAM OF WORK TO BE ACCOMPLISHED

1. To establish a plan or policy providing for the ultimate disposition of German-owned or controlled patent property in Japan.

2. To ascertain any and all rights and interests which nationals of the United Nations, Neutral Nations and Special Status Nations may have in German-owned or controlled patent property in Japan and provide for the protection of these rights when ultimate disposition of this class of property is made.

3. To initiate recommendations, for consideration by interested sections, for changes in the present Japanese patent and copyright laws; to correct difficulties now existing and to institute those changes required to comply with SCAP policy. To analyze the present organization in the Japanese patent and copyright bureaus and recommend changes, if necessary to secure greater efficiency in dealing with problems in which CPC is interested.

4. To protect the interests of Allied nations and their nationals who are holders of Japanese patent properties where existing license agreements for use of such patent properties should be continued in force because they are essential to the

Japanese economy and/or the Occupation.

5. To establish a policy to provide for compensation to Allied and United Nations holders of Japanese patents for the arbitrary use of their patents by the Japanese Government during the war.

6. To abstract all the Japanese government-owned patents, secret or otherwise, into English and make them available to the FOC nations simultaneously in catalog or pamphlet form.

7. To establish procedures to implement the proposed copyright property and trademark policies.

8. To assist Allied and United Nations holders of Japanese patent properties to reinstate patent property rights which have expired during the war by seizure, cancellation, or other means; to tabulate royalties credited and, in general, to protect UN rights until final disposition can be made; to carry out the policies to be established by SANAC with reference to patent properties; to issue directives to the Japanese Government to enjoin known infringements; to classify and analyze all patent properties.

APPENDIX

	Page
I. GENERAL ORDER NO. 10	1
II. Organizational Memorandum No. 1	3
III. Organizational Memorandum No. 2	6
IV. Organizational Memorandum No. 4	7
1. Chart of Organization of Patent Property Division	9a
2. Chart of Organization of Japanese Bureau of Patents and Standards	9b
V. Resume of SWNCC 369, Proposed Policy for Treatment of Japanese Domestic and Foreign Patents	10
VI. Summary of German Patent Accord	12
VII. Brief Summary of Patent Property Laws in Japan	13
1. Patents	13
2. Utility Models	14
3. Designs	14
4. Trademarks	14
5. Copyrights	19

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERSGENERAL ORDERS)
NO.....10)

I.

APO 500
8 March 1946CIVIL PROPERTY CUSTODIAN

1. The Office of the Civil Property Custodian is established as a Special Staff Section of this headquarters to advise the Supreme Commander for the Allied Powers on general policies concerning, and to establish and provide for implementation of procedures for, the control or custody and disposition of the various properties and assets, tangible and intangible, over which the Supreme Commander for the Allied Powers is directed to exercise authority.

2. Functions of the Section in general are to:

a. Make recommendations, and establish procedures for control or custody and disposition of property and assets of the United Nations, neutral nations, and nations whose status has changed as a result of the war, and their nationals, to include the preservation and protection of such property.

b. Make recommendations, establish procedures, and execute, or supervise execution of, approved programs for the blocking and impounding of property which has been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation.

c. Make recommendations, establish procedures, and execute, or supervise execution of, approved programs for the blocking, custody or control and disposition of properties and assets of designated Japanese persons and organizations.

d. (1) Seek out and reduce to possession or control all Japanese (public and private) foreign exchange and external assets of every kind and description within Japan.

(2) Make recommendations for submission on highest governmental levels to accomplish similar results to d (1) above with respect to Japanese (public and private) foreign exchange and external assets of every kind and description outside of Japan.

e. Prepare recommendations to higher authority with respect to requests for disposition, including restitution, of property which is under the control of the Civil Property Custodian.

(GO NO. 10) Contd

f. Execute, or supervise execution of, approved programs for disposition of property under control of the Civil Property Custodian.

g. Make recommendations, establish procedures, and execute, or supervise execution of approved programs with respect to all property in Japan of the governments, nationals, or residents of the enemy nations other than Japan, to include:

- (1) Blocking, custody or control of this property.
- (2) The disposition of such of this class of property as is vested in other authorities, acting as an agent for the person or organization in whom such property has been vested.
- (3) The disposition of the remainder of this class of property in accordance with directions of higher authority.

h. Upon request of Allied authorities in other occupied nations, with respect to the assets of the governments of the enemy nations and of their nationals resident in Japan exercise the functions prescribed in sub-paragraph 2d (1) above.

i. Be responsible for the maintenance of complete records and accounts:

- (1) Of all property taken under control or into custody or reported to the Supreme Commander for the Allied Powers, in accordance with his directives; and of all transactions pertaining thereto.
- (2) Of all disposal transactions as may be directed by higher authority.

By command of General MacARTHUR:

RICHARD J. MARSHALL,
Major General, General Staff Corps,
Chief of Staff.

OFFICIAL:

/s/ B. M. Fitch

B. M. FITCH,
Brigadier General, AGD,
Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN

23 July 1946

II.

ORGANIZATIONAL MEMORANDUM NO. 1

ESTABLISHMENT OF PATENT BRANCH IN FOREIGN PROPERTY DIVISION OF
CIVIL PROPERTY CUSTODIAN

1. The Patent Branch is hereby established in the Foreign Property Division to advise the Custodian through proper channels on general policies concerning, and to establish and provide for implementation of procedures for, the control or custody and disposition of property rights relative to patents, utility models, designs, trademarks, and copyrights, over which the Supreme Commander for the Allied Powers (SCAP) is directed to exercise authority.

2. Functions of the Branch in general are to:

a. Make recommendations, and establish procedures, for control or custody and disposition of property rights relative to the United Nations, neutral nations, and nations whose status has changed as a result of the war, and their nationals, to include the preservation and protection of such property rights.

b. Make recommendations, establish procedures, and execute, or supervise execution of, approved programs for the blocking and impounding of property rights relative to patents, utility models, designs, trademarks, and copyrights which have been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation.

c. Make recommendations, establish procedures, and execute or supervise execution of approved programs, for the blocking, custody or control and disposition of property rights relative to patents, utility models, designs, trademarks and copyrights of designated Japanese persons and organizations.

d. Seek out complete records and data from the Imperial Japanese Government and any other source on all United Nations and Axis property rights relative to patents, utility models, designs, trademarks, and copyrights, in Japan, including among others all external assets relative to subject property.

e. Prepare recommendations to higher authority with respect to requests for disposition, including restitution and reparations, of property rights relative to patents, utility models, designs, trademarks, and copyrights over which SCAP is directed to exercise authority.

ORGANIZATIONAL MEMORANDUM NO. 1
(Continued)

f. File with the Registrar of Claims all claims for royalties under and infringement of patents, trademarks, or copyrights and all other claims relative thereto with the exception of claims for restitutions thereof.

g. Execute, or supervise execution of, approved programs for disposition of property rights relative to patents, utility models, designs, trademarks and copyrights over which SCAP is directed to exercise authority.

h. Make recommendations, establish procedures, and execute, or supervise execution of, approved programs with respect to all property rights relative to patents, utility models, designs, trademarks and copyrights, in Japan, of the governments, nationals, or residents of the enemy nations other than Japan, to include:

- (1) Blocking, custody or control of these property rights relative to patents, utility models, designs, trademarks and copyrights.
- (2) The disposition of such of this class of property rights relative to patents, utility models, designs, trademarks and copyrights as are vested in other authorities, acting as an agent for the person or organization in whom such property rights have been vested.
- (3) The disposition of the remainder of this class of property rights relative to patents, utility models, designs, trademarks and copyrights in accordance with directions of higher authority.
- (4) Handle German property rights relative to patents, utility models, designs, trademarks and copyrights in accordance with the provisions of the decree vesting title to German property in Japan in the German External Property Commission and perform such duties as such agent as are assigned by SCAP.

i. Upon request of Allied authorities in other occupied nations, with respect to property rights relative to patents, utility models, designs, trademarks and copyrights of the governments of the enemy nations and of their nationals resident in Japan, exercise the functions prescribed in sub-paragraph 2d above.

ORGANIZATIONAL MEMORANDUM NO. 1
(Continued)

j. Keep the Comptroller informed of all property rights relative to patents, utility models, designs, trademarks and copyrights.

3. The Comptroller of the Custodian will be responsible for the maintenance of complete records and accounts:

a. Of all property rights relative to patents, utility models, designs, trademarks, and copyrights, taken under control or into custody or reported to the Supreme Commander for the Allied Powers, in accordance with his directives; and of all transactions pertaining thereto.

b. Of all disposal transactions directed by higher authority, including dispositions of claims, restitutions and reparations.

c. Of all changes in the titles to patents, utility models, designs, trademarks and copyrights.

4. The Comptroller will also arrange to secure the necessary data and records from interested Staff Sections of SCAP in accordance with Staff Memorandum No. 27, paragraphs 2 and 3, dated 10 April 1946.

By order of the Custodian:

/s/ Franklin R. Sibert

FRANKLIN R. SIBERT
Lt. Col, Infantry
Deputy Custodian

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN

PHT/ECM/JGP/bmh
21 April 1947

III.

CPC ORGANIZATIONAL MEMORANDUM

NO 2

SUBJECT: Establishment of Patent Division

1. For emergency purposes and as a temporary expediency, a Patent Division under the direction of Lt. Col. Franklin R. Sibert, O-20329, Infantry, and directly responsible to the Civil Property Custodian, is established effective this date.

2. The establishment of this Division is temporary and will consist of the following personnel now on duty with the Civil Property Custodian Section:

Mr. William E. Chilton
Mr. Wm. Spencer
Mr. A. E. Jann
Mr. S. Adachi
Mr. Donald Abbey
Mr. Merritt L. Tompkins
Miss Patricia Dyer
Miss Lucille Cohen
Miss Gertrude M. Vold
21 Japanese Nationals

3. Headquarters of this Division will be Room 601.

/s/ Patrick H. Tansey
PATRICK H. TANSEY
Brig Gen, USA
Custodian

DISTRIBUTION:

All Divisions

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN

IV.

PHT/EGS/gmv
13 September 1947

ORGANIZATIONAL MEMORANDUM

NO. 4

SUBJECT: Duties and Responsibilities of the Patent Property
Division

1. The duties of the Patent Property Division of the Civil Property Custodian are to make recommendations, establish procedures, and execute or supervise the execution of approved programs for control or custody and disposition of property rights in patents, utility models, designs, trademarks, copyrights and scientific and technical information, patented or unpatented over which the Supreme Commander for the Allied Powers is directed to exercise authority, and to seek out complete records and data pertaining to such patent property.

a. The Patent Property Division is responsible for the eventual restitution of patents, trademarks, copyrights, utility models and designs (hereinafter referred to as Patent Property) owned in Japan on 7 December 1941 by nationals of the United Nations or in which these nationals had an interest. Pending actual restitution of such patent property, this division is responsible for controlling all transactions and preserving all property rights.

b. The division is responsible for blocking, impounding and eventual disposition of patent property owned in Japan by Axis Governments and their nationals.

c. The division is also responsible for impounding, blocking and controlling patent property owned by the Japanese Government and its political sub-divisions, and by public utilities and monopolies under their control. Such responsibility shall extend to all scientific and technical information, patented or unpatented, which may have industrial or other value. The division will analyze, classify, and evaluate to the degree possible, all such property in anticipation of disposition of such property as reparations or otherwise.

d. The Patent Property Division is responsible for the seizure, control and final disposition of Japanese secret patents, utility models and designs. It is the responsibility of the division to analyze and classify these secret patents preparatory to

to the release of complete information regarding them to all member governments of the Far Eastern Commission simultaneously.

2. The Patent Property Division is sub-divided into four branches, namely: German Patents Branch, Commercial Patents Branch, Trademarks and Copyrights Branch, and Research and Analysis Branch. Responsible to the Director of the Division, the duties of each branch are as follows:

a. The German Patents Branch: responsible for the custody, impounding, blocking, administration, and disposition of all German owned or controlled patents, trademarks, copyrights, utility models and designs; analyzes contracts, licensing agreements and other documents to seek out German interests and supervises the investigation, recording, reporting and disposition of royalties accrued. This branch is also charged with examination of seized German patent information for the purpose of determining to what extent there were secret agreements for licensing between Axis nations.

b. The Commercial Patents Branch: responsible

(1) For the protection of property rights in Japanese patents owned by Allied and United Nations nationals or nationals of countries whose status has changed as a result of the war;

(2) For the blocking and controlling of patents (except secret patents) owned by the Japanese Government or by public utilities and monopolies under its control and subsequent disposition of same as reparations.

c. The Trademarks and Copyrights Branch: responsible for the control of property rights in trademarks and copyrights owned by Allied and United Nations nationals and final restitution of same; for blocking and impounding of property rights in Japanese trademarks and copyrights owned by Axis nationals and final disposition of same; and for the blocking, impounding, control and final disposition of property rights in trademarks and copyrights owned by the Japanese Government or by public utilities and monopolies under its control.

d. The Research and Analysis Branch: responsible for analysis and evaluation of Japanese, German and Axis patent property in custody including secret patents owned by the Japanese Government or by public utilities and monopolies under its control, and for the estimation of the value of claims of patent infringements by United Nations claimants.

