

DECLASSIFIED

E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

894.54211/1-145--12-3146-47-48-49

This letter was turned over to me by Miss Hadley when she left the Department. It is regretted that the attached interim reply has been delayed.

WWR
IR:WWRudolph

25

Whitman

JK

APR 5 1946

In reply refer to
IR 894.54211/3-1546

Marks and Clerk,
220 Broadway,
New York 7, New York.

Sirs:

The receipt is acknowledged of your inquiry of
March 15 concerning patents, trade-marks and other
American industrial property in Japan.

Your letter is being given consideration and a
further reply will be made shortly.

Very truly yours,

For the Secretary of State:

Robert P. Terrill
Assistant Chief, International
Resources Division

DCR - ITP Unit

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| SUBJECT OR FILE NO. <i>894.54211/3-1546</i> | | DATE DUE <i>3/1/52</i> |
| DATE OF DOC. <i>3/15/46</i> | DOC. NO. <i>Letter</i> | SECURITY CLASS. |
| FROM <i>Marks & Clerk</i> | ENCLOSURES <i>Reply 5/28/46</i> | DATE CHARGED <i>1/31/52</i> |
| CHARGE TO <i>Maurer</i> | (Signature) <i>(Maurer)</i> | OFFICE SYMBOL <i>HE</i> |
| Form DS-933a (9-1-51) 16-69587-1 GPO | | DEPARTMENT OF STATE |

W. G. PEARSON
 B. G. RAVENSCROFT
 H. R. KERSLAKE
 L. L. GLEASON
 J. L. FLEMMING
 W. WARREN TRIGGS
 R. A. WOLSTENHOLME
 P. RAYNER SMITH
 J. D. MORGAN
 V. A. B. HUGHES
 J. HETTINGER

F. P. HIGHFIELD
 H. BARSCHALL
 S. SMITH
 G. BAUMGARTEN

Marks & Clerk
 220 Broadway
 New York 7, N.Y.

LEGAL ADVISER
 MAY 23 1946
 DEPARTMENT OF STATE

N. Y. TEL. CORT. 7-8472
 CABLES "MARKLERK" N. Y.
 WASHINGTON, D. C.
 NATIONAL PRESS BLDG
 CHICAGO
 MONADNOCK BLOCK

OTTAWA
 56 SPARKS STREET
 LONDON, W. C. 2
 LINCOLN'S INN FIELDS
 BIRMINGHAM, MANCHESTER
 GLASGOW AND DUBLIN

March 15, 1946

DIVISION OF JAPANESE AFFAIRS
 INTERNATIONAL RESOURCES DIVISION
 MAY 20 1946
 DEPARTMENT OF STATE
 MAR 22 1946
 DEPARTMENT OF STATE

file
 Department of State
 Washington, D.C.

Re: Industrial Property in Japan

Dear Sirs:

We have received inquiries from several clients as to the probable disposition of their patent and trade mark rights in Japan, and we shall appreciate it if you can give us any information on that subject.

It is impossible for us to write to our former associates in Japan, as we assume that no license would be granted by the Treasury Department for such correspondence, and we think that it may be possible for you to advise us at this time if any arrangements have been made, or are being made, whereby the United States owners of patents and trade mark registrations in Japan will be permitted to reinstate any rights in patents and trade marks which have lapsed in Japan.

Another question relates to the disposition of physical property owned by American companies in Japan. Some of our clients, large American manufacturing companies, had plants in Japan which were operated by subsidiary companies. Can you tell us if ownership of such plants is now vested in an agency of the United States Government, and could the interested American companies apply directly to such agency of the United States Government for information? If a Japanese manufacturing plant, which was owned by an American company at the outbreak of war, is now being operated, will any compensation be allowed later to the American owner for the use of the plant facilities?

DIVISION OF JAPANESE AND KOREAN
 ECONOMIC AFFAIRS
 DEPARTMENT OF STATE
 JUN - 4 1946

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DOR - ITP Unit

DIVISION OF JAPANESE AND KOREAN
 ECONOMIC AFFAIRS
 DEPARTMENT OF STATE

Drafted reply
JLB - 5-16-46
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JUN 5 1946

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MARKS & CLERK

Department of State

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We realize that some of these questions may not be answerable at the present time, but we shall appreciate any information that you can give to us. We wish to add, in explanation of our interest, that we specialize in securing foreign patent and trade mark protection for American companies.