/s/ E. C. Miller
for PATRICK H. TANSEY
Brig Gen, USA
Custodian

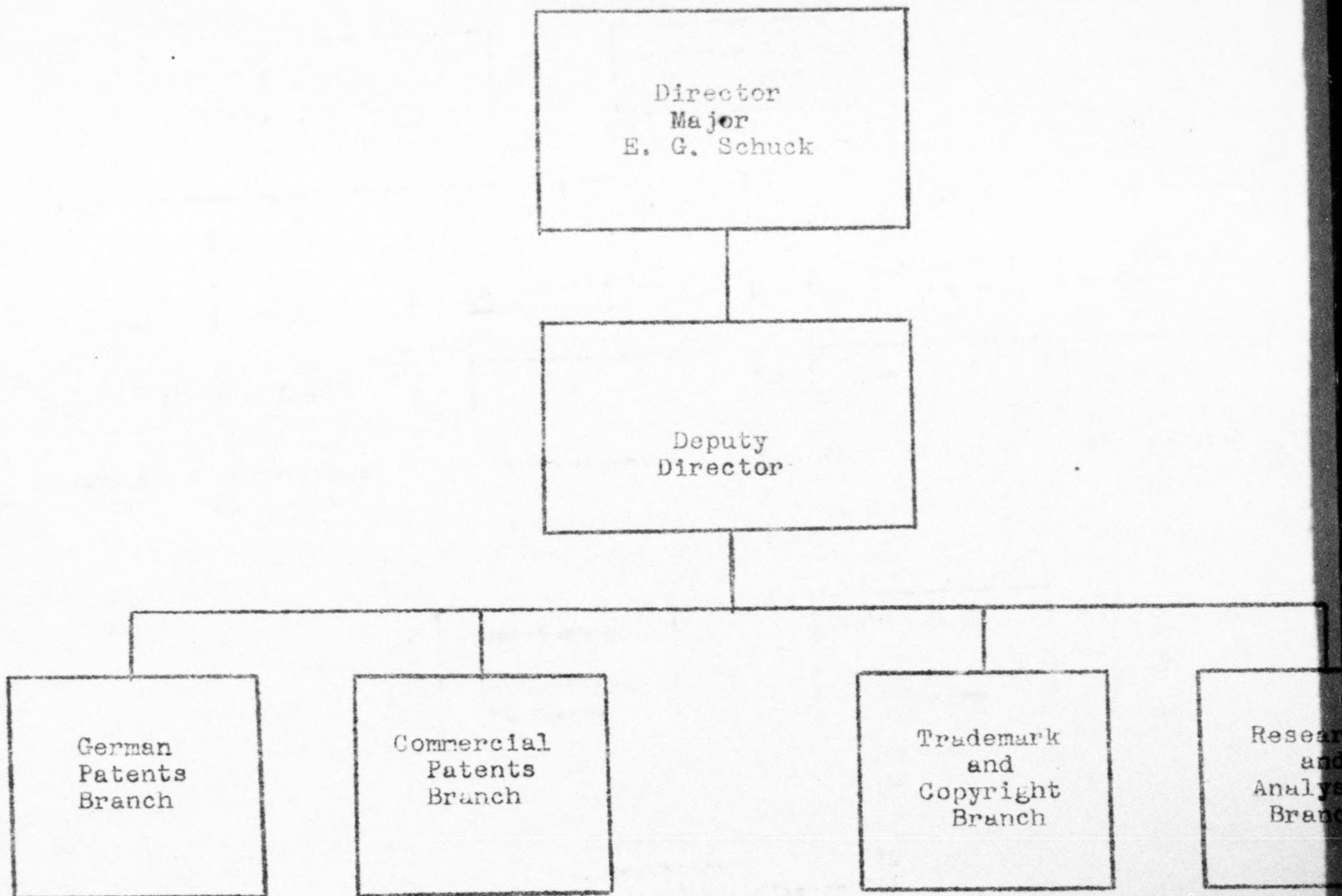
1 Incl
Definition of Patent
Property

DEFINITION OF PATENT PROPERTY

The term "Patent Property" shall include all Japanese letters patent, patents of invention, utility models, designs, trademarks and copyrights, and all applications therefor, and all scientific and technical information, patented or unpatented, owned, in whole or in part, by United Nations Governments or Nationals, Enemy Governments or Nationals, Neutral Nation Governments or their Nationals, or Governments or Nationals whose status has changed as a result of the War. The term "Patent Property" shall also include all assignments, agreements, licenses, contracts, or choses in action connected with or affecting the subject property, as well as all revenues received from a sale, license or assignment and all technical and scientific data or material obtained as a result of a study of the subject property.

PATENT PROPERTY DIVISION
ORGANIZATION CHART

9a



PATENT PROPERTY DIVISION
ORGANIZATION CHART

Director
Major
E. G. Schuck

Deputy
Director

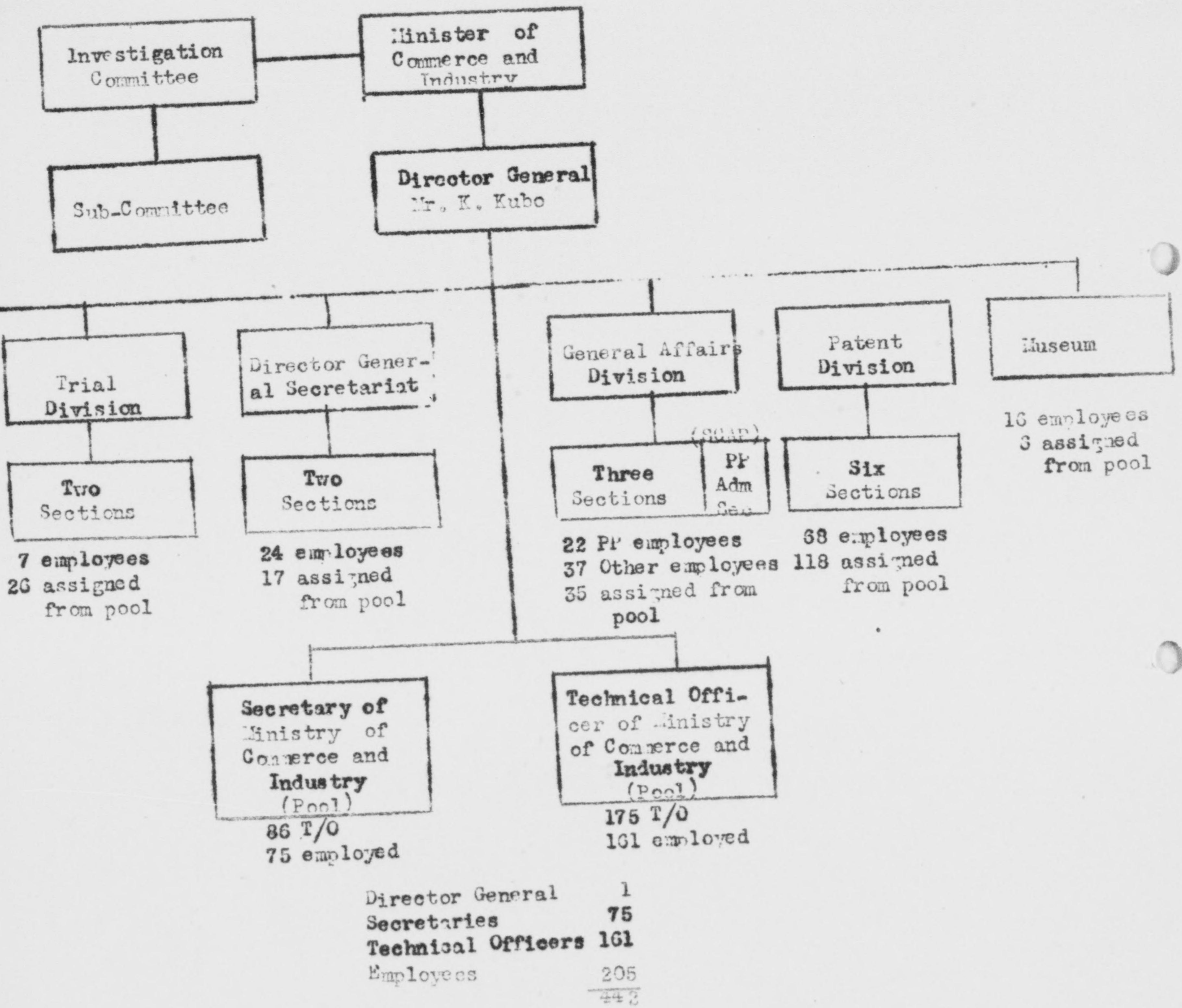
an
ents
ch

Commercial
Patents
Branch

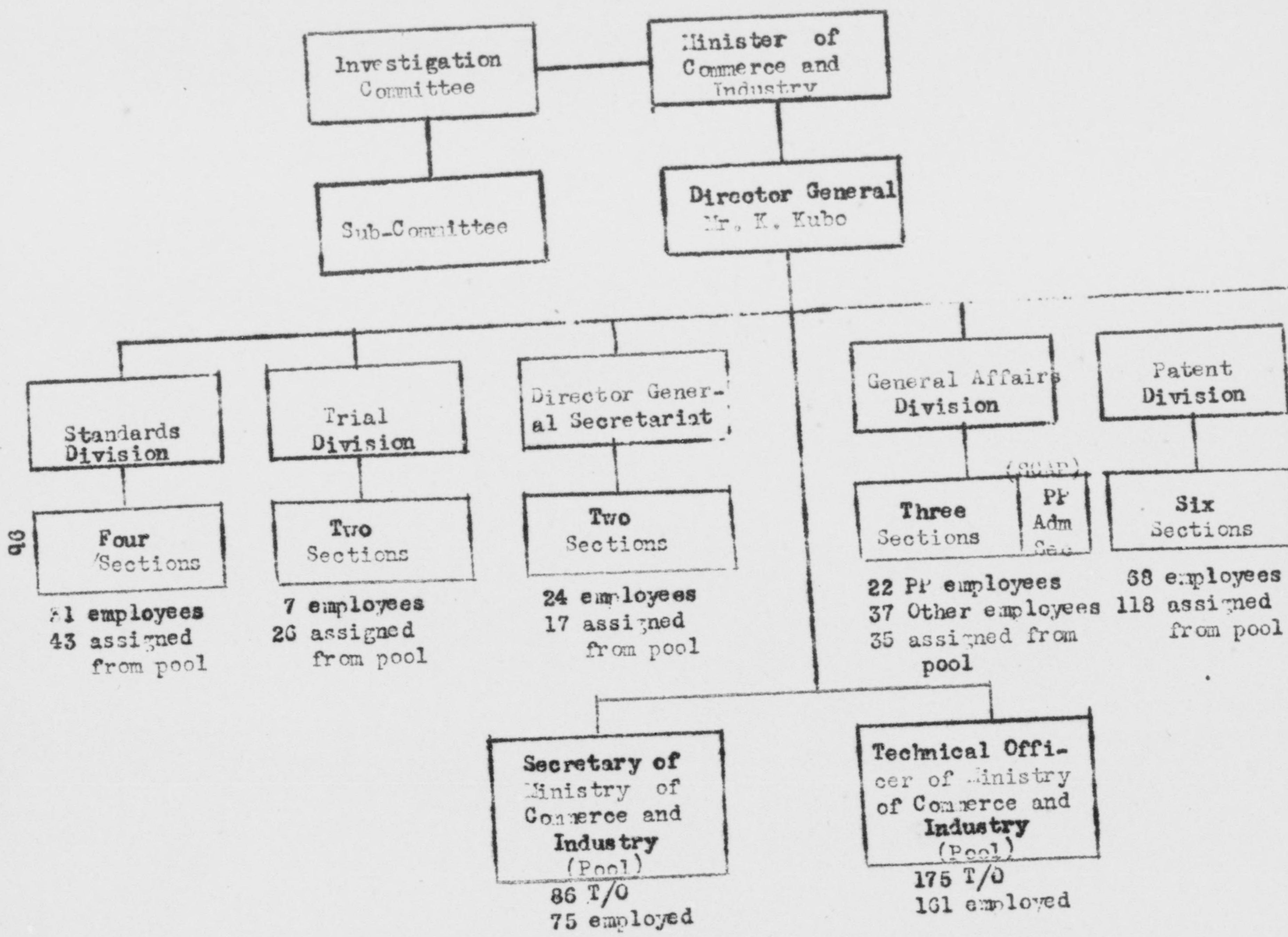
Trademark
and
Copyright
Branch

Research
and
Analysis
Branch

ORGANIZATIONAL CHART
BUREAU OF PATENTS AND STANDARDS

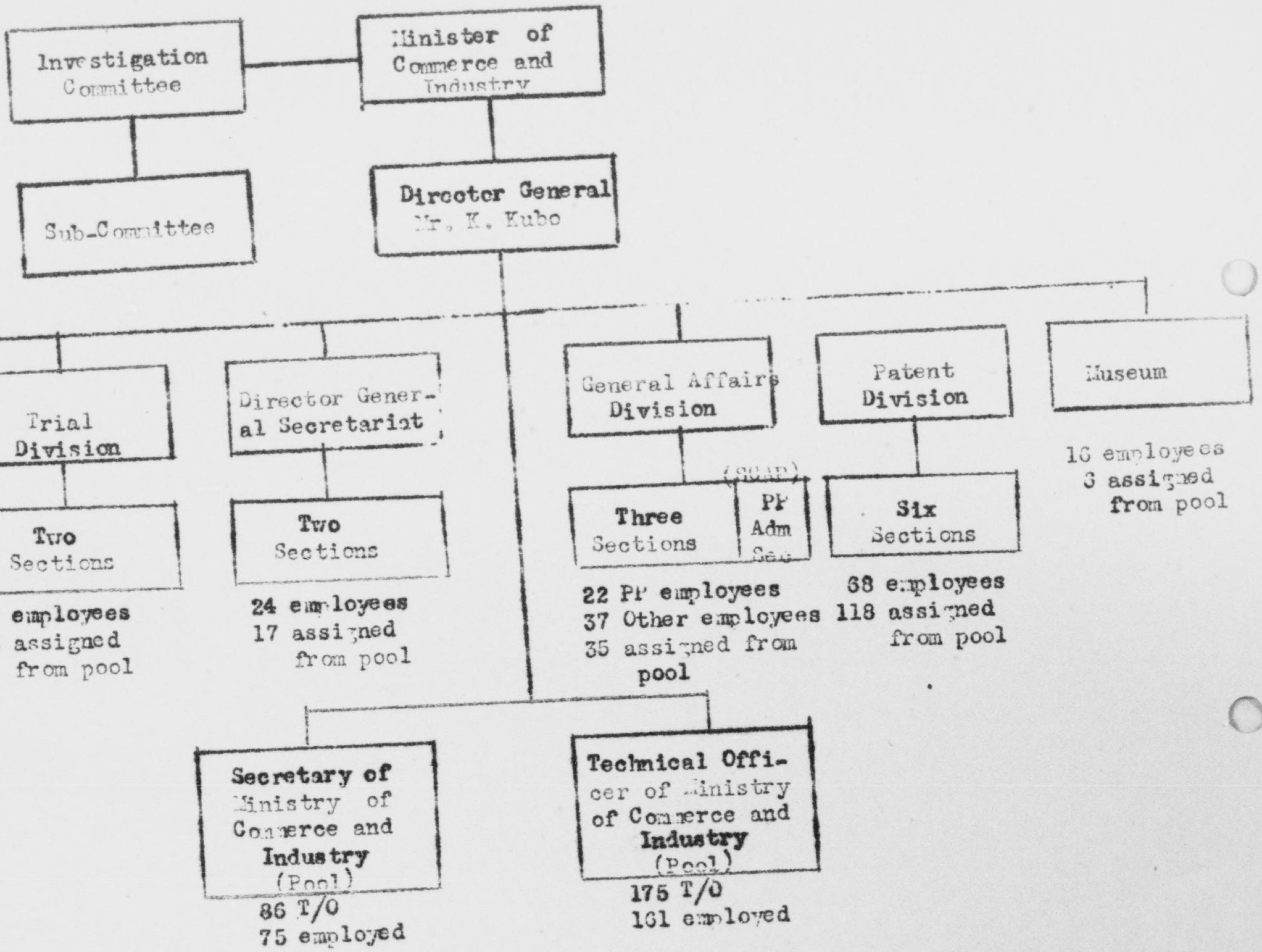


ORGANIZATIONAL CHART
BUREAU OF PATENTS AND STANDARDS



Director General	1
Secretaries	75
Technical Officers	161
Employees	205
	<hr/> 442

ORGANIZATIONAL CHART
BUREAU OF PATENTS AND STANDARDS



Director General	1
Secretaries	75
Technical Officers	161
Employees	205
	<u>442</u>

SECRETV. Resume of SWNCC 369, Treatment of Japanese Domestic and Foreign Patents and Utility Models

1. The Japanese Patent Office shall continue to operate, subject to the following:

a. All United Nations-owned patents existing as of 7 December 1941 or granted thereafter on pending applications, shall be restored, upon request, without payment of fees that have accrued during the interim, and shall be extended for a period equal to that from 7 December 1941 to date of restoration. If royalties have accrued in interim the owner may elect to receive the royalties in lieu of the extension.

b. No existing patents, or rights restored or acquired during period of occupation, or presumptive rights to eventual issuance of United Nations-owned Japanese patents under provisions for priority of filing, shall be permitted to interfere with recovery of Japanese economy. Compulsory licensing, under patent laws, with reasonable monetary compensation, will be invoked.

c. The United Nations owners of patents in their own countries, who were prevented from filing applications for corresponding patents in Japan by reason of the war, shall be entitled to priority of filing. If filed prior to resumption of private transaction, mandatory licensing is suggested on a non-exclusive reasonable royalty basis to current users and any other applicants until owners may negotiate different terms.

d. Existing patents owned by persons defined by SCAP as "war criminals," undesirables, or Firms on Schedule of Restricted Concerns, shall be subject to blocking, compulsory licensing, or dedication to the public.

e. Patents shall fully disclose the invention. Secret patents shall be prohibited. Publication shall be had of hitherto unpublished patents and applications.

f. Directives shall issue to require all firms and persons in Japan making use of United Nations-owned patents existing on 7 December 1941 to keep account of such use and set aside funds equal to reasonable royalties for all current and future use. Infringement suits and other actions may be filed by owners to obtain compensation for future use. SCAP shall not be made responsible for obtaining or attempting to obtain compensation for any prior use other than extension or notification as to funds credited to their accounts for royalties.

2. All member governments shall be urged to terminate former Japanese-owned interests in patents within their jurisdiction and make same available on an equal basis, without royalties, or dedicate them to the public, and to refrain from granting patents on any invention made in Japan or other enemy territory by a Japanese national from 7 December

SECRET

SECRET

1941 to 31 December 1945. No charge shall be made against the reparation account of any government for the value of the patents thus licensed or dedicated.

3. On inventions made by Japanese nationals in Japan subsequent to 31 December 1945 and filed for patent in Japan, permission may be granted in selected instances to file in foreign jurisdictions, provided licenses are granted on non-exclusive basis at reasonable royalties. On all other patents, publication may be authorized in foreign countries to prevent issuing of patents to third parties.

SECRET ✓

VI. SUMMARY OF GERMAN PATENT ACCORD (LONDON ACCORD)
DATED 27 JULY 1946, SIGNED BY TWELVE NATIONS

1. The general effect of the Accord is to make available to the nationals of all participating governments full rights to use, without payments of any royalties, all former wholly German-owned patents issued by those governments subject to the protection of existing rights lawfully acquired prior to 1 August 1946 by non-Germans. In addition, where a participating government makes available to its own nationals rights under other patents where there was formerly a German interest, it must grant equal rights to nationals of other participating governments. Provision is made for the interchange of information through a central office to be maintained by the French Government. The number of patents in the various countries which will be affected by the Accord, although not definitely ascertained, is known to be well above 100,000.

2. Disposition in this manner will remove the possibility that these patents can become a barrier to international or domestic trade.

VII.

BRIEF SUMMARY OF PATENT LAWS OF JAPAN

(These laws were translated by
J. E. DeBecker, Revised 1930.)

The registration of patents, utility models, designs, and trademarks is vested in the Bureau of Patents and Standards under the Ministry of Commerce and Industry.

1. Patents

a. Any person who has made a new industrial invention may obtain a patent therefor. In a case of a patented invention of an article, the patentee has the exclusive right to manufacture, use, sell, and/or distribute such articles, while in the case of a patented invention of a process he has the exclusive right to use such process and to use, sell, and/or distribute articles manufactured by such process.

b. Patents are granted for a period of 15 years and may be renewed for a period of 3 to 10 years in accordance with the provisions of the Imperial Ordinance. Annual fees on a graduated scale over the term of the patent are payable to the Bureau of Patents and Standards. The patent right is cancelled upon failure to pay these fees.

c. Reciprocity is afforded those applicants whose nations adhere to the international convention, treaty, or law. If such an applicant subsequently files his application in Japan within one year of filing in his own country, he is accorded the earlier date as the constructive filing date in Japan.

d. Patents are granted to the first to file if there are no interferences. All patented articles and materials shall be labeled or marked with notice to patent. Penalties are provided for infringement and other types of violations.

e. If the patented invention requires secrecy for military reasons or is necessary either for military purposes or in the public interest, the patent right may be restricted or expropriated by the government or the patent may be cancelled or the patented invention may be worked by the government. In the case of restriction, expropriation, cancellation, or working under the above provisions, reasonable monetary compensation shall be paid by the government to the patentee and/or the person entitled to the right of working.

f. If, after the grant of the patent, the invention, without good and sufficient reason, has not been worked in a proper manner for three years or more, or if the invention is necessary to the public interest, the Director may, on demand of any interested per-

son, grant a right of working the same and provide for monetary compensation.

g. Suits and appeals may be instituted through the Trial Section of the Bureau of Patents and Standards in order to determine the scope and validity of the patent right or for reconsideration of the original declaration.

2. Utility Models

a. Any person who has devised for industrial use a new type of practical utility in the form, construction, or composition of articles, may have such type of articles registered as a utility model. The person entitled to a utility model right has the exclusive right to manufacture, use, sell, or circulate as a business, articles under his registered utility model.

b. In case a utility model right conflicts with a patent right or design right for which application has been made prior to the date of application therefor, or in case a registered utility model constitutes a utilization of a patented invention or registered design for which application has been made prior to the date of application thereof, the person entitled to the utility model right may not work his registered utility model except with permission for working from the patentee or the person entitled to the design right.

c. Utility models are granted for a period of ten years and are not renewable. Suits and appeals, as well as fees, are handled in the same manner as for patents.

3. Designs

a. Any person who has for industrial purposes devised a new design relating to form, pattern, or color, or combination thereof in respect of any articles, may have it registered as a design.

b. Designs which are similar only to a registered design belonging to the same person are deemed new. The applicant shall designate the article in which his design is to be embodied.

c. Designs are granted for a period of ten years, subject to payment of annual fees, and are not renewable.

d. Suits and appeals may be instituted in the same manner as for patents.

4. Trademarks

Law. Law No. 99 of April 29, 1921, as amended through 1938.

Conventions. Japan is a member of the International Union.

Definition of a Trademark. To distinguish merchandise produced, manufactured, worked upon, selected, certified, dealt with or sold in connection with a business. (Art. 1)

Who may Apply. The first user of a trademark is entitled to registration. A trademark comes into existence by registration. (Art. 7)

An alien who has no domicile or place of business in the Empire can not obtain registration unless Japan has made Treaty or Convention arrangements with the country of which he is a subject or citizen. (Art. 4)

what can be Registered. In order to be registrable a trademark must consist of written characters, devices, signs, or a combination thereof, and must also be special and distinctive. (Art. 1)

Trademarks consisting of or containing the portrait of, or the name, appellation, or trade name of another person can only be registered with the consent of such other person. (Art. 2, 5.)

Foreign Trademarks. A trademark which has been registered in a foreign country having Treaty or Convention arrangements with Japan can be filed as a "foreign trademark." In such case, a certificate of its registration in such foreign country must be furnished. It should be noted, however, that if a mark emanating from abroad is filed as an ordinary application, that is to say, without any reference to the foreign registration thereof, it will not be regarded for the purposes of the law as a foreign mark but will be in the same category as domestic marks and hence subject to the provisions of the law applicable particularly thereto. (Art 2)

Not Registrable. The following can not be registered as trademarks: (Art 2)

(a) Marks which are identical with, or similar to, the Imperial Chrysanthemum, the national flag, the military or naval flags, a decoration, a medal of merit, a badge, a foreign national flag, a Red Cross badge on a white ground, or the designation of, or written character for, the Red Cross or Geneva Cross; a medal, certificate of merit or testimonial awarded by an exhibition held by the Government or the administration of a Do, Fu or Ken, or the equivalent thereto, or with the permission of the Government, or by an exhibition held in a foreign country either by or with the permission of the authorities, but this does not apply when a recipient of such a medal, certificate of merit, or testimonial desires to use the device thereof as a part of his trademark;

(b) Marks which are liable to disturb public order or morals;

(c) Marks which are identical with, or similar to, marks customarily used for identical or similar merchandise; a mark belonging to another person and widely known among dealers and consumers, and which is used for identical or similar merchandise; a registered trademark of another person and which is used for identical or similar merchandise;

(d) Marks which are liable to cause mistakes or confusion of merchandise;

(e) Marks consisting of or containing the portrait of, or the name, appellation, or trade name of another person, except with the consent of such person;

(f) Marks which are identical with, or similar to, a trademark belonging to another person in respect of which one year has not elapsed since its registration ceased to be valid; but this does not apply if the trademark belonging to the other person has not been used for at least one year before its registration ceased to be valid.

Classification. For trademark purposes, merchandise is classified into 70 different classes. A separate application must be filed in respect of each class where it is desired to protect goods which fall in more than one class. (Art. 15, Enf. Reg.)

A "foreign mark" can only cover the goods for which protection has been obtained in the Home country as evidenced by the certified copy which must be filed with the application. (Art. 4 Enf. Reg.)

Marks in Colors. A trademark may be limited to any particular color or colors.

Associated Marks. Trademarks belonging to the same person which are identical with, or similar to, each other, and which are to be used for similar merchandise, are registrable only if application is made for their registration as "associated trademarks." (Art. 1 Enf. Reg.)

Procedure. An examination is made of all applications as to form and as to whether there are any other marks already on the register which conflict therewith. (Art. 21)

Note: Certificates of Registration are not now issued by the Patent Office, but proof of registration can be obtained on application and payment of a fee. (Art. 14)

Appeal. An applicant dissatisfied with a rejection of his application may file notice of appeal to the Board of Appeal within thirty days of the date of the notice of rejection. If dissatisfied with the Board's decision, appeal may be taken to the Supreme Court within a like period but only on the ground that the decision is in contravention of the law (Art. 22).

Note: In both cases, ninety days for appeal are usually allowed foreign applicants.