Yours very truly,

Marks & Clerks

LLG:TVL

MAY 28 1946

WCR

In reply refer to:
JK 894.54211/3-1546

Marks and Clerk,
220 Broadway,
New York 7, New York.

Sirs:

In further reply to your letter of March 15, 1946, a number of problems related to Japanese patent matters are presently under consideration in this Department. As final determination will be made upon an inter-Allied basis in the Far Eastern Commission, the Department is not yet in a position to give a detailed answer to the questions which you raise.

Your understanding that licenses are not presently being granted for business communications to Japan is correct. No formal action appears to be contemplated in the immediate future which would remove Japan from the category of an enemy nation, a prerequisite to a general resumption of private trade relations with that country. While it may be possible at a later date for U. S. nationals who owned patents and trade-marks in Japan to reinstate their rights in such property, depending upon the circumstances of the particular case, it should be borne in mind that such foreign-owned property would in all likelihood be subject to whatever regulation pertained at that time to the whole Japanese patent and trade-mark system.

Title to foreign-owned property in Japan, including American subsidiary plants which you mentioned, has not been vested in the occupation forces. However, the Supreme Commander for the Allied Powers ~~in the Pacific~~ has placed responsibility upon the Japanese Government for safeguarding such property. It will be possible to make war damage claim with this Department for all losses connected with such property. This will later form a part of the overall United States claim against reparation payments by Japan.

Very truly yours,

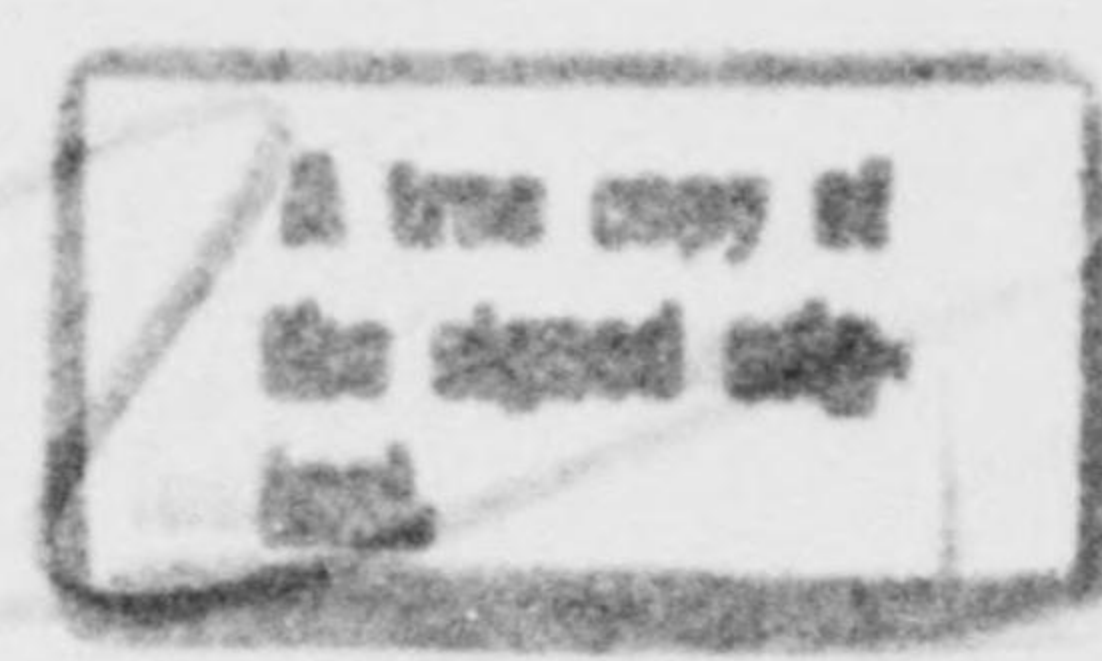
For the ~~Acting~~ Secretary of State:

Reswell H. Whitman, Acting Chief,
Division of Japanese and Korean
Economic Affairs.