Advertisement. After examination and allowance an application is published in the Trade-Mark Gazette for opposition. It should be noted, however, that an examiner can raise objections against the application even after the expiration of the period for opposition, so that it can not be regarded as certain that publication, in the absence of opposition, means eventual grant (Art. 19).

Time Limit for Proceeding with Application. When an official action is issued, the Patent Office appoints a term within which a reply must be filed; unless so filed, an application will be regarded as abandoned, unless an extension has been applied for and allowed (Art 78, Patents, Art. 24).

Opposition. Opposition may be filed by any person within two months from the date of publication of the application in the Trade-Mark Gazette (Art. 24, Art. 74 Patents).

Effect of Registration. A person entitled to a trademark right has the exclusive right to use the mark for the merchandise in respect of which it is registered (Art. 7).

A trademark right, however, doesnot prevent the use by another of his own name, appellation, or trade name, or of the common name of the merchandise, its place of production, grade, quality, efficacy, method of use, manner of manufacture, time, quantity, shape or price. The use by another, after the registration of the trademark, of his name, appellation or trade name, will not be permitted, however, if it is used in bad faith (Art. 8).

Duration and Renewal. The period of duration of a trademark right is 20 years from the date of its registration with privilege of renewal for like periods (Art. 10 and 11).

Application for renewal must be filed not later than three months before the date of expiry of the term. It may be filed, however, within the following two months on payment of a fine.

Time within which Mark can not be Re-registered by Another.

Trademarks which are identical with, or similar to, a trademark belonging to another person in respect of which one year has not yet elapsed since its registration ceased to be valid can not be registered; but this does not apply if the trademark belonging to the other person has not been used for at least one year before its registration ceased to be valid. (Art. 2, (10)).

User. If a registered trademark is not used in the Empire within one year from the date of registration, or its use is suspended for three consecutive years, the mark is liable to cancellation. (Art. 14)

The use of one of a number of associated marks is sufficient user in respect of all of said associated marks.

Assignment. The right to a registered mark can only be transferred together with the goodwill of the business.

In the case of joint ownership, none of the joint owners can transfer his share except with the consent of the other joint owner or owners.

A trademark right may be assigned in part corresponding to the different kinds of merchandise for which the mark is registered.

Associated marks can not be transferred separately.
(Art. 12)

Assignments are not valid as against third persons unless properly registered in the Patent Office. Furthermore, if a trademark right has been transferred otherwise than by inheritance and application for the registration of the transfer is not made within one year from the date of transfer, the registration is liable to be cancelled by trial. (Art. 24, Art. 45, Patents)

Marking. In order to show that a mark has been registered in Japan, and so deprive the infringer of the possible plea of ignorance, it is advisable that the mark when employed in commerce should bear the Japanese ideographs for "Registered Trademark."

Cancellation. A registered trademark can be cancelled by trial if it can be proved that, at the date on which the application for its registration was filed, it was identical with, or similar to:

- (a) The name or trade name of another person;
- (b) A mark customarily used for identical or similar merchandise;
- (c) A non-registered mark belonging to another person

and widely known among dealers and consumers to be used for identical or similar merchandise; or

(d) A registered trademark of another person to be used for identical or similar merchandise. (Art. 16)

Limitation of Time for Action. No trial for invalidity of a registered trademark can be demanded after the lapse of five years from the date of registration on the grounds (a), (c), or (d) above described, except that the registration, made in bad faith, is contrary to (c). (Art. 23)

Third Party Rights. Any person who has, in respect of identical or similar merchandise, used in good faith from before the application for registration of a registered trademark of another person, a mark identical with or similar to, the same, and which is widely known among dealers and consumers, may continue the use thereof notwithstanding the registration of the trademark of the other person. The same applies to a person who has succeeded to the use of the mark together with the business therewith connected.

In the case contemplated in the foregoing paragraph, the person entitled to the trademark right may require the user of the mark to add a suitable indication so as to prevent confusion between the goods. (Art. 9)

Abandonment. A trademark right terminates on the abandonment of the business of the person entitled to the said right. (Art. 13)

Status of Unregistered Trademark. An unregistered mark has status in that the owner thereof, on proving that he has used and continued to use a mark from a date prior to another who has obtained registration therefor, can institute cancellation proceedings and, if successful, have the mark entered in the register in his own name. (Art. 16 (1))

5. Copyrights.

The legislation of Japan on copyright--three Imperial Ordinances of 1837 and the law of 1894--was replaced, preparatory to the accession to the International Copyright Union, by the Act on Copyright of March 3, 1899. This Act was amended by the Act of June 14, 1910, following the revision of the International Convention at Berlin in 1908, and further by the Act of August 19, 1920. Other amendments were added in 1931, 1934 and 1941. The Act of 1910, in particular, added "architectural works" to be protected; it amended the provision concerning reproduction of newspaper articles in accordance with the Berlin Convention; it abolished the necessity of registration of copyright; it provided for the protection of all translation, not only of lawful ones. The act of 1920 added musical and dramatico-musical works to the list of

works protected by the law, although this, in its broad terms, already included the same.

Works Protected. The law (Art 1) enumerates writings, lectures, paintings, designs, sculptures, plastic works, and photographs, and further includes all works in the domain of literature, sciences and the arts. The law of 1899 contained an explicit exception with regard to works of architecture (Art. 52.) This exception was abolished by the amending act of 1910. Furthermore, the Act of 1920 added musical and dramatico-musical works. The protection of photographs extends to "works obtained by a process analogous to the photographic art" (Art. 26).

Oral works are included in the protection of the law, with the exception of speeches and addresses made before Courts and in deliberative assemblies and political meetings (Art. 11).

Of derivative creations, the law protects compilations (Art. 14), reproductions of works of art by an art different from that of the original, provided they are made lawfully (Art. 22). Translations are always protected against infringement as original works (Art. 21).

The law in several articles speaks of works "published, presented or executed", which indicates that the meaning of "publication" for dramatic or musical works is different from that of literary works in general (cf. Article 35, third paragraph).

Persons Protected. The law protects all national authors and their heirs and assigns. No requirement is made that their works should be published for the first time in Japan. Foreigners are protected as nationals, provided there are no special stipulations in treaties or conventions, but in the absence of such stipulations, foreigners are protected only if their works have been published for the first time in Japanese territory (Art. 28).

Public authorities, educational establishments, temples, associations, societies and any other corporations whatsoever, declaring their authorship of works published, presented or executed by them, enjoy copyright (Art. 6). The law also contains provisions for joint authors (Art. 13).

Formalities. Article 15 of the law of 1899 provided for registration of the copyright. This was not a condition to its acquisition. It was required prior to the instituting of a civil action for infringement of a work published, executed or presented (Art. 15, pars. 1 and 2). The amending Act of 1910 abolished this provision of Article 15. The remaining paragraphs

of Article 15 are still in effect. They provide for recording of assignments, transfers, etc., and also for the right of authors of anonymous or pseudonymous works to register their true names.

The person appearing as author of the work published shall be presumed to be such until the contrary is proved. For anonymous and pseudonymous works, the editor appearing on the book stands in the author's stead. In case of dramatic or musical works, which are not yet "edited," the author is deemed to be the one announced in the program, and, in his absence, the producer.

Duration of copyright. The copyright subsists during the author's life and for thirty years after his death. On posthumous, anonymous or pseudonymous works, the copyright endures for thirty years from the date of first publication. The copyright in works published, presented or executed by public authorities, educational establishments, corporations, etc., also endures for thirty years from first publication. The right of translation, as seen below, may be terminated earlier than the other rights of authors (Arts. 3-7).

In computing the above periods, the year within which the author died or the work was first published, presented or executed, is not included (Art. 9).

The copyright in photographic works lasts ten years, computed from the year following that in which the work was first published or that in which the negative was obtained, in case of non-publication. Photographs of artistic works are protected as long as the latter. The same is true of photographs inserted in literary or artistic works, provided the author executed the same, or caused them to be executed, for such purpose (Art. 23 and 24). The term applicable to photographs applies also to works obtained by a process analogous to the photographic art (Art. 25).

Rights of copyright owner: The copyright includes the exclusive rights of reproducing, representing or executing the work; also the right of translating the same. From Articles 14, 22 and 23 (last par.) it follows that the right of compilation, the right of reproduction of an artistic work by a different art, and the right of reproduction of a work of art by means of a photograph or a process analogous to photography, belong to the author exclusively.

Regarding the right of translation, the law limits the duration to ten years, in case an authorized translation has not appeared within ten years from the date of first publication of the original work. This concerns each tongue in which the right of translation is claimed. (Art. 7).

Moral rights. Article 17 declares that the copyright in a work which has not been published, presented or executed,

cannot be seized by creditors, unless the author or his legal representatives have consented thereto. The assignee of the copyright cannot, without the author's consent, change the name of the author, or modify the title of the work, or correct such work (Art. 18).

Restrictions of copyright. Under Articles 11 and 20, as amended by the Act of 1910, articles of newspapers and periodicals are dealt with as follows: Novels and stories, and works in the domain of literature, art and science, are unconditionally protected. Daily news and facts divers are not protected at all. All other articles may be reproduced, with indication of the source, unless reproduction is explicitly forbidden by notice inserted by the author or his legal representatives. Under Article 30 quotations and borrowings are permitted. It is also permitted to reproduce a work of design by the plastic art, and vice versa. In all these cases the source must be clearly indicated. The right of reproduction of photographs made to order belongs to the person who placed the order (Art. 25).

Sanctions. The law provides for an action for damages in copyright infringement, and also for temporary injunction against the sale of such infringing object or the further presentation or execution thereof (Arts. 29, 36). Criminal punishment is also provided (Arts. 37 ff.).

INTERMEDIARY BUSINESS

This law was passed April 5, 1939, providing for the licensing of anyone who performs as an occupation an act of agency or mediation on behalf of the owner of the copyright in respect of a contract concerning the utilization of a copyright work by means of a publication, translation, public performance, broadcasting, cinematizing, recording, or otherwise. The agent is under the strict supervision of the Ministry of Education and must furnish reports periodically on his business and present his books and documents relating thereto. Severe penalties are provided for failure to comply with the terms of the law regarding the conduct of the business.

RIGHT OF THE MINISTRY OF EDUCATION TO GRANT RIGHT OF PUBLICATION OR RIGHT TO BROADCAST

This law provides that the Ministry of Education may grant the right of publication or the right to broadcast a work where no agreement can be reached with the owner, in the following cases:

- (1) When a dwelling place of the owner of the copyright is not known;

(2) When the owner of the copyright is not known on account of the non-existence of registration regarding the work;

(3) When the owner of the copyright has no dwelling place in Japan and his attorney in Japan is not known.

The Ministry of Education may give sanction subject to the approval of the Copyright Investigation Council to grant the application and the amount of indemnity that shall be set aside for the copyright owner. Upon granting such application, it shall be published in the official gazette.

International relations. Article 28 of the law of 1899, which has not been amended by any subsequent act, embodies the principle of the nationality of the work. All works published for the first time in Japan are protected, even though the authors are foreign nationals. As an exception to this rule, the law may apply to works published by foreigners in a foreign country, provided there is a treaty to this effect between Japan and the country of such foreigners.

Japan has a treaty with the United States of America, concluded November 10, 1905, Article 1 of which guarantees national treatment reciprocally to the citizens of the one country in the territory of the other. Article 2 permits citizens of each of the two contracting countries to translate, without authorization, books, pamphlets and all other writings, dramatic works, and musical compositions published in the other country by its own nationals, and to print and publish such translations. This indicates indirectly that works published for the first time in one of the countries are fully protected in the other, and it is only with regard to the right of translation that permission is given for free translations.

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

W
ACTION COPY

OFD

DEPARTMENT OF STATE
INCOMING TELEGRAM

2CD JS Pd DL

CD NewYork NY 1212PM Dec 22 1947

Roswell H Whitman

Associate Chief Office Of Occupied Areas
Economic Affairs Dept Of State

Washn

We understand there is in the process of preparation a draft
patent law for Japan. Please advise if copies are available
for study by our patent committee

E L Behr Jr, Vice President

111P

*National Foreign Trade Council
111 Broadway
New York 6, N. Y.*

DIVISION OF OCCUPIED AREAS
*Reply drafted
12/21/47
RSLW*
DEPARTMENT OF STATE

894.542/12-2247

JAN 19 1948

FILED

CS/A

894.542/12-2247

Anal.	<i>fk</i>
Rev.	
Int.	<i>et</i>
Dist.	

DCR - ~~GED~~ Unit

1864

JAN 5 1948

In reply refer to
OE

My dear Mr. Behr:

This is in answer to your telegram of December 22, 1947 with regard to the preparation of a draft patent law for Japan. There is no draft patent law for Japan under preparation in Washington. Japanese legislation is prepared by committees of the Japanese Diet under the general direction of General MacArthur, Supreme Commander for the Allied Powers.

We are considering, however, the possibility of requesting the Supreme Commander to have some changes made in the existing Japanese patent laws. If your committee has any suggestions to make along this line we would be glad to give them consideration.