5-17-46

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JK:NCottrell:mw

DOR - ITP Unit
MAY 26 1946 P.M.
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CABLE ADDRESS: DISTILLATION

DISTILLATION PRODUCTS, INC.

755 RIDGE ROAD WEST



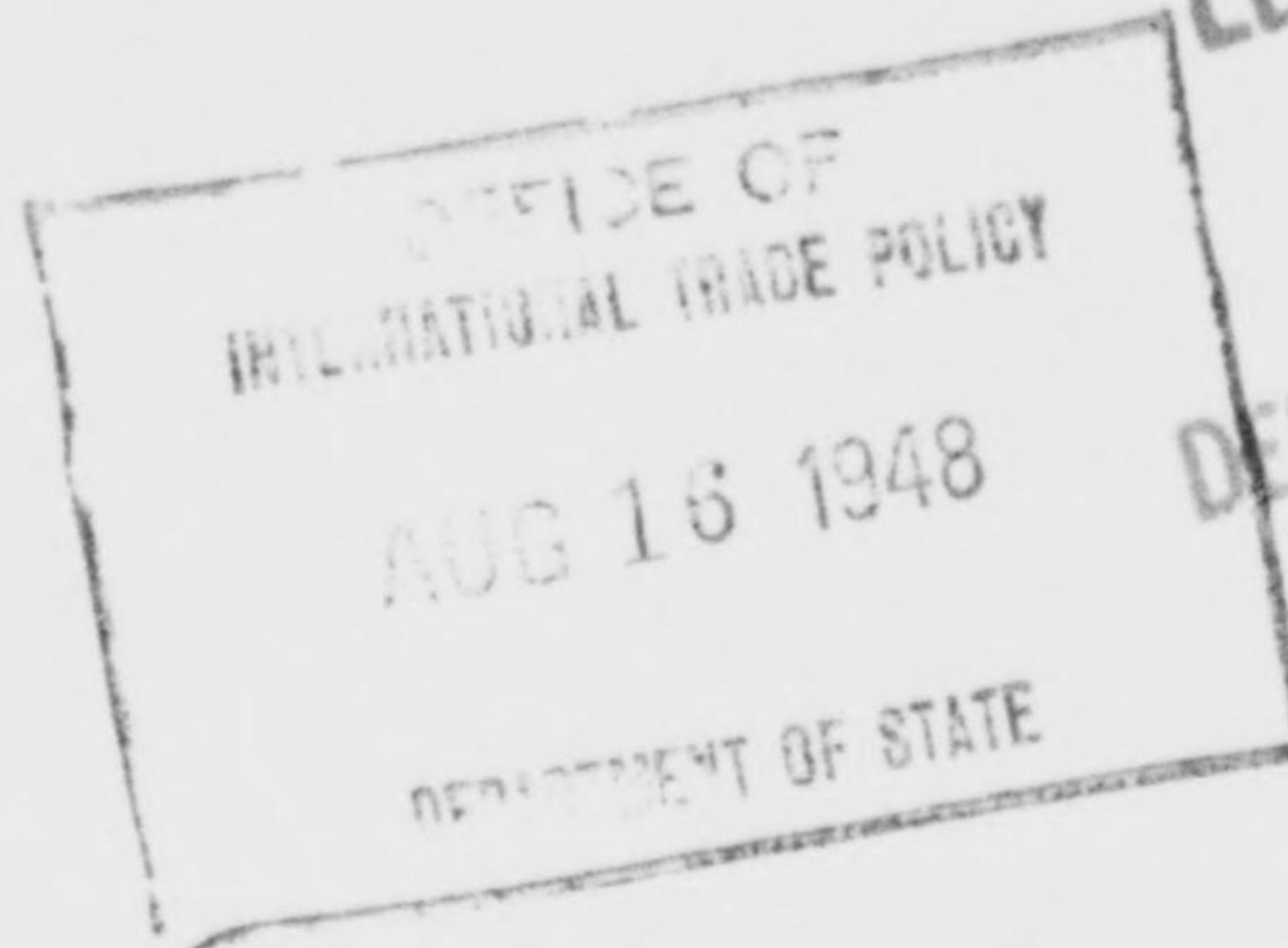
ROCHESTER 13, NEW YORK

ACTION
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ITR



August 11, 1948



LEGAL ADVISED
SEP 3 1948
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DEPARTMENT OF STATE

894.54211/8-1148

State Department
Washington 25
D. C.

Gentlemen:

We have a letter from Yuichi Shinozaki, Dr. Agriculture, Director, Matsumoto Fat, Oil, & Chemical Man. Co. Ltd., No. 10 Kyuhoji, Yao-shi, Osaka Prefecture, in which they ask us for complete information and data concerning the type of plant and equipment we have for concentrating vitamin A from cod liver oil by molecular distillation.

For your complete information regarding the request, we are enclosing herewith a copy of their letter to us.

It is our understanding that patents in Japan owned by American firms have not been recognized up to now. First, is this the case? Secondly, if it is so, then are we expected to furnish equipment, know-how, and rights under our patents without any royalty return or protection of our patents?

We should be pleased to be enlightened on the above questions. Further, we should appreciate your assistance as to how we go about determining whether or not the firm which has written us is responsible and the proper one with whom to deal.

With thanks
INTERNATIONAL RESOURCES DIVISION
Reply 8/27/48 RCB
AUG 16 1948
DEPARTMENT OF STATE
file

Very truly yours,
DISTILLATION PRODUCTS, INC.

W. Albright
R. W. Albright
General Manager

rwa/mao

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| Recorded | <i>VVL</i> |
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U.S. DEPARTMENT OF OCCUPIED AREAS
ECONOMIC AFFAIRS
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894.54211/8-1148

2617

August 1, 1948

Distillation Products, Inc.
769 Ridge Road West
Rochester 13, N. Y.

Dear Sirs:

I have been recommended to your firm by the GHQ-SCAP-ESS-ST about the molecular distillation method and apparatus. I should be very much obliged if you would do me the favour to reply to my inquiry.

The post-war food situation in Japan calls upon the provision of vitamin A and D. We have come to the conclusion that the most efficient method to meet this requirement is to extract these from cod liver oil by molecular distillation, which we hope to industrialize. Following is the item of the content and requirement of our project.

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- (a) Project of the distillation plant.
Capacity: 2 to 3 sets of 500 kg charging capacity apparatus. (If it is a continuous system, it should be capable of treating 1 to 2 tons per day)
 - (b) Requirement.
We want to install your up-to-date apparatus of the centrifugal still type.
 - (c) Informations.
We want to have detailed informations on your products and the method of distillation capable in industrial plant for the purpose of fractioning and concentrating pure fatty acid etc.
 - (d) Contracts etc.
There may be many items that cannot be decided at present to carry on formal contracts. We are subject to your proposal on any contract to overcome the delay of time. We should be very much obliged if you would give us advice on this project.

Our research members are all keenly interested in the works of Dr. Hickman and his cooperators, who, I believe, must be concerned in your company. We also have the enthusiasm to industrialize this method in Japan. Awaiting the favour of your response at the earliest convenience,

Yours faithfully,

Yuichi Shinozaki, Dr. Agriculture,
Director
Matsumoto Fat, Oil, & Chemical Man. Co. Ltd.
No. 10 Kyuhoji, Yao-shi, Osaka Prefecture

2617

SEP 21 1948

In reply refer to
IR 894.54211/8-1148

894.54211/8-1148

My dear Mr. Albright:

I refer to your letter of August 11, 1948 concerning an inquiry you have received from a Japanese firm on the availability of technology owned by your firm.

Your first question is with regard to the status of American-owned patents in Japan. As you probably know, many were seized by the Japanese Government under wartime legislation and were invalidated or otherwise disposed of. In addition, a sizeable number lapsed for non-payment of fees. No action has yet been taken to restore these rights to their former owners, but plans are now being made to permit foreign nationals to apply for restoration and re-validation of their prewar patents. A public announcement to this effect is anticipated, probably before the end of the year. It is likely that foreign nationals will also be able to apply for new Japanese patent rights in the near future. Moreover, this Government intends to take all necessary measures to ensure that the patent rights of its nationals in Japan are enforceable in that country.