Sincerely yours,

RHW

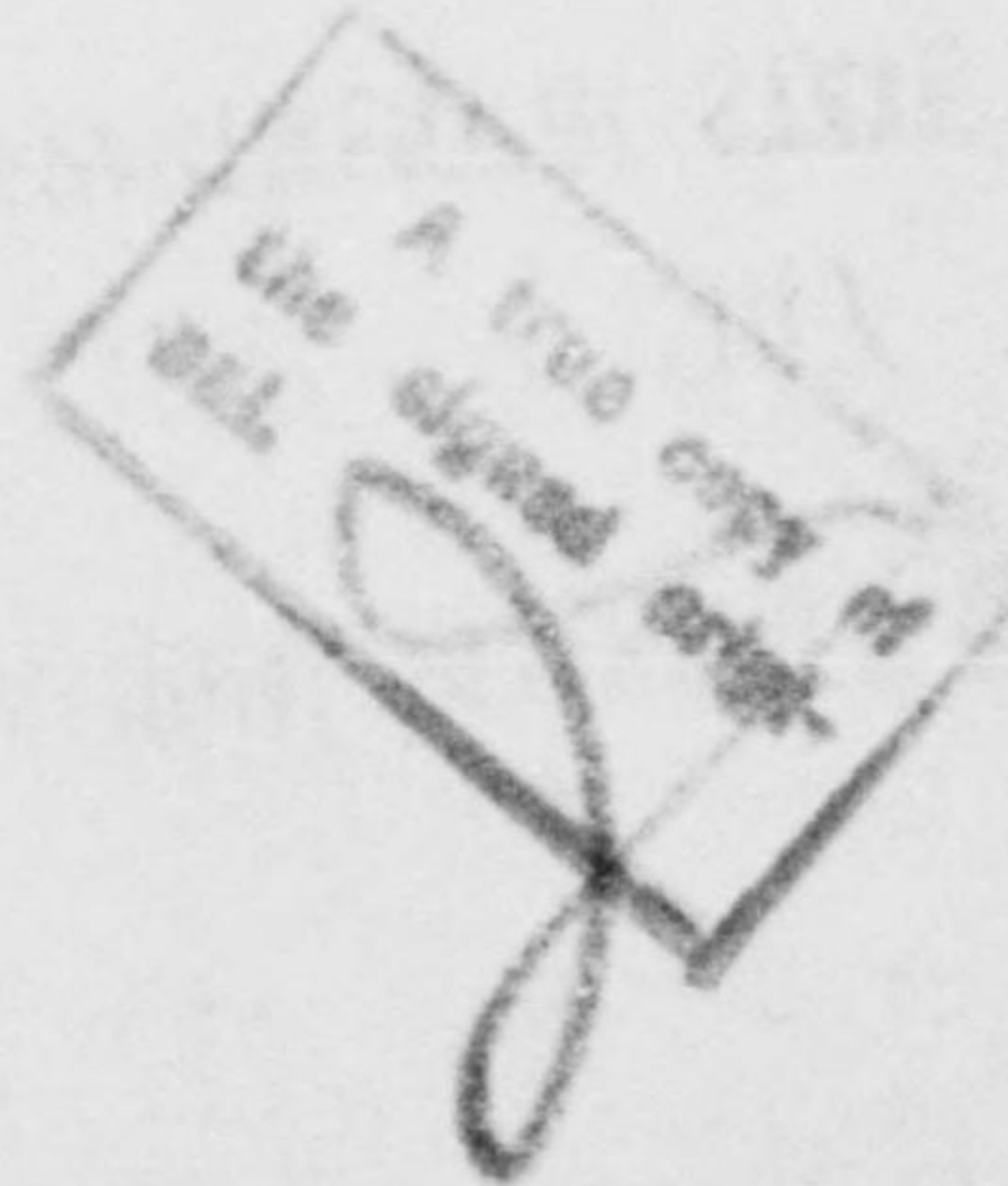
Roswell H. Whitman
Acting Associate Chief
Division of Occupied Areas
Economic Affairs

Anal	<i>jk</i>
Rev.	
Cat.	<i>ect</i>
Dist.	

Mr. E. L. Behr, Jr.,
Vice President,
National Foreign Trade Council,
111 Broadway,
New York 6, New York.

IR

OE;RHW:emh 12-30-47



CR
JAN 5 1948

894.542/12-2247

CS/A

894.542/12-2247

*Rec'd in OE
2/20/48*

INTERNATIONAL
GENERAL  ELECTRIC

COMPANY
INCORPORATED

SHOREHAM BUILDING
808 FIFTEENTH ST., N. W., WASHINGTON 5, D. C.

J. A. H. TORRY
ASSISTANT TO THE PRESIDENT

JAHT/13901

February 20, 1948

file

*Reply Drafted as M
3/1/48*

②

Mr. Roswell H. Whitman
Acting Associate Chief
Division of Occupied Areas
Economic Affairs
Department of State
Washington, D. C.

894.542/2-2048

Dear Mr. Whitman:

You will recollect our recent conversations concerning the liquidation of the Showa Company in which we have an indirect interest through the Tokyo Shibaura Electric Company Ltd. of Kanagawa. Mr. H. B. Peirce has addressed a letter to you in the matter as per the enclosure of the 19th.

We are wondering if it is possible to learn something about the status of the new Japanese patent law that is being drafted. I believe I am correct in believing that no information concerning this has been released as yet but possibly you may be able to give us some idea as to the recommendations your Department may be considering. We are obviously interested because while our former principal agreement with Tokyo Shibaura was terminated by the war, yet we know that the Tokyo Shibaura Company would like to enter into a new agreement with us. We believe that S.C.A.P. would desire to put the company on a strong footing which could only be done if they could take advantage of recent developments in the electrical engineering field. As far as we are concerned, we would only be interested in a licensing arrangement if the conditions under which the agreement is made are satisfactory.

We would appreciate very much indeed any comments and suggestions you would care to make to us in connection with this.

Yours truly,

J.A.H. Torry
CP

JAHTorry/nh
encl.

APR - 9 1948

CS/V
FILED

894.542/2-2048

116

MAR 16 1948

In reply refer to:

My dear Mr. Torry:

Reference is made to your letter of February 20, 1948 in respect to your proposal for a new agreement with the Tokyo Shibaura Company. You inquire specifically regarding the status of the Japanese patent law on this subject.

Although policies with regard to Japanese patents are now being considered by the Far Eastern Commission, under the rules of operation of the Commission I am unable to release the results of these discussions. In so far as the present policy of the U. S. Government is concerned, however, substantive revision of the Japanese Patent Law is not contemplated. The United States position is concerned mainly with restoration on an equitable basis of rights which have lapsed as a result of war conditions.

There are other aspects ~~to~~ the conclusion of a new agreement between your company and the Tokyo Shibaura Company in which it occurs to me you would undoubtedly be interested. Under Chapter II of Japanese Law No. 54, relating to "Prohibition of Private Monopoly and Methods of Preserving Fair Trade", certain types of agreements between Japanese and foreign companies are prohibited. A copy of this Chapter is enclosed for your information. I direct your attention particularly to Article 6. Under the provisions of this Law, its requirements are carried out by the Japanese Fair Trade Commission, established therein. It is not, of course, possible for us here in Washington to state the precise factors which will be considered relevant in determining the legality of each arrangement. It is possible, however, that if

your proposed

Mr. J. A. H. Torry,
Assistant To The President,
International General Electric Company,
Shoreham Building,
806 Fifteenth Street, N.W.,
Washington 5, D.C.

894.542/2-2048

CS/V

894.542/2-2048

116

Handwritten notes and signatures in the bottom left corner, including a signature that appears to be 'M' and some illegible scribbles.

1929

- 2 -

your proposed contract were closely similar to the one in effect between the two companies before the war, it would be found to be in violation of Law No. 54. On the other hand, if it were similar to certain of your contracts recently entered into with other foreign companies which you have lately described to other divisions of the Department, our best judgment is that the agreement would receive the approval of the Fair Trade Commission. It might be pointed out in addition that if the patent rights in question were later misused, they could be subject to compulsory licensing under the terms of the Japanese Patent Law. However, as you know, this risk is not a novel one and exists with respect to most countries of the world whose patent laws contain compulsory licensing provisions.

Finally, as you are undoubtedly aware, the Tokyo Shibaura Company may be subject to reorganization under the recently enacted deconcentration law of the Japanese Diet. Since administration of the law rests in the hands of Japanese agencies under the supervision of the Supreme Commander in Tokyo, I am not able to say just how the law will affect Tokyo Shibaura. I can state, however, that adequate safeguards have been taken to insure that, if any reorganization occurs, it will be on a showing of demonstrable need to achieve the occupation objectives, and will be done in such fashion as to avoid the impairment of efficiency of the productive assets of the company.

Sincerely yours,

RAW
Roswell H. Whitman,
Acting Chief,
Division of Occupied Areas
Economic Affairs.

CH *MA*
MAR 15 1948 P.M.

A true copy of
the signed original

ajm
OE:McDermid:ms 3/8/48

closed
IR-Vernon

BPZ
NA

gwh
A-S

DEPARTMENT OF STATE

ASSISTANT SECRETARY

Mr. Ruckliss -

Would you discuss this with
Mr Lewis and you, or he, with
Mr Vernon? If this is the only
copy we have, it will be the
only info to Vernon. I wonder if
it was cleared with State.

TR

WAR DEPARTMENT
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

only copy recd
J.M. Danton
20 files

SECRET

PARAPHRASE NOT REQUIRED. HANDLE AS SECRET CORRESPONDENCE
PER PARAS 51i and 60a (4) AR 380-5



Civil Affairs Division
Mr D C Fahey 74769

18 March 1948

CINCFE, Tokyo, Japan

Nr: WAR 97882

From CSCAD cite PL. Re SWNCC 369; WDSOA AG ltr, 19 May 47;
CPC/AG ltr 21 May 47. Pls pass to Col Cheseldine with Secy
Royalls party.

1. Final US pos re Japanese patents not yet resolved.
As result of UK introduction of subj into FEC certain dis-
cussions this subj are under way in FEC.

2. Specific question has arisen re Japanese secret
patents.

3. Present language of US pos paper, not yet finally
apd on secret patents is as follows:

"Jap Patent Office should be prohibited from
maintaining a class of secret patents. Existing secret
patents should be treated as all other patents".

4. Are there any existing secret patents whose publi-
cation might seriously affect US natl security? If so how
many and in what categories?

5. Present Army view is that no secret patents should
be published that might affect US natl security interests.

ORIGINATOR: CAD Ancl. *[Signature]*
DISTRIBUTION: CAD (State), ID, RO, JG *[Signature]*
DIG 182130Z (Mar 48)

End

CS/V
SECRET FILE

*THIS DOCUMENT CONTAINS INFORMATION AFFECTING THE NATIONAL DEFENSE OF THE UNITED STATES WITHIN THE MEANING OF THE ESPIONAGE ACT, U.S.C. 50, 51 AND 52. THE TRANSMISSION OR THE REVELATION OF THIS INFORMATION IN ANY MANNER TO AN UNAUTHORIZED PERSON IS PROHIBITED BY LAW.

SECRET

COPY No.

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

894.542/3-1848

APR 6 1948

FILED

894.542/3-1848
22

UNITED



ENGINEERING and FOUNDRY COMPANY
FIRST NATIONAL BANK BUILDING
PITTSBURGH 22, PENNSYLVANIA



April 26, 1948

Handwritten initials and 'CP'

SUBJECT

CABLE ADDRESS
UNITED PITTSBURGH

United States Department of State
Washington, D. C.

Gentlemen:

Prior to December 7, 1941 our company had issued to us a number of Japanese and Manchoukuo patents and had on file at that time a number of applications for patents in both Japan and Manchoukuo. Under these patents and applications the company had granted a non-exclusive license to the Shibauro-United Engineering Company of Tokyo.

nc
It is our understanding that under some Industrial Property Law the Japanese Government took possession of our Japanese patents and applications. We are without any information whatsoever as to the status of the patents that were taken out and the applications that were pending in Manchoukuo.

We would appreciate any advise you could give us about these patents and anything that you can tell us **as** to what we should do in an effort to recover both the patents and the applications.

Very truly yours,

UNITED ENGINEERING AND FOUNDRY COMPANY

J. E. Dickinson
J. E. DICKINSON
Legal Department

JED EBB

894.542/4-2648

DCR - CLAIMS UNIT	
Anal.	<i>cal</i>
Cat.	<i>JP LTP</i>
Dist.	

INTERNATIONAL RESOURCES DIVISION
MAY 11 1948
DEPARTMENT OF STATE
file

MAY 20 1948
FILED
CS/V

894.542/4-2648

31-11

2014

MAY 18 1948

In reply refer to
IR 894.542/4-2648

My dear Mr. Dickinson:

I refer to your letter of April 26, 1948 in which you request information concerning the status of your prewar Japanese and Manchurian patents and patent applications, and what can be done toward recovering them.

With respect to the status of your patents and patent applications in Japan, you are undoubtedly correct in stating that they were seized by the Japanese Government under wartime legislation. A majority of American-owned patents were so treated, although a sizeable number lapsed for non-payment of renewal fees. Plans are now being made to permit foreign nationals to apply for restoration and revalidation of their prewar patents and applications for patent which were sequestered or which lapsed. A public announcement to this effect is anticipated, probably before the end of the year.

We have no information as to the current status of American-owned patents in Manchuria and can, unfortunately, hold out little hope at the present for the recovery of such rights.

Sincerely yours,

For the Secretary of State:

Raymond Vernon
Assistant Chief, International
Resources Division

Routing slip with fields for Mr., Mrs., Mr., and Dist. with handwritten initials.

Mr. J. E. Dickinson,
Legal Department,
United Engineering and Foundry Company,
First National Bank Building,
Pittsburgh 22, Pennsylvania.