You also desire to know how you can determine whether the Japanese firm is a responsible one and a proper one with which to deal. It is the policy of the Department to refer requests for commercial intelligence of this nature to the occupation authorities in Japan. It is suggested,

CSN

therefore

Mr. R. W. Albright,
General Manager,
Distillation Products, Inc.,
755 Ridge Road West,
Rochester 13, New York.

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| DCR - TTP Unit | |
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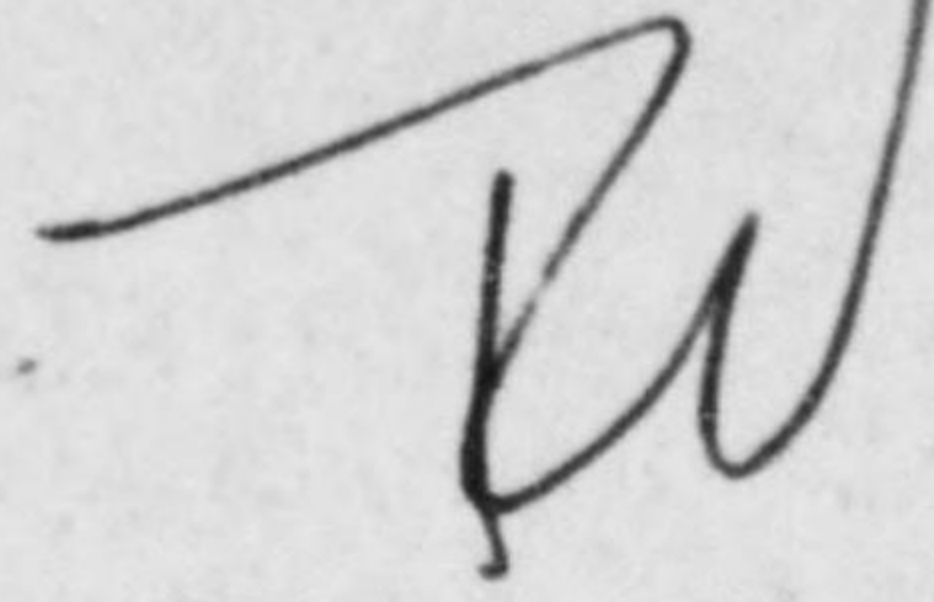
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therefore, that you direct your inquiry on this point to the attention of Mr. Frank Pickelle, Chief, Foreign Trade Division, ESS GHQ SCAP, APO 500, c/o Postmaster, San Francisco.

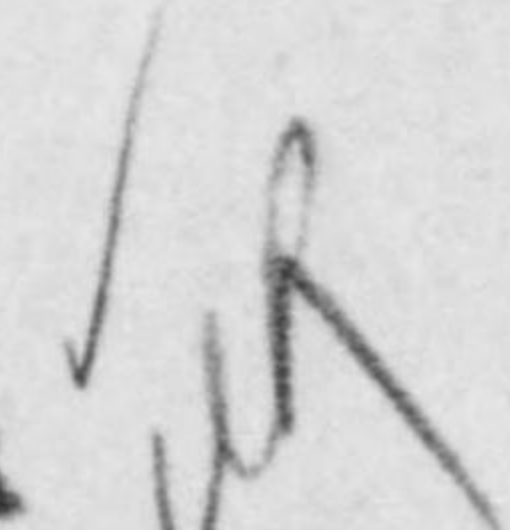
If the Department can provide you with any further information on this matter, please do not hesitate to write again.