MAY 18 1948

RCD
IR:RCDixon:s1
5-10-48

oym
OE L/E NA

CS/V

894.542/4-2648

894.542/4-2648

file

SIGNED & RECEIVED
IN SANACC *4/30/48*

SECRET

MEMORANDUM FOR THE SECRETARY, SANACC

SUBJECT: SANACC 369/1, Treatment of Japanese Domestic and Foreign Patents.

It is requested that prior to distribution of this paper for final SANACC approval, paragraph 2 of Appendix "C" be amended to read:

2. The term "patent", when used herein in relation to the Japanese patent system, shall be interpreted to include those patents designated as "registered utility models" and "registered designs" under Japanese law, but shall not include trade-marks and copyrights.

This minor change in the coverage of the paper is based upon more complete information received since it was originally drafted. At that time the term "design" was interpreted to be a type of property right akin to a copyright. It has now been determined, however, that "designs" as protected by Japanese law are so-called "industrial designs", closely similar to patents and, accordingly, should logically be covered by a policy paper on patents.

Charles E. Saltzman
State Department Member
State-Army-Navy-Air Force
Coordinating Committee

894.542/4-3048

SECRET FILE

A/AP

894.542/4-3048

Anal.	
Rev.	<i>up</i>
Col.	<i>class. made as</i>
Dist.	<i>W</i>

SECRET

RCD
IR:RCDixon:sl
4-29-48

EBB
EP

L/E
SDM

O
gwh

817

Thirty-Fifth NATIONAL FOREIGN TRADE CONVENTION, New York City, November 8, 9, 10-1948
NATIONAL FOREIGN TRADE COUNCIL, INC.

111 BROADWAY • NEW YORK 6, N. Y.

Telephone: Dlgby 9-2720
Cable Address: NAFTRAC

*Reply by
sent Mr. Claxton
5/14/48
Be*

May 4, 1948

Mr. Philander P. Claxton,
Special Assistant to Secretary of State for Occupied Areas
Department of State
Washington 25, D. C.

Dear Mr. Claxton:

Enclosed are two copies of a draft of the report on the meeting held in Washington D. C., Wednesday April 21. Your attention is invited to the fact that it is proposed to attach to the final report the text of Annex IV of the Italian Peace Treaty.

Copies of the report in its final form will be forwarded to members of NFTC's Committee on Japan and the Industrial Property Committee.

In order that the views of the representatives of the Department of State are accurately reported, it would be appreciated if you would inform us of any changes or additions which ought to be made, or additions which ought to be incorporated in the final copy.

Thank you for your courtesy in this matter.

Yours truly,

Joseph B. Brady

Joseph B. Brady
Assistant Director
Foreign Property Division

JBB:VB
Encs. (2)

cc: W. E. F. Bradley

DCR - ITP Unit	
Anal.	<i>MSK</i>
Rev.	
Dist.	<i>ut</i>

MAY 25 1948
FILED

894.542/5-448

CS N

894.542/5-448

1003

DRAFTREPORT ON MEETING BETWEEN REPRESENTATIVES OF NPTC
JAPAN PATENT SUB-COMMITTEE AND REPRESENTATIVES OF
DEPARTMENT OF STATE

New State Department Building--Washington, D. C.

10:00 a.m., Wednesday, April 21, 1948

Present: Philader P. Claxton - Department of State
Roswell H. Whitman - " " "
Roger Dixon - " " "
R. Barr Smith - " " "
W. E. F. Bradley - Otis Elevator Company
J. A. Holton - Underwood Corporation
A. T. Brown - International General Electric Company
Joseph B. Brady - National Foreign Trade Council, Inc.

During the conversation, the representatives of the Department of State indicated the following concerning the treatment of patents in Japan:

1. Japanese Patent Office.

Some records have been destroyed but the office is operating to a limited extent. It was understood that no applications are being accepted at the present time.

2. Present status of Japanese Patent Law.

The pre-war law is still in effect.

3. Proposed changes in law.

Only minor changes in present law are contemplated.

The proposed modifications will affect:

a. Provisions concerning secret patents.

b. The amount of fees.

There is no intent to modify Japanese Patent Law in any of its basic features.

DRAFT

-2-

4. Application for patents.

It is expected that applications for patents will be accepted from foreigners and Japanese before the end of 1948.

5. Patents owned by allied nationals.

- a. Beneficial ownership will be recognized.
- b. An extension of time equivalent to that lost because of the war will be granted to owners. Generally the provisions will be the same as those incorporated in the treaties of peace with Italy and Balkan countries. (See text of Annex IV, Italian Peace Treaty, copy attached.)
- c. Provision will be made for payment of back taxes and reinstatement and of patents cancelled by Japanese Government under war legislation.
- d. No policy is contemplated which would automatically mitigate against licensing agreements between allied and Japanese nationals or the exercise of patent rights through Japanese firms.
- e. No guarantee concerning royalties earned by foreign nationals during the war will be made by SCAP.

6. Comments by NFTC's representatives.

NFTC's representatives invited the attention of Department of State's representatives to the program which had been adopted by the Committee. (See Ref. No. M-589) In accordance with this program, it was stated that although the United States Patent Law was preferable to the Japanese law, the Japanese law was considered to be quite workable. However, attention was invited to several features of the Japanese law, modification of which might be considered some time in the future.

DRAFT

-3-

They were as follows:

- a. The unusually severe remedies provided by the law.
- b. The provisions for opposition proceedings which tended to encourage litigation.
- c. Provisions requiring the annual payment of taxes which frequently imposed hardships on inventors of limited resources.
- d. With reference to the working provisions, it was noted that there was a general trend away from such requirements; and it was expected that the International Convention to be held this June in Lisbon might recommend deletion of all such requirements.

7. Trademarks.

The same general provisions contemplated with reference to patents will be followed. To date, there has not been as much progress in the field of trademarks as there has been in the field of patents.

8. Recommendation of State Department.

It was suggested by the State Department's representatives that members of the Council report the extent and type of their patents in Japan, and submit recommendation as to specific treatment which should be followed. Such information and recommendations concerning patents would be forwarded to the reparations and restitution unit of SCAP for implementation.

DRAFT

REPORT ON MEETING BETWEEN REPRESENTATIVES OF NFTC
JAPAN PATENT SUB-COMMITTEE AND REPRESENTATIVES OF
DEPARTMENT OF STATE

New State Department Building--Washington, D. C.

10:00 a.m., Wednesday, April 21, 1948

Present: Philader P. Claxton - Department of State
Roswell H. Whitman - " " "
Roger Dixon - " " "
R. Barr Smith - " " "
W. E. F. Bradley - Otis Elevator Company
J. A. Holton - Underwood Corporation
A. T. Brown - International General Electric Company

Joseph B. Brady - National Foreign Trade Council, Inc.

During the conversation, the representatives of the Department of State indicated the following concerning the treatment of patents in Japan:

1. Japanese Patent Office.

Some records have been destroyed but the office is operating to a limited extent. It was understood that no applications are being accepted at the present time.

2. Present status of Japanese Patent Law.

The pre-war law is still in effect.

3. Proposed changes in law.

Only minor changes in present law are contemplated.

The proposed modifications will affect:

- a. Provisions concerning secret patents.
- b. The amount of fees.

There is no intent to modify Japanese Patent Law in any of its basic features.

DRAFT

-2-

4. Application for patents.

It is expected that applications for patents will be accepted from foreigners and Japanese before the end of 1948.

5. Patents owned by allied nationals.

- a. Beneficial ownership will be recognized.
- b. An extension of time equivalent to that lost because of the war will be granted to owners. Generally the provisions will be the same as those incorporated in the treaties of peace with Italy and Balkan countries. (See text of Annex IV, Italian Peace Treaty, copy attached.)
- c. Provision will be made for payment of back taxes and reinstatement and of patents cancelled by Japanese Government under war legislation.
- d. No policy is contemplated which would automatically mitigate against licensing agreements between allied and Japanese nationals or the exercise of patent rights through Japanese firms.
- e. No guarantee concerning royalties earned by foreign nationals during the war will be made by SCAP.

6. Comments by NFTC's representatives.

NFTC's representatives invited the attention of Department of State's representatives to the program which had been adopted by the Committee. (See Ref. No. M-589) In accordance with this program, it was stated that although the United States Patent Law was preferable to the Japanese law, the Japanese law was considered to be quite workable. However, attention was invited to several features of the Japanese law, modification of which might be considered some time in the future.

DRAFT

-3-

They were as follows:

- a. The unusually severe remedies provided by the law.
- b. The provisions for opposition proceedings which tended to encourage litigation.
- c. Provisions requiring the annual payment of taxes which frequently imposed hardships on inventors of limited resources.
- d. With reference to the working provisions, it was noted that there was a general trend away from such requirements; and it was expected that the International Convention to be held this June in Lisbon might recommend deletion of all such requirements.

7. Trademarks.

The same general provisions contemplated with reference to patents will be followed. To date, there has not been as much progress in the field of trademarks as there has been in the field of patents.

8. Recommendation of State Department.

It was suggested by the State Department's representatives that members of the Council report the extent and type of their patents in Japan, and submit recommendation as to specific treatment which should be followed. Such information and recommendations concerning patents would be forwarded to the reparations and restitution unit of SCAP for implementation.

May 14, 1948

My dear Mr. Brady:

I refer to your letter of May 4, 1948 in which you enclose a draft of the report of your group on the meeting in my office on April 21 on the treatment of patents in Japan.

It is my understanding from your letter that this report will be circulated to members of the Committee on Japan and the Industrial Property Committee of the National Foreign Trade Council. I should like, therefore, to call to your attention a number of points on which, I believe, some clarification for this purpose is desirable.

With respect to paragraphs 1 and 4, I have learned subsequent to the meeting that the Japanese Patent Office is probably now receiving applications for patents from Japanese nationals. Your statement concerning foreign nationals is correct.

With regard to paragraph 5 b and c, I should like to take the liberty of suggesting that these sections would read more clearly if they were organized somewhat as follows:

1. Provision will be made for restoration to Allied nationals, at their request, of their patents which were sequestered by the Japanese Government during the war or which lapsed for non-payment of fees.
2. An extension of time equivalent to that lost because of the war will be granted to such owners at their request on patents restored to them.

It would then be appropriate to make your comment about the Italian Peace Treaty applicable to both of these statements. I wonder, however, whether you do not mean Annex XV, rather than IV.

The parallel

Joseph B. Brady,
 Assistant Director,
 Foreign Property Division,
 National Foreign Trade Council, Inc.,
 111 Broadway,
 New York, New York.

DCB - FPP Unit

Anal.	<i>MK</i>
Rev.	<i>MK</i>
Col.	<i>act</i>
Dist.	

894.542/5-448
 MAY 14 1948
 1003

894.542/5-448

CS/V

- 2 -

The parallel you have drawn does not, of course, extend to paragraph 4 of the Annex.

3. Payment of back fees which accrued during the war will not be required. (Your statement in paragraph 5 c that provision will be made for payment of back taxes would probably be confusing to your members, since it is contemplated that payment of fees as required by the Patent Law will be resumed at the time of restoration of the patents without requirement for payment of any back fees.)

I am not entirely certain what is meant by your paragraph 5 d. This Government's policy on the treatment of Japanese patents, which was the subject of the meeting, does not have any relationship as such to licensing agreements between Allied and Japanese nationals. The present status of such agreements would vary according to the legal effect upon them of their suppression during the war period and according to the applicability to them of the Japanese law for the Prohibition of Private Monopoly and Preservation of Fair Trade. However, regardless of the disposition of particular license contracts, beneficial foreign ownership in the patents which are the subject of the contracts would be recognized and the foreign interest would be restored under the provisions of the patent policy.

It might be well to revise paragraph 7, relating to trademarks, to read that at this time the development of policy in this field is not as far advanced as is that in the field of patents. This change is suggested in order to remove the possible implication that the restoration of foreign trade-mark rights will be delayed and will not take place concurrently with action on patent rights.

Finally, I would like to request that paragraph 8 be revised along the following lines in order to reflect more accurately the position of the Department:

The State Department representatives stated that the Department would be glad to receive any observations that members of the Council may have on this policy, including any particular problems which they may wish to bring to the attention of the Department. Application for restoration of patent rights should, however, be submitted directly to SCAP at the appropriate time.

I appreciate very much your giving us this opportunity to make comments upon this report in its draft form.

Sincerely yours,

CH *WR*
MAY 14 1948 P.M.

P. P. Claxton Jr.
P. P. Claxton, Jr.
Special Assistant to
Assistant Secretary for Occupied Areas

*cleared with Dixon
by phone Rm*
IR:RCDixon:cmb

5/12/48

PAW
OE

EP
EP

Green/PC
NA/PC

2012

JAMES F. PIERCE
RICHARD L. SCHEFFLER
RALPH E. PARKER
PAUL A. ROSE
EUGENE J. ROBERTS

LAW OFFICES
PIERCE, SCHEFFLER & PARKER

(FORMERLY POTTER, PIERCE & SCHEFFLER)
1319 F STREET, NORTHWEST
INTERNATIONAL BUILDING
WASHINGTON 4, D. C.

CABLE ADDRESS "BYRNESE"
TELEPHONES
METROPOLITAN 1147 AND 1148

May 6, 1948

MAY 17 1948

Department of State,
Washington 25, D. C.

Attention: Mr. Rosswell Whitman,
Acting Chief Division Occupied
Areas Economic Affairs.

Re- Hooker Electrochemical Company
Japanese Patent No. 104,290
Dated October 2, 1933

894.542/5-648

Gentlemen:

The above noted Japanese patent was issued to our client Hooker Electrochemical Company, Niagara Falls, N. Y. October 2, 1933 and taxes to maintain the patent in force were paid through October 2, 1941. The patent normally would expire on October 2, 1948.