Sincerely yours,

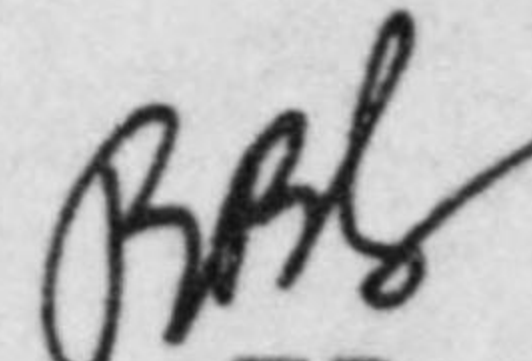
For the Secretary of State:

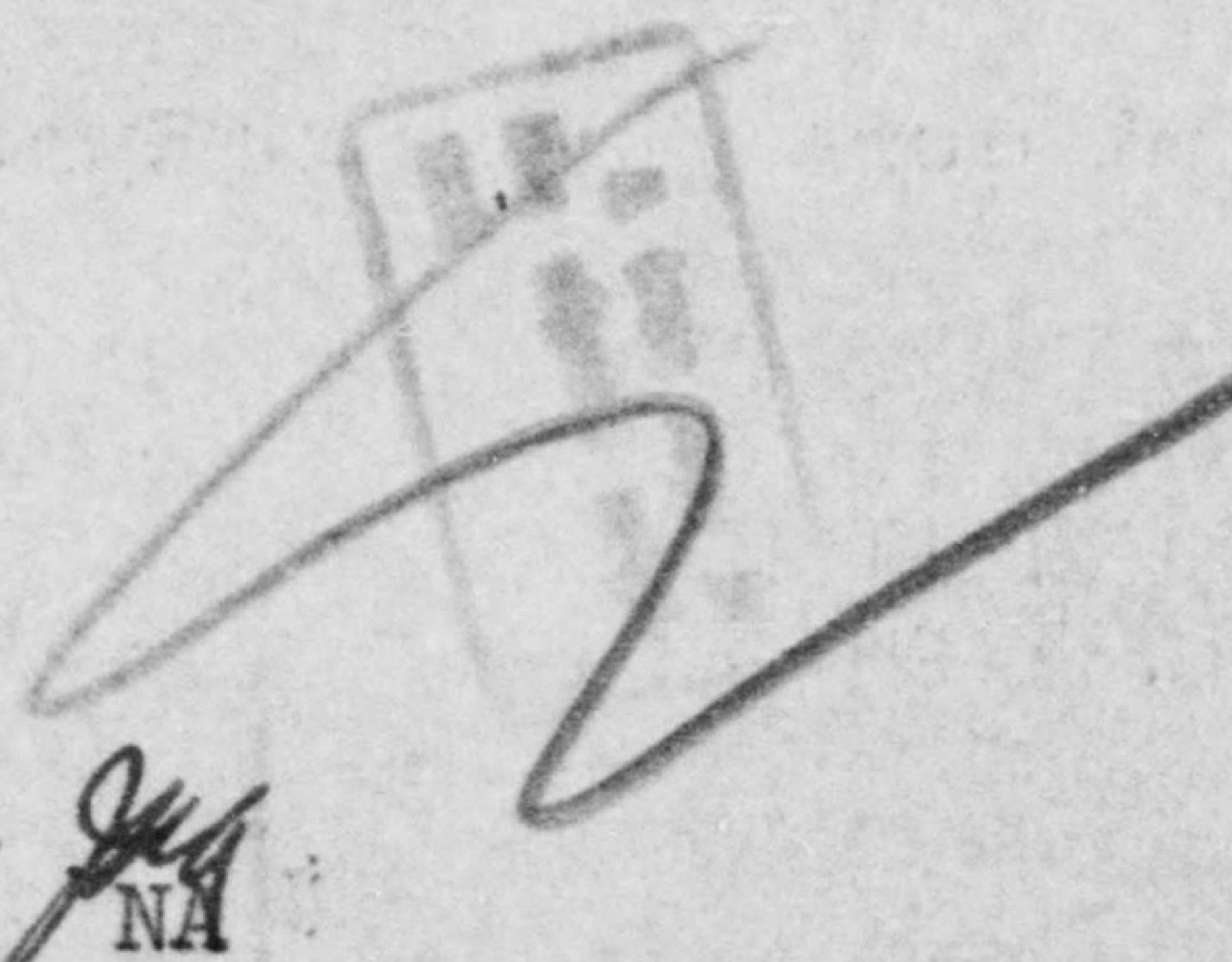


Raymond Vernon
Assistant Chief, International
Resources Division

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SEP 2 1948

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