We wish if possible to ascertain the following:

1. What is the present status of this patent,
2. Was the patent vested and licensed or sold during the war,
3. Is there a blocked account in the name of Hooker Electrochemical Company,
4. Is there any provision for payment of taxes or extension of the term of Japanese patents for a period equivalent to the duration of the war, and
5. What, if any action should be taken by Hooker Electrochemical Company to protect its interests or secure return of the patent to itself at this time.

XR
940.51 FC 94
800.515

CS/V

Any information which can be furnished relative to the above would be appreciated.

Yours very truly,

PAR/rm

file
DIVISION OF OCCUPIED AREAS
ECONOMIC AFFAIRS
PIERCE, SCHEFFLER & PARKER
MAY 7 1948
DEPARTMENT OF STATE
Paul A. Rose
RBP
5/7/48

FILED

894.542/5-648

992

In reply refer to
OE

MAY 17 1948

894.542/5-648

My dear Mr. Rose:

Reference is made to your letter of May 6, 1948, inquiring as to the present status of Japanese Patent No. 104,290 issued to your client, Hooker Electrochemical Company, Niagara Falls, New York, under date of October 2, 1933.

This is to inform you that the Department has requested the United States Reparations and Restitution Delegation in Tokyo, Japan, to investigate the present status of the above described patent and to report its findings to the Department for communication to you.

For your further information, I may state that the question of providing for the payment of taxes or the extension of the term of Japanese patents for a period equivalent to the duration of the war is being given consideration by this Government.

There are enclosed copies of two press releases which outline the procedures currently in effect for the return to nationals of members of the United Nations of property owned by them in Japan which was confiscated, blocked, or wrongfully transferred by the Japanese during the war, including such blocked accounts as may have been established by the Japanese in the name of your client.

I shall be pleased to communicate further with you in this matter as soon as a report will have been received from the United States Reparations and Restitution Delegation in Tokyo.

Sincerely yours,

RHW
Roswell H. Whitman
Acting Chief
Division of Occupied Areas
Economic Affairs

Enclosures:

Press Release No. 532, June 27, 1947 and No. 268, April 2, 1948.

Mr. Paul A. Rose,
Pierce, Scheffler & Parker,
1319 F Street, Northwest,
Washington 4, D. C.

OE:RBParke:aw

5/7/48

Handwritten initials and date:
MAY 14 1948

Handwritten signature and stamp:
Cato
0

894.542/5-648

CSV

992

MAY 17 1948

UNCLASSIFIED

No. 7

To the

Chief, United States Reparations and
Restitution Delegation,
Care of USPOLAD, Tokyo.

894.542/5-648

The Secretary of State encloses three copies of a letter dated May 6, 1948, from the law offices of Pierce, Scheffler and Parker, 1319 F Street, Northwest, Washington 4, D. C., inquiring as to the present status of Japanese Patent No. 104,290 issued on October 2, 1933, to their client, Hooker Electrochemical Company, Niagara Falls, New York.

It will be appreciated if you will ascertain through the appropriate section of General Headquarters, SCAP, the information requested in the first three questions listed in the letter under reference. In its interim reply to Mr. Rose, the Department has supplied the information requested in the last two questions listed.

CS/V

Enclosure;

Letter dated May 6, 1948 from Pierce, Scheffler & Parker.

MAY 14 1948 P.M.

RPM
OE:RBP:mk:hw
5/7/48

[Handwritten initials]

[Handwritten initials]
NA

[Handwritten initials]

A true copy of the signed copy

MAY 14 1948 P.M.

894.542/5-648

992

2018

JAMES F. PIERCE
RICHARD L. SCHEFFLER
RALPH E. PARKER
PAUL A. ROSE
EUGENE J. ROBERTS

LAW OFFICES
PIERCE, SCHEFFLER & PARKER
(FORMERLY POTTER, PIERCE & SCHEFFLER)
1319 F STREET, NORTHWEST
INTERNATIONAL BUILDING
WASHINGTON 4, D. C.

CABLE ADDRESS "BYRNESE"
TELEPHONES
METROPOLITAN 1147 AND 1148

May 14, 1948

INTERNATIONAL RESOURCES DIVISION
Relay duplex 5/24/48 RCB
MAY 18 1948
7111
DEPARTMENT OF STATE

894.542/5-1448

Department of State,
Washington 25, D. C.

Attention: Mr. Rosswell Whitman,
Acting Chief Division Occupied
Areas Economic Affairs.

Gentlemen:

Our client Acheson Colloids Corporation, (formerly
Acheson Oildag Company) Port Huron, Michigan is the owner
of the following Japanese Trade Mark Registrations:

- No. 34010 - Oildag - Reg. Oct. 19, 1908
2nd Renewal due July 19, 1948
- No. 35216 - Aquadag - Reg. Feb. 12, 1909
2nd Renewal due Nov. 12, 1948
- No. 202578 - Oildag - Reg. Oct. 18, 1928
Renewal due July 18, 1948
- No. 202030 - Aquadag - Reg. Nov. 12, 1928
Renewal due Aug. 12, 1948
- No. 284971 - dag - Reg. Dec. 21, 1936
Renewal due Sept. 21, 1956
- No. 326188 - Aquadag - Reg. Jan. 22, 1940
Renewal due Jan. 22, 1960

We wish to make a record of this property and to
ascertain, if possible, the present status of these trade
mark registrations and whether it is possible or necessary
for the owner to take any action at the present time to pro-
tect its rights therein.

We also wish to ascertain whether it is possible or
necessary to take steps to effect renewal of the registrations
within the normal time for renewal as indicated in each case.

Any information which the Department can supply in
regard to the above will be greatly appreciated.

Respectfully,
PIERCE, SCHEFFLER & PARKER
MAY 17 1948
DEPARTMENT OF STATE
Paul A. Rose

PAR/rm

CS/V

894.542/51448

1272

DCR - ITP Unit

133-A

In reply refer to
IR

JUN 3 1948

894.542/5-1448

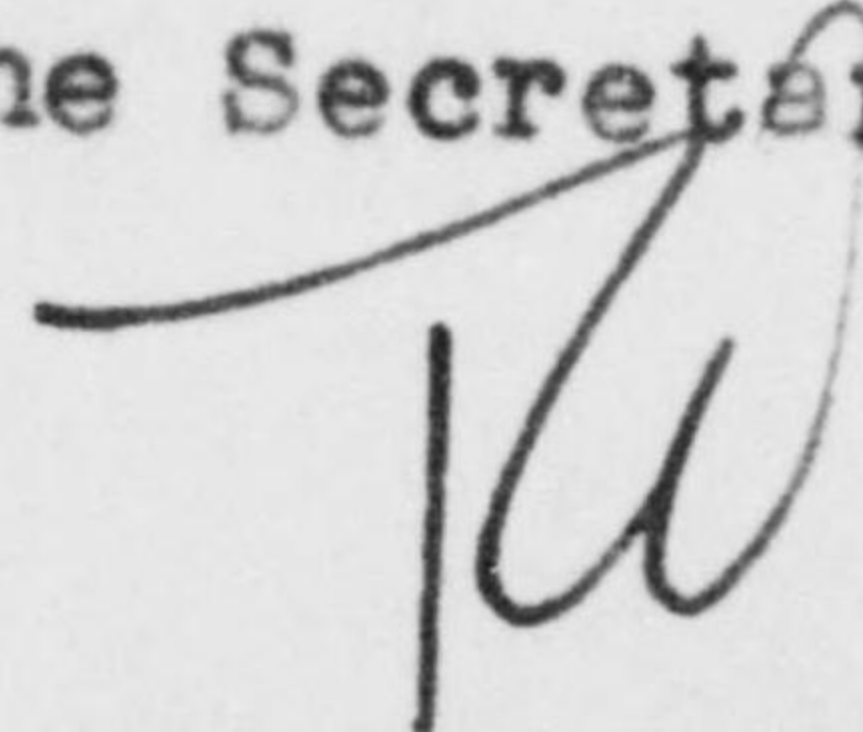
My dear Mr. Rose:

I refer to your letter of May 14, 1948, for the attention of Mr. Whitman, concerning the protection in Japan of the trade-marks of your client, Acheson Colloids Corporation.

Plans are now being made to permit foreign nationals to apply for restoration and revalidation of their trade-marks registered in Japan before the war which were sequestered by the Japanese Government or which have lapsed for failure to pay renewal fees. A public announcement to this effect is anticipated, probably before the end of the year. Applications from foreigners for restoration of their trade-mark rights will be received by the occupation authorities in Japan subsequent to this announcement. No action on your part is necessary in the meantime.

Sincerely yours,

For the Secretary of State:



Raymond Vernon
Assistant Chief, International
Resources Division

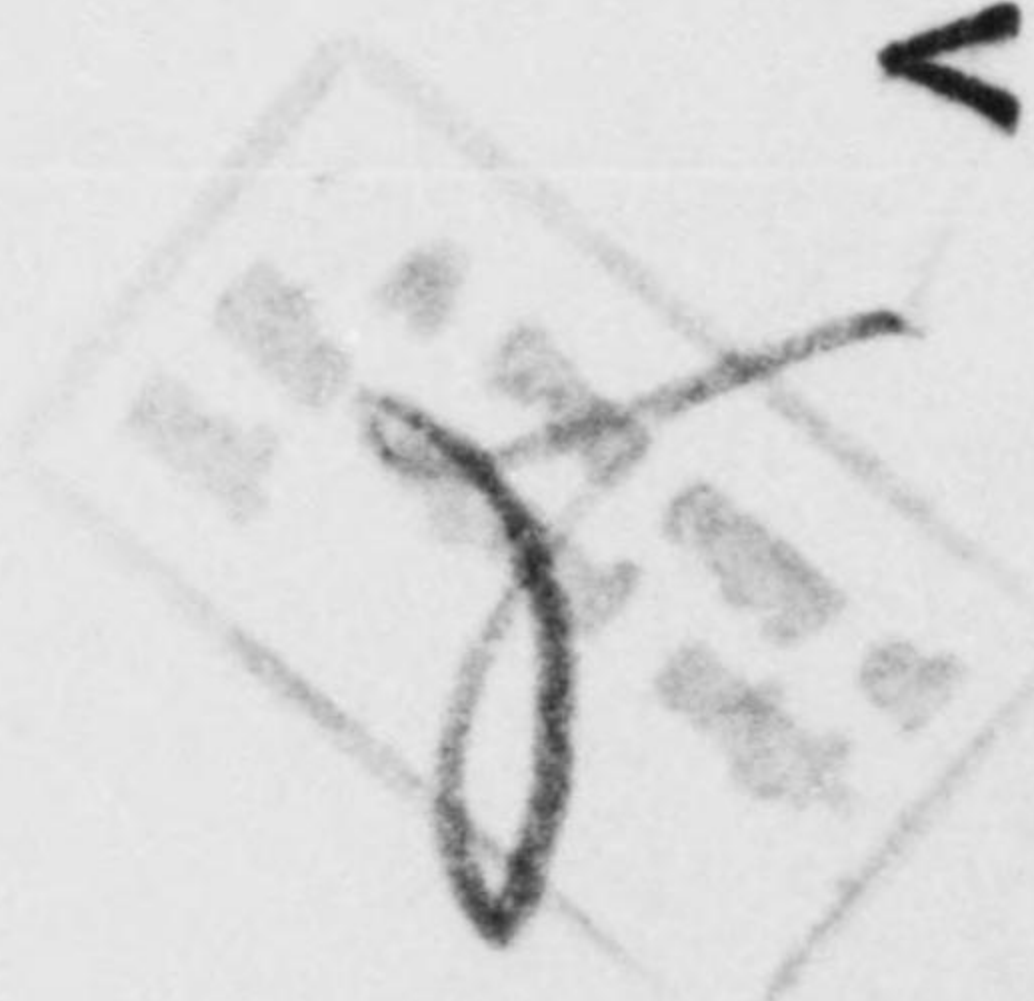
MS
TR

Mr. Paul A. Rose,
Pierce, Scheffler & Parker,
1319 F Street, N.W.,
Washington 4, D. C.

RCD
IR:RCDixon:sl
5-24-48

CR
JUN 8 1948 P.M.

SDM
L/E *OE* *JMA* *CAH*



CS/V

1272

894.542/5-1448

STANDARD FORM NO. 64

File
Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Saltzman

DATE: May 18, 1948

FROM : G. W. Lewis *gwl*

SUBJECT: Brief - SANACS 369/1, Treatment of Japanese Domestic and Foreign Patents.

The attached paper includes as its Appendix a note for presentation to FEC which contains the proposed policy of the United States Government on the above subject. The policy provides for the following:

a. The restoration and revalidation, upon request of the owner, of all patents existing in Japan on December 7, 1941, or granted thereafter on applications filed before that date, which were then owned or applied for by foreign nationals and which have since lapsed or have been invalidated or sequestered without the owners' consent. Restoration is to be made within a reasonable period and in a manner as may be provided by SCAP.

b. The extension, at the request of the foreign owner, in a manner prescribed by SCAP of the period of duration of any Japanese patent owned or applied for as in a. above beyond its normal expiration date for a period equal to that from December 7, 1941 to a suitable date fixed by SCAP if the owner waives all claim to royalties from December 7, 1941 to the date of restoration.

c. The payment of royalties to the foreign nationals for any use made of their patents prior to the date of restoration.

d. Reinstatement, upon request of foreign nationals, of applications pending on December 7, 1941.

The paper also provides for applications by nationals of countries at war with Japan for patent rights in Japan on their inventions. It also continues in operation the Japanese Patent Office on condition that no claims of secret patents be maintained.

The paper further provides that no existing right on patents in Japan should be permitted to interfere with such production, use, sale or importation as SCAP may deem desirable.

Japanese owned patents in foreign countries should be treated as follows:

a. All governments should be urged by FEC to terminate all vestige of Japanese ownership or interest in existing patents and applications.

b. On inventions made by Japan subsequent to December 31, 1945, SCAP may permit Japanese nationals to file application where he determines that such action will insure access to foreign markets or provide foreign exchange, provided that the Japanese nationals agree to assign foreign patents to SCAP or to the Japanese Government, and provided that the filing is subject to the consent of the countries concerned.

354
 894.542 / 5-1848
 369/1

0-817

- 2 -

c. With regard to inventions referred to in b. above which are not selected to be filed for patent in foreign countries, SCAP may authorize the applications or descriptions to be published in those foreign countries where such action will prevent the granting of patents to other parties.

This paper has received the proper clearance within the State Department on conditions that one minor change of wording is made, as noted in the attached memorandum, and there are no objections from a military point of view from JCS.

The Army participated in drafting the paper, SCAP's views are incorporated and it is not anticipated that any points will be raised by the Army.

I recommend that you approve the subject paper.

O:GWLewis:mds

O-817

ACTION
is assigned to

[Signature]

WILLIAM F. MARTIN
416 Rule Building
Amarillo, Texas

LEGAL ADVISER
JUL 14 1948
DEPARTMENT OF STATE
To LT for action

DC/R

June 10, 1948

The State Department
Washington, D. C.

Dear Sirs:

I have an orifice meter chart calculator covered by United States patents. To date I have been unable to interest United States manufacturers in the manufacture and distribution of this instrument.

It is my understanding that the Japanese will be permitted to do light manufacture, and it occurs to me that this item is one which the Japanese could handle nicely. I would like to know if it is now possible for an American citizen to deal with a citizen of Japan for the manufacture of an item covered by United States patents. If present regulations will permit such business, perhaps you could advise me of a manufacturer with whom to get in touch.

Thanking you for any information you may be able to furnish me, I am

Yours very truly,

W. F. Martin

W. F. Martin

WFM/bl

INTERNATIONAL RESOURCES DIVISION
Rply 425 202
JUN 18 1948
DEPARTMENT OF STATE
file

DCE - CLAIMS UNIT	
Anal. <i>EP</i>	
Rev. <i>JPS</i>	
Con. <i>JPS</i>	
Dist.	

JUL 14 1948

FILED

894.542/6-1048

CS/A

1843

JUL 6 1948

In reply refer to
IR 894.542/6-1048

894.542/6-1048

My dear Mr. Martin:

I refer to your letter of June 10, 1948 in which you inquire whether it is possible for an American citizen to deal with a citizen of Japan for the manufacture of an item covered by United States patents.

All arrangements of the type to which you refer are subject to licensing by the occupation authorities in Japan. It is suggested, therefore, that you make application directly to them for approval of your proposed arrangement. Such application should be directed to the Supreme Commander for the Allied Powers, APO 500, c/o Postmaster, San Francisco, California.

There are, however, several observations we can make which may be helpful to you in determining your future course of action. First, one of the major factors determining the acceptability to SCAP of a proposed business arrangement between a Japanese and a foreign national is its probable effect on Japan's foreign exchange position. For example, an arrangement which would result over a period of time in a net payment to a foreign national would not be likely to receive approval, whereas, an arrangement which resulted in a net payment to Japan would, if otherwise acceptable, be approved.

CS/V

Secondly,

Mr. William F. Martin,
416 Rule Building,
Amarillo, Texas.

Doc	WAS
Anal	WAS
Rev	
Col	fy
Dist	

894.542/6-1048
184

-2-

Secondly, it is not possible at this time for a foreign national to apply for patent protection in Japan. However, it is anticipated that steps will be taken before the end of the year to permit such applications.

If the Department can give you any further information, please do not hesitate to write again.

Sincerely yours,

For the Secretary of State:

Raymond Vernon
Assistant Chief, International
Resources Division

EN ✓
JUL 6 1948 P.M.

RCD
IR:RCDixon:sl
6-25-48

bjm
E

Jim
L/E

gwh
line

A true copy of
the original
sent.

UNITED STATES

REPARATIONS AND RESTITUTION DELEGATION
TOKYO, JAPAN

ACTION
is assigned to

OE

No. 2

UNCLASSIFIED

Subject: Patent Property of Hooker Electrochemical
Company (U.S.)

RAK
No Reply necessary
DE OCCUPIED AREAS 5 June 1948
7/16/48
JUL 8 - 1948
D. O. C. R. file
DEPT. OF STATE

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to refer to the Department's No. 7
despatch of May 17, 1948 concerning an enquiry from the
law offices of Pierce, Scheffler & Parker of Washington,
D. C., regarding the status of Japanese Patent No. 104290.

The Civil Property Custodian has informed this Dele-
gation that Patent No. 104290 was canceled on October 2,
1942 for non-payment of annual fee. The patent was not
vested nor sold during the war, but previous to the can-
cellation it was licensed in 1942 to the Hitachi Manu-
facturing Company, Ltd. (Kabushiki Kaisha Hitachi
Seisakusho), and to the Nissan Chemical Industrial Company,
Ltd. (Nissan Kogaku Kogyo Kabushiki Kaisha), pursuant to
the Wartime Law of Industrial Property.

There is a blocked account in the Bank of Japan in
the name of Hooker Electrochemical Company amounting to
¥ 10,992.95. This amount was deposited by Nissan Chemical
Industrial Company, Ltd., for royalties in connection with
its license of Patent No. 25840.

Respectfully yours,

Charles L. Hodge
Charles L. Hodge
Chief

1948 JUL 23
RECEIVED
DEPARTMENT OF STATE
18
PM 1 22

CS/A

JUL 23 1948

FILED

894.542/6-2548

DOE AIR UNIT
RECEIVED
DEPARTMENT OF STATE
1948 JUL 5 AM 9 05
Dist.
Cat.
Ref.

1948 JUL 5 AM 9 05

DC/M
FACILITIES BRANCH

*Copy det. for
ack Central
550*

894.542/5-648
OE NA O

894.542/6-2548

JUL 22 1948

In reply refer to
OE 894.542/5-648
6-25-48

My dear Mr. Rose:

Further reference is made to your letter of May 6, 1948 concerning the status of Japanese Patent No. 104,290 issued on October 2, 1933, to your client, Hooker Electrochemical Company, Niagara Falls, New York. Reference is also made to the Department's interim reply of May 17, 1948, in which it was stated that the matter was being raised with the United States Reparations and Restitution Delegation in Tokyo, Japan.

The Delegation has informed the Department under date of June 25, 1948 that the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, Tokyo, Japan, has found that Patent No. 104,290 was canceled on October 2, 1942, for non-payment of annual fee. The patent was not vested nor sold during the war, but previous to the cancellation it was licensed in 1942 to the Hitachi Manufacturing Company, Ltd. (Kabushiki Kaisha Hitachi Seisakusho), and to the Nissan Chemical Industrial Company, Ltd. (Nissan Kogaku Kogyo Kabushiki Kaisha), pursuant to the Wartime Law of Industrial Property.

The Delegation also reported that there is a blocked account in the Bank of Japan in the name of Hooker Electrochemical Company amounting to Yen 10,992.95. This amount was deposited by Nissan Chemical Industrial Company, Ltd., for royalties in connection with its license of Patent No. 2580.

Sincerely yours,

Robert W. Barnett
Acting Chief
Division of Occupied Areas
Economic Affairs

Mr. Paul A. Rose,
Pierce, Scheffler & Parker,
1319 F Street, Northwest,
Washington 4, D.C.

OE:REParke:evc 7/16/48 EP NA

WLL
CRP
JUL 22 1948 P.M.

CS/V

894.542/6-25-48

A copy of the original

Handwritten signatures and initials: EP, NA, and others.

2123

894.542/6-2548



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA
UNITED STATES POLITICAL ADVISER
FOR JAPAN

~~AA 2/2/48~~
DCL
ACTION
is assigned to
OE-IR

No. 413

Tokyo, July 6, 1948.

RECEIVED
DEPARTMENT OF STATE
1948 JUL 11 PM 4 0
FACILITIES BRANCH

UNCLASSIFIED

DIVISION OF OCCUPIED AREAS
E.O. OMIC AFFAIRS

JUL 15 1948

File

DCIR

DEPARTMENT OF STATE

Subject: Directive Permitting Licensing of Government-Owned Patents.

of July 26

The Acting Political Adviser has the honor to enclose five copies of a directive from this Headquarters to the Japanese Government (SCAPIN 1902 of June 1, 1948) authorizing the latter to grant licenses on non-secret patents or utility models held in the name of the Japanese Government.

SCAPIN 802 of March 8, 1946, prohibited transactions involving patents held by the Japanese Government. Licensing of such patents has now been permitted in accordance with the program for rehabilitation of the Japanese economy.

It is expected that a directive concerning the licensing of secret patents and utility models held by the Japanese Government may be issued shortly.

Enclosure: *att.*

✓ SCAPIN 1902, June 1, 1948,
to the Japanese Government.
(Five copies.)

ACTION
OE-IR
07D - *enc*
ITP - *enc*
FE
O
L - *enc*
CP
UCD
DCIR
FR

Army
Clia
Com - 854
RBFinn:cgf
Original and ozalid to the Department.
UNCLASSIFIED
Wm

854
RBFinn:cgf

Original and ozalid to the Department.

UNCLASSIFIED

894.542/7-648

CS/A

RECEIVED
DEPARTMENT OF STATE
1948 JUL 14 PM 4 15

JUL 28 1948

894.542/7-648

Enclosure to Tokyo's No. 413, July 6, 1948.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 072 (1 Jun 48)CPC/FP
SCAPIN 1902

1 June 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Licensing of Government-Owned Patents

1. Reference is made to memorandum for the Japanese Government, file AG 072 (8 Mar 46)ESS/LE, SCAPIN 802, 8 March 1946, subject, "Patent Rights and Restrictions Concerning Patent Rights."

2. The Japanese Government or its instrumentalities are hereby authorized to grant licenses on patents or utility models held in the name of the Japanese Government or any of its ministries, sub-divisions, or agencies, except those patents or utility models which, since 1 January 1930, have at any time been declared to be secret. Such licenses will be granted only on a non-exclusive, non-discriminatory basis, and for reasonable royalties.

3. a. The Japanese Government is directed to report to General Headquarters, Supreme Commander for the Allied Powers, the following information on each license issued or amended:

- (1) Number and title of each patent licensed;
- (2) Name of licensor;
- (3) Name of licensee;
- (4) Basis on which royalty is to be calculated;
- (5) Rate of royalty to be paid.

b. Initial report containing the above information will be submitted within sixty (60) days of the date of this memorandum, covering the period 8 March 1946 through 31 March 1948. Subsequent reports will be rendered quarterly as of the close of business on the last day of each quarter and will reach General Headquarters, Supreme Commander for the Allied Powers not later than the last day of the month following the end of each quarter.

FOR THE SUPREME COMMANDER:

J. F. Bradshaw

for

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

JCR

LEGAL ADVISER
JUL 12 1948
DEPARTMENT OF STATE

ACTION
is assigned to

[Handwritten signature/initials in a box]

International Standard Electric Corpora

67 BROAD STREET, NEW YORK 4, N. Y., U. S. A.

July 7, 1948.

Office of the Legal Advisor
State Department
Washington, D. C.

LEGAL ADVISER

982-A

JUL 14 1948

DEPARTMENT OF STATE

Gentlemen:

On September 30, 1926, the International Standard Electric Corporation, a Delaware corporation having an office at 67 Broad Street, New York, New York, entered into an agreement with the Nippon Electric Company, Ltd., a Japanese corporation having its office at #2 Mita, Shikokumachi, Shibaku, Tokyo, Japan. This agreement was replaced on January 10, 1938 by a similar agreement which was not to expire until September 30, 1950. Both of these agreements related to engineering, manufacturing and sales services and to an exchange of patent information and rights.

Under the terms of both of the agreements the International Standard Electric Corporation granted the Nippon Electric Company the right to take, hold and maintain in the name of the Nippon Company certain patents on inventions owned or controlled by International Standard Electric Corporation.

We have been advised that under the first agreement some patents on such inventions were taken out in the name of or transferred to the Nippon Electric Company. We believe that many of the patents obtained under the provisions of the second agreement were also taken out in or transferred to the name of the Nippon Electric Company.

Although the Nippon Electric Company had the right to take patents in its name covering inventions owned or controlled by International Standard Electric Corporation, the agreements provided that upon their termination whether by lapse of time or otherwise all the patents and applications for patents held or made by the Nippon Company for inventions derived from International Standard Electric Corporation would be assigned to International Standard or its nominees free and clear of all licenses and incumbrances except that where the agreement was terminated for certain reasons specified in the agreement Nippon would retain a non-exclusive, non-assignable license under such patents and applications. Also, in certain cases specified in the agreement, licensees would retain non-assignable, non-exclusive licenses under the patents.

894.542/7-748

CS/V

INTERNATIONAL RESOURCES DIVISION
JUL 16 1948
DEPARTMENT OF STATE

AUG 26 1948

894.542/7-748
FILED

JUL 13

ber
-620
chang

DE/R